


SCS #9010

T.F. Torrance

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L E C T O R I,

D E L I B R O.

*Ter Numerus Ternus, bis felix; Tu quoque felix,
Has Regum Leges sæpe legendo Novem:
Hic, Majestati dira est exosa Tyrannis;
Justitiæ hic sacræ, Vis cadit ante pedes.*

R. Ja. I.

*Proditus a Patruo, Captivus, deinde Redemptus;
Oppida, Sacra, Scholas, Justitiamque colo.*

R. Ja. II.

*Pro Patria pugnans, Patriæ dum consulo honori;
ROSBURGUM Patriæ, Sanguine reddo meo.*

R. Ja. III.

*Cingula cum Nati cernes, offendere Noli
Sive Patrem, Dominum, seu Patriæque Patrem.*

R. Ja. IV.

*Fata licet FLUIDO docuit Me; Conjuge, Regnum
Angligenum, Scotis in Pronepote dedi.*

R. Ja. V.

*Justitiæ Vindex; ut Nati, juris & æqui
Excolerent artes, Nobile condo Forum.*

MARIA REGINA.

*Tot Soboles Regum, Regnatrix Fœmina; Regnum
Connubijs Orno, Roboro; Prole Beo.*

R. Ja. VI.

*Antiquo Sceptro, junxi Diademata trina;
Sub Titulis quatuor, Sextus et Unus E G O.*

R. Car. I.

*Lex, Populus, Proceres, Confessus, Mitra, Corona;
Nomina Chara Mibi, Sanguine Clara Meo.*

R. Car. II.

CAROLUS a CARLO, CHRISTO sic AUSPICE REGNO,

Ut facile agnoscat Plebs, DARE SCEPTRA DEUM.

De Scotorum Regum Insignijs,

Paræneticon.

Nobilis ecce LEO (Quem Nemo impune Laceffit)

DEFENDIT Sceptrum, MONOCEROTE suo.

Unguibus Alter Atrox, Cornu petit Alter Atroci:

Hic ferit Iratus, Concitus Ille fremit.

LEGIBUS ausculta; Noli irritare LEONEM,

Si sapias: En Illi Mortifer ENSIS adest.

Perlubenter fundebat

JACOBUS CUNIGAMIUS,

Signeto Regio Scriba.



MAJESTY



JUSTICE



JACOBUS VI. D.G. MAG. BRIT. & REX



CAROLUS I. D.G. MAG. BRIT. & REX



JACOBUS V. REX SCOTORUM



MARIA REG. SCOTORUM

THE
Law's & Acts
 of
PARLIAMENT
Made by
King JAMES the (I)
and his
ROYAL SUCCESSORS
KINGS of
SCOTLAND

Extracted and Collected
 from the Publick Records.



JACOBUS III. REX SCOTORUM



JACOBUS IV. REX SCOTORUM



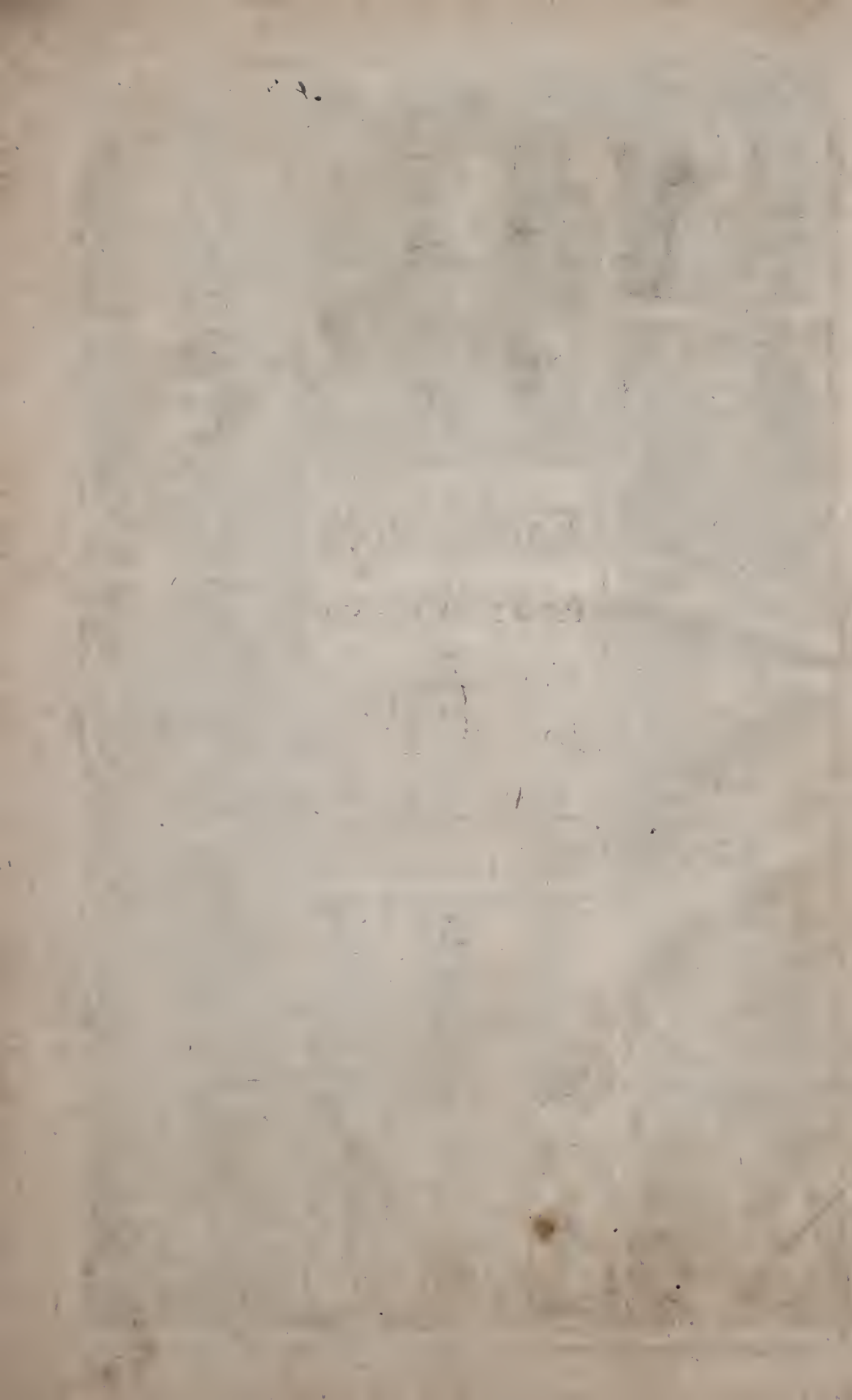
JACOBUS I. REX SCOTORUM



JACOBI II. REX SCOTORUM



J. Clark sculp



THE
LAWS AND ACTS
OF
PARLIAMENT
MADE BY KING JAMES
THE FIRST, SECOND,
THIRD, FOURTH, FIFTH,
QUEEN *MARY*, KING *JAMES* the *Sixth*, KING
CHARLES the *First*, KING *CHARLES* the *Second*
Who now presently Reigns,
KINGS and QUEEN
OF
SCOTLAND.

*Collected, and Extracted, from the Publick Records of the said Kingdom, by Sir THOMAS
MURRAY of Glendook, Knight, and Baronet, Clerk to His Majestie's Council,
Register, and Rols, by his Majestie's special warrant.*



EDINBURGH,

Printed by DAVID LINDSAY; Anno DOM. MDC. LXXXI.

CUM PRIVILEGIO.

2724-2711

CIVILIAN

1914-1915

1914-1915

1914-1915

1914-1915

T H E
C O N T E N T S
Of the
B O O K.

I.

TH E *Acts of Parliament made by King JAMES the First, Second, Third, Fourth, Fifth, Queen MART, JAMES Sixth, King CHARLES the First, The Submissions, and Surrenders of Teinds, &c. With King CHARLES the First his Decrees arbitral following thereupon, And the Acts of Parliament made by King CHARLES the Second now presently Reigning.*

I I.

The Acts of the Conventions of the Kingdom of Scotland, holden in the years 1665, 1667, and 1678.

I I I.

The Index, or Abridgment of the Acts of Parliament.

I V.

A Chronologie of the Kings of Scotland from the beginning.

V.

The Interpretation of the terms, and difficile words used in the four Books of REGIAM MAJESTATEM, and others, in Infefiments, and praetick of this Kingdom.

V I.

A Catalogue of the Books containing the old Laws written before King JAMES the First, of good memory.



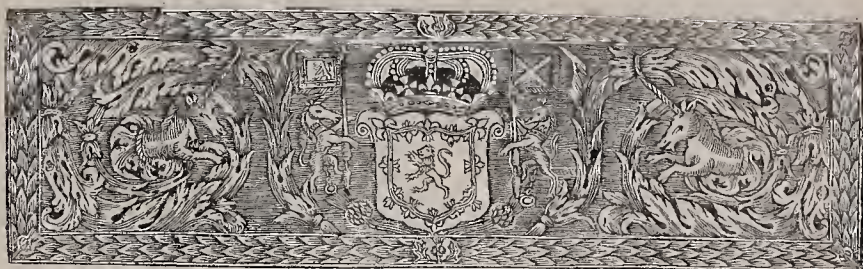
THE PRIVILEGE.

CHARLES by the Grace of God, of Scotland, France, and Ireland, King, Defender of the Faith, &c. FOR AS MUCH
As We by Our Royal Letter of Gift, of the date, At Whitehall, the Ninth day of May, 1679. years, did upon the Acts of Parliament,
and Council, and other grounds therein mentioned, Give and Grant, full power, and licence, To Sir Thomas Murray of Glendow,
Knight, and Baronet, Clerk of Our Council, Register, and Rolls, his Heires, Executors, and Assignes, to cause the whole Acts, Laws, Constitutions,
and Ordinances of Parliament of the Kingdom of Scotland, both Old and New, now being in force: And likewise the whole Laws, Acts, and
Constitutions of the two Parliaments, and Acts of the three Conventions of Estates, holden by Us since Our happy relevation, to be re-imprinted by whatsoever
Enter within the said Kingdom of Scotland, or elsewhere, it shall please him; or them, to nominate for that effect: Together with these Surrenders,
and Sentences following thereupon, mentioned in the said Gifts. With the Treatise entituled De Verborum Significatione, And the Chronologie of the
whole Kingdome of Scotland, until Our present Reign, and to compleat the Index of the whole Acts of Parliament, and to cause print the same, together with the
Aile of Parliament, concerning the Constitution, and Election of the Lords of Articles, dated 18. June, 1663. which Aile it is to be first insert in that Session
of Parliament, and added to the Index of the printed Acts: Together also with Our Letter to the Parliament, anent Billenting, dated 4. June, 1663.
and the Commission granted by the Parliament for trying the contrivance, and carrying on the Billenting, dated 26. June, 1663. With a Letter from the
Parliament to Us concerning the Billenting, 28. July, 1663. With full power to the said Sir Thomas Murray, and his forefairs, after the reprinting thereof,
to sell and distribute, and cause the same be sold, and distributed throughout the whole Kingdom of Scotland, to the effect they may the better come to
the knowledge of all the Leiges, **D I S C H A R G I N G** hereby all the Leiges and Subjects, that none of them upon any pretence whatsoever, presume,
nor take upon hand, to imprint, sell, buy, or cause the same in whole, or in parts, or Compend thereof, to be imprinted fold or bought, within the said
Kingdom of Scotland or without the same, without the special consent and licence of the said Sir Thomas Murray, and his forefairs, enduring the space of
Nineteen years, after the day and date of the foresaid Gift, under the pain of forfeiting the same to the said Sir Thomas Murray, and his forefairs, and
paying to him, or them, the sum of Five hundred pounds Scots money, to be taken up by them, or their utility, and profit, from each one of the Contrivance
owners of this Privilege, Inhibition, Licence, and Discharge, as oft as it shall happen them, or any of them, to break and contravene the same, during
the space foresaid. As the said Letter of Gift of the date foresaid in it selfe more fully bears. **A N D S E Y N G** That the said Sir Thomas Murray hath now
agreed with David Lindsay Merchant in Edinburgh, to be undertaker of the reprinting of the saids Laws and Acts, and others above specified, and with
John Cairns Printer for re-printing thereof: And for that end hath given to him his consent and licence, conform to his Assignment made to them of the
said day of the last
foresaid Right, and Gift, and of the power and liberty therein contained: as the same of the date the
by both bears. **T H E R E F O R E**, W E E not only have Ratified and Approven, and by their presents Ratifies, Approves, and Confirms, the foresaid
Consent, Licence, and Agreement, made and past betwixt the said Sir Thomas Murray, and the said David Lindsay, and John Cairns Printer:
B U T A L S O for their farther encouragement, and better assurance, have of new again Given and Granted, and by the Tenour hereof
Gives and Grants, full power and licence, to the said David Lindsay, and the said John Cairns Printer, undertaker and Printer above-
named, and their Heirs, Executors and Assignes, to cause be re-printed, and to re-print, the saids whole Acts, Laws, Constitutions,
and Ordinances of Parliament of the said Kingdom of Scotland, both Old and New, now being in force: And likewise, the whole Laws,
Acts, Constitutions, and Ordinances, of the two Parliaments, and Acts of the three Conventions of Estates, holden by Us since Our happy relevation;
Together, with the saids Surrenders, and Sentences following thereupon; With the foresaid Treatise, entituled De verborum significatione,
and the Chronologie of the whole Kingdome of Scotland, until Our present Reign; And to compleat the Index of the whole Acts of Parliament, and to insert in the
said Index, the quotations of the parallell Acts of Parliament and to print the same in all the copies that are to be re-printed; Together with the Aile
of Parliament, concerning the Constitution and Election of the Lords of Articles, dated the 18. June, 1663. which Aile it is to be first insert in that Session
of Parliament, and added to the Index of the printed Acts: Together also with Our Letter to the Parliament anent Billenting, dated 4. June, 1663. And the
Commission granted by the Parliament, for trying of the contrivance, and carrying on the Aile of Billenting, dated 26. June, 1663. With a Letter from
the Parliament to Us, concerning the Billenting, dated 28. July, 1663. **W I T H** full power to the said David Lindsay, and the said John Cairns Printer,
undertaker and Printer, after the re-printing of the Premises, to sell and distribute, and cause the same be sold and distributed throughout the whole King-
dome of Scotland, to the effect they may the better come to the knowledge of all the Leiges. **D I S C H A R G I N G** hereby all the Leiges, and Subjects,
what none of them upon any pretence whatsoever, presume, nor take upon hand, to imprint, sell, buy, or cause the same in whole, or in part, or Com-
pend thereof, to be imprinted, fold, or bought, within the said Kingdom of Scotland, or without the same, without the special consent, and licence,
of the said David Lindsay undertaker, and the said John Cairns Printer, or their forefairs, enduring the space of Nineteen years, after the day and date
of these presents, under the pain of forfeiting the same to the fore-named Persons Undertaker and Printer, and their forefairs, and paying to them, the
sum of Five Hundred pounds Scots money, to be taken up by them, to their utility and profit, from every one of the Contrivance owners of this Privilege, Inhi-
bition, Licence, and Discharge, as oft as it shall happen them or any of them, to break and contravene the same, during the space foresaid. **W I T H** Our
Letter of Gift, and Privilege granted to the fore-named Persons Undertaker, and Printer, is hereby ordained to be published, and also to be Printed, and
set before the Copies of the saids Laws and Acts, and Others above specified to be Re-printed as said is, that none pretend ignorance; **G I V E N** At
Our Court At **W H I T E H A L L**, the first day of May, 1680. And of Our Reign the 32. years.

Scaled according to warrant, under His Majesty's Privy Seal, At EDINBURGH the 31. day, of March, 1681.



TO



T O

The Kings most Excellent MAJESTY

CHARLES THE SECOND

*By the Grace of GOD, of SCOTLAND, ENGLAND,
FRANCE, and IRELAND, KING,*

Defender of the Faith, &c.

THE SCOTS LAWS, AND ACTS

OF

PARLIAMENT,

From Seven of your Royal PREDECESSOURS

Together

With the ACTS of your Royal FATHER of blessed Memory,

And

THE LAWS, AND ACTS of PARLIAMENT

Made since your MAJESTIE'S happy Restauration.

Most humbly offereth

Your MAJESTIE'S

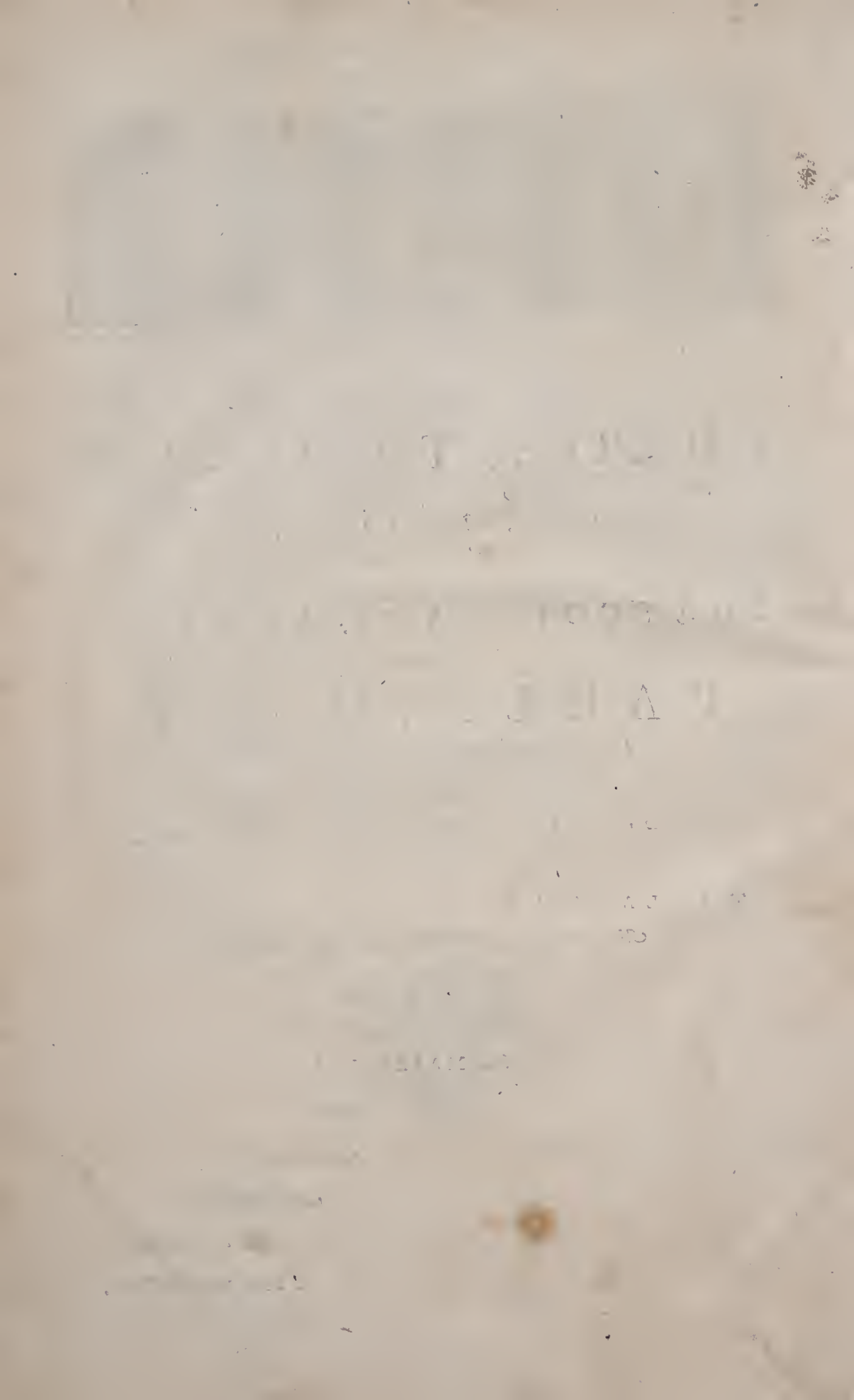
Most dutifull

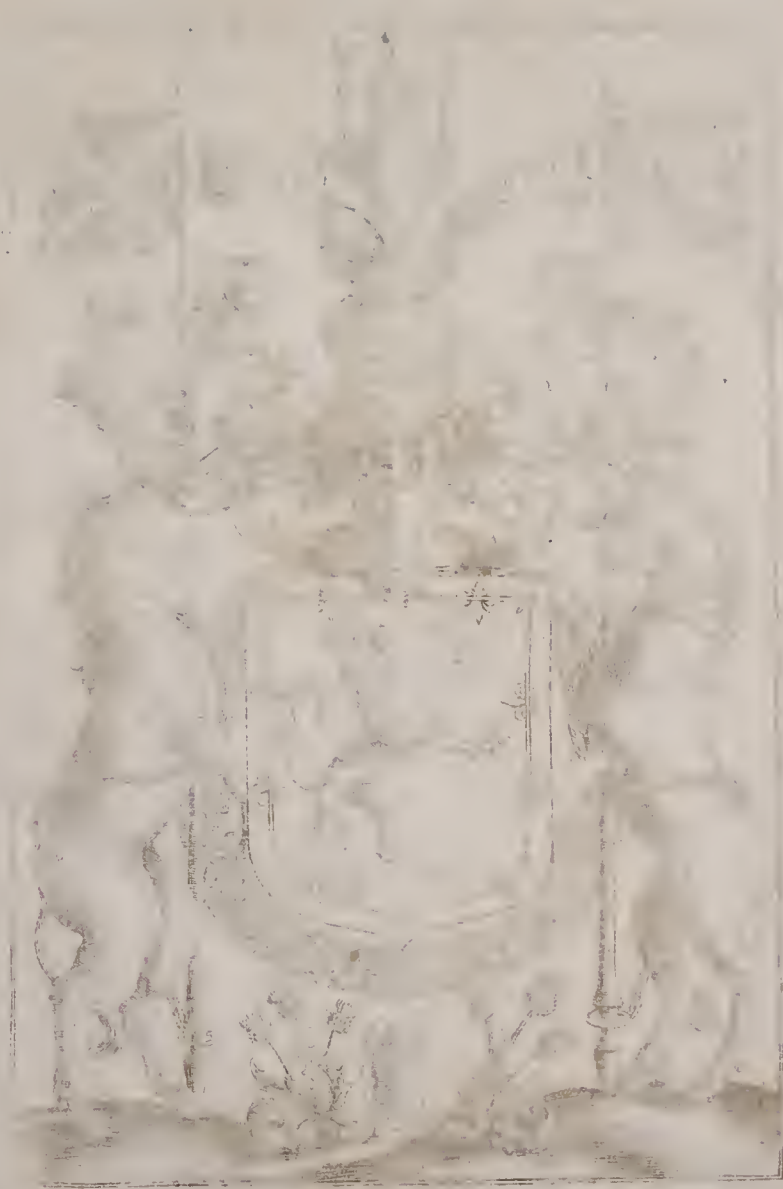
Most humble

And most obedient

Subject and Servant.

THO. MURRAT.













T H E F I R S T
P A R L I A M E N T
O F
K I N G J A M E S T H E F I R S T,

*Halden at Perth the XXVI. Day of Maij: The zeir of God, Ane thousand foure hundredth
twentie foure zeiris: And of his Reigne the nineteene zeir.*

1. *The freedome of the halie Kirke.*



N T H E First to the honour of God and halie Kirk; It is statute and ordained, that the halie Kirke joyis and bruike, and the Ministers of ir, their aulde Priviledges and freedomes. And that na man let them to set their landes and teindes, under the paine that may follow, be Spiritual Law, or Temporal.

2. *Peace suld be keeped within the Realme.*

I T E M, That firme & sicker peace be keeped and halden throw all the Realme, and amang all and findrie Lieges and subiectes, to our Sovereaine Lord the King, and that na man take on hand in time to cum, to moove or make weir against uther, under all paine that may follow be cours of commoun Law.

3. *That na man rebel against the Kingis persone.*

I T E M, It is statute and ordained, that na man openlie or notourlie rebel against the Kingis person, under the paine of forfaiting of life, land and gudes.

4. *All men suld assist the King to punish rebelles.*

I T E M, It is statute and ordained that gif ony disobeyis, till enforce the King against notour rebellers against his persone, quhen they be required be the King, and commanded; they fall be challenged be the King, as favourers of sik rebellers; bor gif they have for them reasonabill excusation.

5. *Na man suld travel with maa men, nor be may susteine.*

I T E M, It is statute that na man of what estate, degree or condition he be of, rydand or gangand in the Countrie, lead nor have maa perones with him, nor may suffice him, or till his Estait, and for quhom he will make readie payment: And gif onie complaint be of sik ryders or gangers; the King commandis his Officiares of the land, that quhair they happen to be, till arrest them, and put them under sicker burrowes, quhill the King be certified thereof, and send his will what fall be done of sik trespassours.

6. *Of the Ministers of Law within the Realme, and offices given in heritage.*

I T E M, It is ordained that there be maid officiares and ministers of Law, throw all the Realme, that can, or may halde the Lawe to the Kingis commounes; and sik as hes sufficientie of their awin; quhair throw they may be punished gif they trespass. And gif onie be infest of sik offices of before, and ar not sufficient

to minister therein in proper persone; that utheris be ordained in their steedes, for the quhilk they that hes sik offices of the King in fee, be halden to answer to him, gif they trespasse.)

7. *Sornares or companies over-lyand the Kingis Lieges, suld be arreisted and satisfie the King and partie.*

ITEM, The Parliament statutis, and the King forbiddis; That na companies passe in the Countrie, to lye upon onie the Kingis Lieges: or thig or sojourn horse, outhir on-Kirk-men or husbands of the land. And gif onie complaint be maid of sik trespasours to the Schireffe of the land; that he arreist sik folk, and challenge them, and taxe the Kingis skaith upon them: And gif they be convict of sik trespasse, that they be punished, and finde Burrowes till assyith the King and the partie complainand. And gif sik persones takis ony skaith in the arreisting of them, it fall be impute to them selves. And in case that na complaint be maid to the Schireffe, the Schireffe fall inquire at ilk head court that he haldis, gif onie sik faultoures be within his Schireffedome. And gif onie beis founden, that they be punished, as is before written.

8. *Customes and burrow mailles, ar annexed to the Crown.*

ITEM, It is consented be the hail Parliament, that all the greate and small customes, and burrow-mailles of the Realme, abide and remaine with the King till his living. And gif onie persone makis onie claime till ony part of the said customes, that he schaw to the King quhat he hes for him, and the King fall make him answer with adviement of his Councel.

9. *Of landes and rentes that were our Sovereine Lord the Kingis Predecessours, and schawing of halding.*

ITEM, As anent landes and rentes, the quhilk were of before time OVR SOVERAINE LORDE the Kingis antecessours: It is seene speedful, that the King charge all and findrie Schireffes of his Realme, to gar inquire be the best, eldest and worthiest of their Baillieries, quhat landes, possessiones, or annuall-rentes perteinis to the King, or hes pertein in his antecessours times of gud memorie, *David. 2. Robert 2. & Robert 3.* his Progenitours; & in quhai hands they now be: And that ilk Schireffegar retour be inquest under his seale, and their seales that beis upon it: And gif it likis the King, he may gar summond, all and findrie his tennentes, at lauchful daie and place, to schaw their charters and evidentes, and sa be their haldinges he may perceive quhat perteinis till him.

10. *Of slaying of Salmond in forbidden time.*

ITEM, Quha sa ever be convict of slauchter of Salmonde, in time forbidden be the Lawe, he fall pay fourtie schillings for the unlaw. And at the thrid time, gif he be convict of sik trespasse, he fall tyne his life, or then bye it. And gif onie man be infect to fish in forbidden time, al sik privilegedges fall cease for three zeires to-cum. And gif onie dois the contrair, he fall time ane hundreth shillings for the unlaw before the Justice: Upon the quhilk trespasse, the justice Clerke fall inquire, at the receiving of the indimentes, as of uther poyntes belangand his office.

11. *Of Cruves, Zaires, and Satterdaies sloop.*

ITEM, That all Cruves and zaires set in fresh water, quhair the sea fillis and ebbis, the quhilk destroyis the frie of all fisches, be destroyed and put awaie for ever mair: Not againe standing ony priviledge and freedome given in the contrarie, under the paine of ane hundreth shillings. And they that hes cruves in fresh waters, that they gar keepe the Lawes, anentes Satterdaies sloop; and suffer them not to stande in forbidden time, under the said paine. And that ilk heck of the foresaidis cruves be three inche wide, as the aulde statute requiris.

12. *Mines of Gold and silver perteinis to the King.*

ITEM, Gif onie mine of gold or silver be founden in onie Lordis Landes of the Realme, and it may be proved that three halfe pennies of silver may be fined out of the pound of leade: THE Lordes of Parliament consentis, that sik mine be the Kingis, as is usuall of uther Realmes.

13. *That na Clerkes passe over the Sea, but the Kingis licence.*

ITEM, It is statute be the hail Parliament, and be the King forbidden, that na Clerke passe, nor send procuratour for him over Sea, but leaue of our Lord the King asked and obteined.

14. *That na clerkes purchace pensiones of Benefices within the Realme.*

ITEM, In likewise it is statute be the haill Parliament, and the King forbiddis, that onie Clerke of his Realme in time to cum, purches onie pension out of onie Benefice secular or Religious, under all paine that he maie tyne against his Majestie: or raise onie pension granted in time bygane in onie maner of waies, under the paines foresaid.

15. *That na man have out of the Realme gold nor silver.*

ITEM, It is statute & ordained, that na man have out of the realm gold nor silver, bot he pay fourtie pennies of ilk pund of custome to the King, under the paine of tinsel of all gold and silver that beis funden with him, and x. pundes to the King for the unlaw.

16. *Of strangers that takis money for their merchandice.*

ITEM, Quhat strangeres that sellis merchandice in the Realme, and takis money theirfoir, he fall have witnesse of the hoste of his innes, that he outhir wair al sik money for pennie worthes of this land, or els pay the custome foirsaid, under the paine before written.

17. *That na man play at the fute-ball.*

ITEM, It is statute, and the King forbiddis, that na man play at the fute-ball, under the paine of fiftie schillings to be raised to the Lord of the land, als oft as he be tainted, or to the Schireffe of the land or his Ministers, gif the Lordes wil not punish sik trespassours.

18. *That ilk man busk them to be Archeres.*

ITEM, That all men busk them to be Archeres, fra they betwelve zeir of age, and that in ilk ten pundis worth of Lande, their be maid bow markes, and speciallic neir to parochie Kirkes, quhairin upon halie daies men may cum, and at the least schutte thrie about, and have usage of Archerie, and quha fa usis not the said archerie, the Laird of the Land fall raise of him a wedder, and gif the Laird raisis not the said paine, the Kings Schireffe or his Ministers fall raise it to the King.

19. *Of bigging of Ruikes in trees.*

ITEM, For thy that men consideris that Ruikes biggand in Kirks Zairdes, Orchardes, or Trees, dois greate skaith upon Cornes: It is ordained, that they that sik Trees pertainis to, lette them to big, & suffer on na wise that their birdes flie away. And quhair it be tainted that they big, and the Birdes be flowin, and the nest be funden in the Trees at *Beltane* the trees sal be foirfaulted to the King (bot gif they be redeemed fra him, throw them that they first pertained to) and hewin downe, and five schillings to the Kingis unlaw.

20. *Of Mure-burning.*

ITEM, It is ordained, that na man mak Mure-burning, after the moneth of *Marche*, quhil all Cornes be schorne, under the paine of fourtie schillings, to be raised to the Lord of the lande of the burner. And gif he hes not to pay, that he be prisioned fourtie dayis. And gif the Lord of the land raisis not sik pain, nor punishis not sik trespassours, as is befoir said, the Justice Clerk be the inditement, fall gar sik trespassours be corrected befoir the Justice, and punished as said is.

21. *Custome of Horse Nolt, Scheepe, hadfurth of the Realme, and of Herring.*

ALSWA For thy that many thinges passis out of the Realme, withoutten Custome, it is ordained and decreted that of all Nolt, Horse, and Scheepe had out of the Realme, their be payed to the King twelfe pennies for custome of ilk pund, of the price of the said guds, and of all Herring that are tane within this Realme, that is to say, of ilk thousand of fresche Herring fauld, of the Sellar one penny, and of ilk last of Herring, tane be *Scottis-men* barrelled, foure schillings of ilk last, be strangeris taken, sex schillings. And of ilk thousand red Herring, maid in the Realme, foure pennies.

22. *Custome of Mertrik skinnis, and uther Furringes.*

ITEM, It is ordained, that na man have Mertrik skinnis furth of the Realme, and gif he dois, that he pay to the King two schillings for the Custome of ilk skinne, and for ten Fowmartes skinnis called *Fithawes* ten pennies. Item of ane hundreth Cuning-skinnis twelfe pennies. Item of ilk daker of

Otter skinnies and Tod skinnies, sex pennies. Item for ilke daker of hart and hynde skinnies twelfe pennies. Item of ilk ten Daes and Raes skinnis, foure pennies.

23. *Reformation and mending of the money.*

ITEM, The Parliament hes determined and ordained, that our Lord the King gar mend his money, and gar stryke it in like wecht and finenes to the money of *England*. And this money runnand now, to have cours quhill the King forbid it. And that the King fall garre strike new money, quhen him lykis, and thinkis it speidful and profitable for the Realme.

24. *Of Hostillaries in Burrowes and through-fares.*

ITEM, It is ordained, that in all Burrow Townes of the Realme, and through-fares, quhair commoun passages are, that their be ordained Hostillares & receipters, havand stables and chalmers. And thairmen find with them bread and aile, and all uther fude, alswell to horse as men, for reasonable price, after the chaipes of the countrie.

25. *Of the age and marke of Beggers, and of Idle men.*

THE King hes statute be consent of the haill Parliament ripelic advised, that na Thiggeres be thoiled to beg, nouthir to Burgh nor Land-wart, betuixt fourtene and threescore ten zeires. bot they be seene be the councelles of the Tounes, or of the Lande, that they may not winne their living uther waies. And they that salbe thoiled to beg, fall have a certaine takin on them to Land-wart of the Schirreffe: And in the Burrowes, they fall have takin of the Alder-men, or of the Baillies. And all uther perones havand na takins, nouthir of lande, nor of Burgh, salbe charged be open Proclamation, to labour and passe to Craftes, for winning of their living, under the paine of burning on the cheike, and banishing of the Countrie.

F I N I S.

T H E S E C O N D

P A R L I A M E N T

O F

KING JAMES THE FIRST,

Halden at Perth, the twelfth daie of March, the zeir of God, one thousand, foure hundreth, twentie foure zeires; And of his Kirk the nineteen zeire.

26. *Of the freedome of halie Kirk, and of Kirk-landes wrangeouslie annalied.*



N The First, to the honour of God, that the freedome of halie Kirke be keppe throw all the Realme: And gif ony landes or possessions of halie Kirke be wrangeouslie annalied, they sulde be restored againe, be lauchful proceffe of Law.

27. *Reformation of Hospitales.*

ITEM, Anent Hospitales that ar founded of Almous deedes, throw the Kinges, to be uphalden to puir folke, and seik; to be visited be the Chancellor, as they have bene in the Kingis progenitours times. And they that ar founded be Bishoppes or uther Lords Spiritual or Temporal, to be visited be the Bishop and Ordinars, quhom it effeiris to, and reduce and reforme them to the effect of their first foundation.

28. *Of*

28 *Of Hereticques.*

ITEM, Anent Hereticques, that ilk Bishoppe fall garre inquire to the inquisition of Herefie, quhair onie sik beis founden and that they be punished as law of halie Kirk requires. And gif it misteris, that secular power be called, in support and helping of halie Kirk.

29. *The breakers of the actes of Parliament, suld be punished.*

IT is statute and ordained, that the breakers of the actes of Parliament be punished, after the forme and ordinance thereof.

30. *Leagues and bands are forbidden.*

ITEM, It is decreetted be the hail Parliament, and forbidden be our Sovereine Lorde the King, that onie leagues or bandes be maid amongst his Lieges in the Realme: And gif onie hes bene maid in time by-gane, that they be not kept nor halden in time to cum.

31. *Of selling of Horſe.*

ITEM, It is ordained that na Horſe be fauld out of the Realme, quhill ar the least they be three zeir auld out-gane, under the paine of escheitte of them to the King.

32. *Anent Taulch.*

ITEM, It is ordained that na Taulch be had out of the Realme, under the paine of escheitte of it to the King.

33. *Steallers of greene woodde, of fruite, Cunningses, Dowes, peallers of Trees, Breakers of Orchardes; and destroyers of woodde.*

ITEM, It is ordained, that the justice Clerkes, inquire at the receiving of the indirements, of them that be night steallis greene woodde, or pealis the bark off trees, destroyand wooddes. And quha fa be convict before the justice of sik trespasse, they fall paie fourtie shillings to the King for the unlaw, and assyith the partie skaitied. And als the said Clerke fall inquire of the breaking of mennes Orchardes, steallers of frute, destroyers of Cunningsaires and Dowcattes, the quhilkis fall be punished, as it is ordained of the steallers of woodde.

34. *Steallers of Woodde suld be punished in the place quhair the cryme was committed.*

IT is ordained, gif onie man findis his stollen woodde in uthir Lotdes landes, he fall gar arreist baith the woodde and the steallers of it, and gar them suffer Law in his Courte, that the woodde was stollen fra, and in nane uthers.

35. *Anent the time within the quhilk Salmound suld nocht be flaine.*

IT IS Ordained be the Parliament, and forbidden be the King, that onie Salmound be flaine, fra the Feaste of the Assumption of our *Ladie*, quhill the feaste of *Saint-Andrew*, in Winter, nouthir with Nettes nor Cruves, nor nane uthervaies, under the paine put upon slayers of read fish, quhilk als wa the Justice Clerke fall gar inquire.

36. *Anent stalkers, that slayis Deare, and their mainteiners.*

ITEM, It is ordained, that the Justice Clerke fall inquire of Stalkers, that slayis Deare, that is to say, Harte, Hynde, Dac, and Rae, and the halders and mainteiners of them, And alsoone as onie Stalker may be convict of slaughter of Deare, he fall paie to the King, fourtie shillings: And the halders and mainteiners of them shall paie ten pounds.

37. *Recepteres of rebelles suld be forefaulted.*

ITEM, It is decreetted and statute, that na man wilfullie fall receipt, mainteine, or do favour to open and manifest Rebellaes against the Kingis Majestie, and the commoun Law, under the paine of forefaultour.

38. *How meikle gudes ane Merchand sayling shuld have.*

ITEM, It is statute and ordained, that na Merchand of the Realme passe over the Sea in merchandice, bot he have of his awin proper gudes, or at the least committed till his awin governance, three serplaithes of Wooll, or the value of them in uther Merchandice, quhilk fall be kend or he passe, be an inqueist of his nichtbours, under the paine of ten pound to the King.

39. *Ilke Craft shuld have ane Deakon.*

ITEM, It is ordained, that in ilke Towne of the Realme, of ilk findrie craft used therein, be chosen a wife man of that craft, and be the laife of that craft, and be consent of the Officiar of the Towne; the quhilk fall be halden Deakon or Maister-man over the laife for the time, to governe and assay all warkes, that beis maid, before the Craftes-men of that craft: Swa that the Kingis Lieges be not defrauded and skaithed in time to cum, as they have bene in time by-gane, throw unrew men of Craftes.

40. *The Custome of Woollen claith, of Salmound and English gudes.*

ITEM, It is ordained, that of ilk poundes worth of woollen Claith had out of the Realme, the King fall have of the out-haver for Custome twa shillings. And of ilk poundes worth of Salmound bocht be strangers, and had out of the Realme, threttie pennies. And of ilke poundes worth of *English* gudes, brocht in the Realme, threttie pennies.

41. *Anent men quha shuld labour the land.*

ITEM, It is ordained that ilk man of simple estaite, that shuld be of reason labourers, have outhir halfane Oxe in the pleuch, or else delve ilk day seven fute of length, and seven on breadth, under the paine of ane Oxe to the King.

42. *The age, marke, and paine of Beggers.*

ITEM, It is ordained that na Thigger be thoiled to begge, nouthir to Burgh nor land, betuixt fourteene and threescoir and ten zeires, bur they be seene be the Council of the Commounes of the Countrie, that they may not win their living utherwaies. And they that fa beis founden have a certaine takinnie to Landwart of the Schireffes, and in Burrowes of Alder-men and Baillies, and that under the paine of burning on the cheik, and banishing off the Countrie. And that in everie Burgh outthrow the Realme, the Chalmerlaine fall inquire in his aire zeitlie, gif the Alder-men and Baillies, hes kept the act, and the forme of the statute. And gif they have broken it, they fall be in fiftie shillings to the King. **I**TEM, The Schireffes failzieing of the keeping of the said act, to be punished in likewise.

43. *Leefing-makers tinis life and gudes.*

ITEM, It is ordained be the King and the haill Parliament, that all Leefing-makers and tellers of them, quhilk may ingender discorde betuixt the King and his people, quhair ever they may be gotten, fall be challenged be them, that power hes, and tine life and gudes to the King.

44. *Of Weapon-schawinges.*

ITEM, It is ordained, that in ilk Schireffedome of the Realme, be maid Weapon-schawinges four times in the zeir.

45. *Anent complaintes to be decided before the Judge ordinar.*

ITEM, As anent billes of complaint, quhilkis may not be determined be the Parliament, for diverse causes belanging the commoun profite of the Realme: It is ordained that the Billes of complaint be execute and determined be the judges and Officiars of the Courtes, quhom to they pertene of Law, outhir justice, Chalmerlaine, Shireffes, Baillies of Burrowes, Barronnies, or uther Spiritual judges, gif it effeiris to them. To the quhilkis judges all and findrie, the King fall give strait commandement, allweil within Regalities, as out-with, under all paine and charge that may follow, that allweil to pure as to rich, but fraude or guile, they doe full law and Justice. And gif there bee onie pure creature, for faulte of cunning, or expenses, that cannot, nor may not follow his cause, the King for the love of GOD, fall ordaine the Judge, before quhom the cause shuld be determined: to pur-wey and get a leill and a wife Advocate, to follow sik pure creatures causes. And gif sik causes be obtained, the wranger fall assyith baith the partie skaithed, and the Advocatus coastes and travel. And gif the Judge refusis to do the Law eavenlie, as is before said, the partie compleinand, fall have recourse to the King, quha fall see rigorously punished sik Judges, that it fall be exemple till all uthers.

46. *Auent remissions to be given, and assyithment of partie.*

ITEM, It is ordained be the Parliament, that quhair the King gives remissiones till onie man, with condition to assyith the partie skaithed and compleinand: That consideration be had of the *Hie-land* men, the quhilkis before the Kingis hame cumming, commounlie rest and slew ilk ane utheris; of the quhilkis there may not be maid full assyithment till utheris, bot in the *Law-landes*, quhair the skaithes done may be kend, and the trespassoures to be of pouer to make ane mendis of all or of part: That there be chosen gude men & leill, sworne thereto, to modifie amendis after the qualitie and quantitie of the person, and of the skaithes, gif the parties cannot concorde be themselves; of the quhilkis modificacions, baith the parties fall hald them content.

F I N I S.

T H E T H R I D
P A R L I A M E N T
O F
K I N G J A M E S T H E F I R S T.

Halden at Perth the Elleventh of Marche: The zeir of God, ane thousand, foure hundreth, twentie five zeires: And of his Kinrik the twentie zeir.

47. *Auent harnes to be brocht hame be Merchandes.*

ITEM, It is ordained be the King and the Parliament, that all Merchands of the Realm, passand over Sea for Merchandice, bring hame, as he maie gudly thiole, after the quantity of his merchandice, harnes and Armoures, with Speares, Schafes, Bowes and Staves. And that be done be ilk ane of them als off, as it happenis them to passe ovet Sea in Merchandice.

48. *That all the Kingis Lieges live and be governed be the Lawes of the Realme.*

ITEM, It is ordained be the King, be consent and deliverance of the three Estaites, that all and findrie the Kingis Lieges of the Realme live and be governed under the Kingis Lawes & statutes of the Realme alanerlie: and under na particular Lawes, nor special Priviledge, nor be na Lawes of uther Countries nor Realmes.

49. *For the halding of money within the Realme.*

ITEM, It is ordained, for the halding of the money within the Realme, that na man have out of the Realme gold nor silver, bot he pay forty pennies of ilk pound to the King for custome, under the pain of tinsel of all gold and silver, that beis founden with him, and ten poundes to the King for the unlaw. And quhar stranger, that bringis Merchandice in the Realme to sell, and takis money therefore, he fall have witnessing of the Hofte of his Innes, that he ware all sik money for penny worthes of this Realme, or else paie the custome foresaide to the King, under the paine before written. And for the keeping of this statute, that the Kingis Chalmerlaine depure, or himselfe, gar ordaine in ilk Toune, quhair sik strangers repairs, twa sufficient men baith to see the entrie of them of sik gudes, and to heare the reckoning of them, and to receive the Kingis Custome, & uther thinges, that belangis thereto, & to make reckoning and give compt thereof, at the Kingis Checker.

50. *That na persones that inditis men to the Justice Aire, be on their Assise.*

ITEM, It is statute, ordained, & forbidden that onie man that is officiar of onie Countrie, or anie man that inditis ane uther for onie action, be on his assise, that fall thiole the law, under the paine of ten pounds to the King.

51. *Of fore-thought felonie and Chaud-mella.*

ITEM, It is statute for the keeping of the Kingis peace, and added to the Acte and statute maid of before, that alsoone as onie complainr be maid throw onie persones to Justices, Schireffes, Baillies in Burrowes, or on land, till ony uther Officer of the Lawe, quhairver hee bee, that it effeiris or perteinis to, fall in all gudlie haste garre fummound baith the parties before him, and inquire diligentlie but onie favoure, gif the deede was done upon fore-thought Felonie, or throw suddaine Chaud-mella: and gif it be founden forethought-felonie the partie fall be challenged incontinent of the Kingis peace breaking, be the Officers of Lawe, quhilkis fall gar the partie hurte be fullie assyithed, after the quantitie of the skaith, that he hes susteined. And thereafter the life and the gudes of the trespassoure to be in the Kingis will, to quhais prison hee fall bee had incontinent. And gif the trespassse be done of suddaine Chaud-mella, the partie skaithed fall follow, and the partie trespassand defende, after the course of the auld Lawes of the Realme.

52. *That all Prelates, Barrones and Free-halders fall compeir personallie in the Parliament.*

ITEM, It is ordained and statute, that all Prelates, Erles, Barronnes and free-halders of the King within the Realme, sen they ar halden to give presence in the Kingis Parliament, and General Council, fra thine fourth be halden to compeir in proper person, and not be a Procuratour: Bot gif the Procuratour alleage there and prove a lauchfull cause of their absence.

53. *Attornayes in the Justice Aires suld be honest persones.*

ITEM, It is statute and ordained, that na man be admitted to be Attornay in the Justice Aire, bot gif he be honest and sufficient person of discretion for that office, the quhilk fall be knawin be the Justice and the Barronnes then present, gif onie doubt be theirof.

54. *Of persones to be chosen to examin the buikis of Law, and reforme them.*

ITEM, It is statute and ordained, that sex wise men and discreete, of ilk ane of the three Estaites, quhilk knawis the Lawes best, fall be chosen (sen fraude and guile aucht to help na man) that fall see and examine the Buikis of Law, that is to say, *Regiam Majestatem*, and *Quoniam Attachiamenta*. And mend the Lawes, that neids mendment.

55. *Qubat exceptiones suld be admitted or repelled.*

IT is ordained, that all lauchfull exceptiones of the Law be admitted in Judgement, and all frivolous and fraudful exceptiones be repelled, and not admitted be na Judge, swa that the causes litigious and pleyes be not wrangecouslie prolonged in skaith and prejudice of the partie, and in fraude of the Law.

56. *All men suld ludge with Hostillaries.*

ITEM, In the way that Hostillaries in Burrowis and through-faires, meenis them to the King, that his lieges travelland in the Realme, quhen they cum to Burrowes and through-faires, herberies them not in hostillaries, bot with their acquaintance and friends: The King of deliverance of Council, and consent of the three Estaites forbidis, that onie liegeman of his Realme, travelland throw the countrey on horse or one fute, fra time that the commoun hostillaries be maid, herbery or ludge them in ony uther place, bot in the Hostillaries foirsaid, bot gif it be the persones that leadis monie with them in companie, that fall have friedom to herberie with their friends: Swa that their horse and their meinze be harberied and lugged in the commoun Hostillaries. And als it is ordained, that na Burges indwelland in burgh or in through-fair receive or admit ony sik travellers or strangers, bot allanerlie commoun Hostillaries, under the paine of fourty schillings, to the King for the unlaw.

57. *Of Weichtes.*

ITEM, It is ordained, that their be maid a stane for gudes sauld and boght be weichtes, the quhilk fall wey fyfteene leill Trois pundes, and that stane to be divided in sex-tene leill *SCOTTIS* poundes, and of it there fall be ordained halfe a stane, a quarter, a halfe quarter, a pounce, halfe a pounce, and uther lesse weichtes according thereto, with the quhilk all byares and sellers of gudes within the Realme fall buy and sell-with, and with nane uther weichtes fra *WHIT-SUNDAIE* next to cum, and fra thence fourth their foresaide Weichtes fall have course.

58. *Of Water-mettes.*

ITEM, It is ordained that the Water-mettes, that now ar, fall remaine and be used throw the Realme in time to cum; and in ilk place and Towne. quhair the gudes ar sauld and metre be the water; there be

be ordained, be the Alderman, and the Baillies, ane leill man sworne to mette all gudes, sellable be the Water-mette, alswell coales or uther gudes. And that the sellares, or nane of their behalfe, intronmet them in the metting of sik gudes.

59. *Ferriers and Boate-men suld have Brigges.*

ITEM, It is statute and ordained, that all Boate-men and ferryares, quhair Horse are ferried, fall have for ilke boate a treene-bridg, quhair-with they maie receive within their Boates, travelleres Horse through the Realme, un-hurte and unskaithe, under the paine of fourtie schillings of ilk boate, fra *Whit-sundae* fourth nixt to cum.

60. *Of the maner of Weaponschawinges.*

ITEM, It is ordained in the Second Parliament of OUR SOVERAINE LORDE the King, that ilke Schireffe of the Realme sould gar Weaponschawinges be maid foure times ilke zeire, in als monie places as were speedeful, within his Bailliarie; bot the maner how Weaponschawinges sulde be received was not appoynted: Herefore OUR LORDE The King, throw the hail ordinance of his Parliament, statuts, that ilke Gentle-man, havand ten pounds worth of land or mair, be sufficientlie harnished and armed with Basnet, hail legges Harnes, sworde, speare, and dagger: and Gentlemen havand lesse extentes of Landes, nor na landes, fall be armed at their gudlie power, after the discretion of the Schireffes, bot all uther zeamen of the Realme, betuixt xvj. and sextie zeirs, fall be sufficientlie bowed and schaffed, with sword & buckler & knife: And that all the Burgeses & indwellers within the Burrow townes of the Realme in like maner be anarmed and harnished, & make Weaponschawinges within the Burrowis of the Realme in like maner, foure times in the zeir, & that be the Aldermen and Baillies, upon the quhillk the Chaimerlane and his Deputes fall knaw and execute the said thinges. And that all men Seculares of the Realme, be weill purveyed of the said harnes & weapones be the feast of the Nativitie of our Lord *Jefus Christ* nixt to cum, under the paines followand: That is to say, of ilk Gentleman that defaultis at the first weaponschawing fourtie schillings, and at the other default fourtie schillings, and at the thrid default, ten puns, and alsmeikle als oft-times as he defaultis after-ward: And of ilk bow-man at the first faulte ten schillings, at the other default ten schillings, and at the thrid fourtie schillings. And swa futhr als oft-times as he beis funden faultife afterward.

61. *Na man suld passe in Ireland without licence.*

ITEM, As to the passage betuixt *Scotland* and *Ireland*, it is seene speedful to the Kingis Council, that bidding be given be the King to all the Lordes, Schireffes, and all uther Officiares, upon the Frontiers of SCOTLAND, lying against IRELAND: that na Schipes, nor Gallayes, nor na man passe out of this land to IRELAND, without special leave of the Kingis Deputes, that fall be ordained to ilk Haven: And for twa causes, and principallie, sen the Kingis notoure Rebelloures are receipt in *Iriserie* in *Ireland*, and for that cause Passingers passed fra thine, might do prejudice to this Realme; an uther cause is, that the men that are under *Iriserie* subject to the King of *England*, might elpy the privities of this Realme, and do great skaith, as is befor witten.

62. *Scottis-men suld bring na man furth of Ireland, without ane Testimonial.*

ITEM, It is sene speedful, that gif onie Schip-man of *Scotland* passis with letters of the Kingis Depute in *Ireland*, that he receive na man into his Schip to bring with him to the Realme of *Scotland*, bot gif that man have ane letter or certaintie of the Lord of that land, quhair he schippis, for quhat cause he cummis in this Realme.

63. *Anent Ireland men cummand in Scottis Schippes.*

ITEM, That quhen he cummis in onie Haven of *Scotland*, that he ryde on anker, and hald within shipbuid all men that he bringis with him, quhill he send for the Kingis Baillie, or a Depute of the Toun of the Haven, that he cummis in, that then men may examine and see of the Kingis behalfe their persones, and quhat charge they have be letter or uther way, quhidder it be profite or prejudice to the King, or the Kinrik: And gif onie prejudice of the deede be founden, they fall be arrested, and presented to the Schireffis prison, quhill the King have done his will on them.

64. *The statute anent Ireland men.*

ITEM, That it be maid manifest be the Kingis Deputes upon the Frontiers, that is not done for hatred, nor breaking of the auld friendshippe betuixt the King of *Scotland* and his Liegis: and the gude auld friendshippe of *Iriserie* of *Ireland*: Bot allanerlie to eschew the perrel foresaide. And gif onie man attempts in the contrarie of this, his gudes fall be escheit to the King, and his bodie at the Kingis will.

65. *Of the Session to be holden: of their power and expenses.*

ITEM, OUR SOVERAINE LORDE the King, with consent of his Parliament hes ordained, that his Chancellor, and with him certaine discrete persones of the three Estaites, to be chosen and depu-
 tate be OUR SOVERAINE LORDE the King, fall sit fra thine soorth three times in the zeir, quhair the King likis to command them: Quhilk fall knaw and examine, conclude, and finalie determine all and findrie complaints, causes and quarrelles, that may be determined before the King and his Council. The quhilkis persones fall have their expenses of the parties founden faultie, and of their unlawes: or utherwise, as is pleaisand to our SOVERAINE LORD the King.

66. *That everie man that hes nocht of his awin, fall labour for his living.*

ITEM, The King with consent of his Parliament, hes statute and ordained, that ilk Schireffe of the Realme within his Bailliarie, inquire diligentlie, gif onie idle men, that hes not to live of their awin, be received within his boundes: after the quhilk inquisition, the Schireffe fall gar arreist sik idle men, and gar keepe them in fasteneste quhill it be knawin, quhairupon they live. And that the countrie fall be unskaitched of them: Thereupon the Schireffe fall receive gude and sicker burrowes. After the quhilk burrowes founden, the Schireffe fall assigne fourtie daies to sik idle men to get them Maisters, or to fasten them to lawful Crafftes. And they fourtie daies beand gane, gif they be founden mair idle, the Schireffe fall arreist them againe, and sende them to the Kingis prison, to abide and be punished at the Kingis will. And that this be done alsweil in Burrowes, as on lande throw all the Realme.

67. *Anent the extract and execution of the Actes of Parliament.*

ITEM, The King with consent of his three Estaites of the Realme hes ordained, that all statutes and ordinances of this Parliament, and of the two Parliamntes preceidand be registrate in the Kings Register, and given to the Schireffes: quhilkis statutes & ordinances, ilk Schireffe be holden to publish openlie in the chiefe place of his Schirefdome, & utheris notabil places, and als to give the copies of them baith to Prelates, Bar-
 ronnes, and Burrowes of his Bailliarie, upon the expenses of the askers: And that ilk Schireffe gar be keeped the tenour of this Acte, under the paine of deprivation of his Office. And that ilk Schireffe give open bidding to the people of his Bailliarie, baith to Land, and to Burgh, to keepe and fulfil all statutes and ordinances maid in the saidis three Parliamntes, under the paine contained in the Actes of them, swa that naye have cause till pretend, or allage onie ignorance.

F I N I S.

THE FOURTH PARLIAMENT

Or ASSISE of

KING JAMES THE FIRST.

Of weichtes and measures, Halden at Perth, the elleventh of Marche, the zeir of God, ane thousand, four hundredeth, twentie sex zeires; And of his Kmrik the twentie ane zeire.

68. *Anent the measure of the Elne.*

IN THE First they ordained and delivered, that the Elne fall contene thrittie seven inche, as is contained in the statute of King David the First, made thereupon.

69. *What the stane fall contene.*

ITEM, They ordained and stanire, the stane to weygh iron, wooll, and uther Merchandice with, to contene fiftene pound *Trois*, ilk *Trois* pound to contene sextene ounce, and that stane to be divided in halfe stane, quarter, halfe quarter, pound, halfe pound, and uther smaller.

70. *Of the division and quantitie of the Boll, firloft, and water weichtes.*

ITEM, They ordained the boll to mette vifual with, to be divided in foure parres, *videlicet*, foure firloftes to containe a boll, and that firloft not to be maid after the firft meafure, nor after the meafure now ufed, but in middle meafure betwixt the twa.

ITEM, The boll fall containe in breadth twentie nine inches within the buirdes, and abone twentie feven inches and a halfe, even over-thort, and in deepeneffe nineteene inches. **ITEM**, the firloft fall containe in breadth even over-thort fextene inches under and abone within the buirdes, the thickneffe of baith the buirdes fall containe ane inch and ane halfe, and in deepeneffe it fall containe nine inch, the halfe firloft, and the pecke thereafter followand, as effeiris. The firloft fall containe twa gallounes and a pynte: And ilke pynte fall containe be weicht of cleare Water of *Tay*, fourtie ane ounce: That is to faie, twa poundes and nine ounces *Trois*: Swa weyis the Galloun twentie pounde and aucht ounces: Swa weyis the firloft fourtie ane poundes, and the Boll containand foure firloftes, weyes aucht-fcoir foure poundes. The aulde Boll firft maid be King DAVID the Firft, contained a fexterne, a fexterne contained twelve gallounes of the aulde mette: And ilke galloun weyed ten pound *Trois*, and foure ounce of diverfe Waters. Swa weyed the Boll fex-fcore three poundes, swa weyis the Boll new maid mair, then the auld boll xxxij. pound, quhilk makis twa gallounes and a halfe, and a choppen of the auld mette, and of the new mette ordained nine pyntes and three murchkinns.

71. *Anent unlaues for burning.*

ITEM, As anents fire, it is feene speedeful that in ilk Burgh, or greate Haven Towne, and through-faire that is greate, that the Aldermen, Baillies, or the Governours of the Tounes, fee and gif bidding within their Tounes, that na Hempe, Lint, Stray, Haie, Hedder, nor Broome be put neare the fue, nor abone the low in fire houfes. And this be themfelfe or men under them, be ilk Moneth feene, and quha fa after forbidding maid till him, be founden faultife, fall paie ane unlaw, as faultife, in Burgh, als oft-times hee is founden faultife and unforgiven. And gif the Aldermen, Baillies or Governours, of the Tounes be negligent in the execution thereof, they fall be in fourtie schillings to the King.

72. *Sellers of Haie and fraie fuld have ane Lanterne.*

ITEM, That Sellers of Haie or Fodder in Burgh, cum not to their Haie-houfe with candle, but lanterne, under the paine of the famin unlaw, als oft as he beis founden faultife.

73. *That certaine ledders be founden ay reddie in the Burgh, for happening of fire.*

ITEM, That in ilk Burgh their be ordained of the commoun coafte, fex, feven or aucht Ledders, after the quantitie of the Burgh: twentie fute the ledder, and that they be kepted in a reddie place of the Toun, and to that ufe and nane uther, under the paine of the foresaid unlaw. And of the famin wife there be ordained three or foure Sayes to the commoun ufe, and fex or maa Cleikes of iron, to draw downe Timber and Ruiffes that ar fired.

74. *Of commoun women and buires.*

ITEM, That commoun women be put at the utmost endes of the Towne, quhair least perrel of fire is: and that na man fer them houfes in the heart of the Toun, under the paine of ane unlaw, or zit receipt them under the famin paine.

75. *Of fire, and the paines thereof.*

ITEM, Gif burning happenis in onie Toun, fra the Fyre be stanchd, the Alderman, Baillies, and Governours of the Tounes, incontinent fall inquire quhom throw, & how the fire happened, & it be founden on purpose deed, foresaultour fall be punition to them, And gif it happenis of misgovernance, & nor of set purpose: if it be a fervand & that fervand have gudes, he fall be punished in his gudes, be the fight of the Governours of the Toun, and given to the man that thoilis the skaith, and fine banished the freedome for three zeires: And gif the fervand hes na gudes, he fall be dounin openlie at the mercat-croce, and throw the Toun, and fine banished that freedome for feven zeires.

ITEM, Gif it be a man that awe the houfe, and burnis it rekleffie, or his wife, or his awin bairnes, quhiddir his Nichtbours takis skaith or nane, attour the skaith and schame that he thoilis, he or they fall be banished that Toun for three zeires. And gif it be ane man that maillis the houfe, and burnis it rekleffly, he fall amend the skaith after his power, and be banished the Toun for three zeires. And gif it be a stranger or a traveller, he fall be areifted: gif he be of power, to amend the skaith and if he be nor of power, he fall byde in sickerneffe at the Kings will.

ITEM, Gif the Baillies and Governours of the Toun, findis na man in wyte, bor of suddaine caise

caise that may not be foreseene, as wilde-fire, Rattones, or fowles, or sik likeneffe, the law leavis it unpunished.

ITEM, Gif the Governoures of the Toun be negligent in the execution of their office, and this ordinance foresaid in onie poynt, we leave them in ten pounds to the King of unlaw.

ITEM, That na fire be fetched fra ane house till ane uther within the Town, bot within covered welhel or lanterne, under the paine of ane unlaw.

ITEM, Gif fire happenis in husband Tounes of Barronnies, we leave them to be punished be their Lordes, in like maner as Baillics and Governours dois in Burgh.

F I N I S.

T H E F I F T H

P A R L I A M E N T O F

KING JAMES THE FIRST,

Halden at Perth, the last daie of September, the zeir of God, ane thousand foure hundreth twentie sex zeires.

76. *Arent the customes of Salmond and uther fish:*



ITEM, It is statute and ordained, that custome be payed to the King, allweill of indwellers within the Realme, as of fremmed men, in onie Burrowes of the Realme: And as of strangers and unfreemen, of all Salmond and fish fauld and bocht, and had outwith the Realme, out of onie Burgh of the Realme.

77. *Of Deakones of Crafts and their office.*

ITEM, The King of deliverance of Parliament hes ordained, that the Deakones of Crafts in Burrowes, stande rill the nixt Parliament, in the maner as after followis: that is to say, that the Deakon of ilk Craft, fall have na correction of the Craft, nor of na man thereof, bot allanerlie to see that the warke-men be cunning, and the warke sufficient, the quihilk he fall assay and examine everilk fiftene daies anis.

78. *Of the fees of Craftes-men, and price of their warke.*

ITEM, It is ordained, that the Aldermen and the Council of ilk Toun sworne, fall see and price the mater, and the coaste, and the travel of the warke-man, and thereafter prise the made wark, how it fall be fauld, & that price make knawin to the Kings commouns and be oppen cryed.

79. *Of the fees of wark-men.*

ITEM, It is ordained that the Council of the Toun fall see and ordaine quhat fee wark-men fall have for their handling of their Craft, that workis uther mennes warkes, as Wrichtes, Masones, & uther sik-like.

80. *Of Wrichtes and Masones.*

ITEM, For quhy, that it is complained to the King & his Council, that Wrichtes and Masones takis attanis on hand monie warkes, quihilkis they may not, nor will not fulfill at the time they hecht, throw the quihilk the Kingis Lieges ar skaithed, and the honour and profite of the land lerted. Therefore it is ordained be the King and the Parliament, that it be cryed in ilk Toun openlie, that na warke-man take mair warke on hande, then he may gudlie fulfill after his cunning, under the paine of tinfel of the price of fa meikle warke that he takis on hande,

on hande, then he may gudlie fulfil to the King, and of the fulfilling of the warke that he takis on hande, upon his awin coaft. And alſwa quhair a warke-man, outhur willfullie or unrichteouslie, lettis to fulfill the warke that he hes rane on hande, that ane uthur man of that ilk Craft, refuse not to take that on hande for reasonable fee, under the paine of punishing of him at the Kingis will, ſwa that he be a warke-man knawin, and hes then nane uthur warke on hande.

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81. Of sawing and labouring of the ground.

ITEM, The ſaid day, our Sovereine Lord the King, with conſent of the haill Parliament ordained, that throw all the Realme, ilk man teilland with a pleuch of aucht Oxen, ſall ſaw at the leaſt ilk zeir a Firlot of quheate, halfe a Firlot of peafe, & 40. beanes, under the paine of x. s. to the Barronne of the land that he dwellis in, if he ſawis it nor, & as oft as he beis founden faultife. And gif the Barronne ſawis not the ſaid corne in like maner in his Domaines, he ſall paie to the King fourtie ſhillinges: And gif the Barronne be founden negligent in the raiſing of the ſaide paine on his husbandes, there ſall be raiſed on him fourtie ſhillinges, als oft times as he defaultis, without remiſſion.

82. Anent the bigging of Caſtles in the North.

ITEM, It is ordained, that ever-ilk Lord havand land bezond the Month, in the quhilkis landes in aulde times their was Caſtles, Fortaices and Manour-places, big, reparrel, and reforme their Caſtles & manours, & dwell in them be themſelves, or ane of their friendes, for the gracious goveranal of their landes be gude policie, and to expende the frute of their landes, in the Countrie, quhair the landes lyes.

F I N I S.

PARLIAMENTUM SEXTUM

Tentum Apud PERTH, Die Martis, Primo Die Mensis Julij, Anno Domini, Milleſimo, Quadringeneſimo, Viceſimo Sexto; Et Regni Domini Noſtri Regis, JACOBI, viceſimo ſecundo, ſummonitis & vocatis more ſolito & debito Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, & aliis regni Libere-tenentibus, qui de dicto Domino Noſtro Rege tenent in capite, & de quolibet Burgo regni certis Burgenſibus, qui ad hoc ſummoniti fuerunt, comparentibus omnibus illis qui debuerunt & voluerunt commode intereſſe, Abſentibus quibuſdam aliis, quorum quidem aliqui legitime excuſati fuerunt: alii vero quaſi per contumaciam ſe abſentaverunt, quorum nomina patent in rotulis ſectarum, quorum quiſque adjudicabatur in amerciameto decem librarum.

83. That Judges ſall be ſworne to determine all cauſes after their cupping.



Odem Die Rex, per modum ſtatuti, ordinavit, quod debinc omnes & ſinguli ad quaſcunque cauſas & querelas terminandas, in quocunque futuro Parlamento eligendi, jurabunt ad Sancta Dei Evangelia, ut omnes & ſingulas cauſas & querelas coram eis proponendas & terminandas abſque favore vel odio, fraude ſeu colore aliquo, juxta ſuas ſcientias, fideliter & juridice terminabunt.

84. That na Clerkes nor laicks pas furth of the Realme: And of their finance.

DIE Lunæ, ſeptimo menſis Julij Anni ſupradicti, Rex ex conſenſu totius Parliamenti, ſtatuit & ordinavit, quod omnes & ſinguli clerici regni ſui ad partes ultramarinas, quacunque de cauſa navigantes, ſeu ſe transferentes, faciant cambia ſua de moneta, pro eorum expenſis extra regnum faciendis, cum campforibus infra regnum conſtitutis, vel ſaltem cum mercatoribus infra regnum, de quo cambio ſuo, & cum quo campfore vel mercatore facta fuerint, certiſcent Cancellarium Domini noſtri Regis pro tempore exiſtente, & de tranſitu ſuo extra regnum. Laici vero quicunque ad partes ultra-marinas ſe transferens, teneatur conſimiliter facere cambia ſua infra regnum, ut præmittitur, ſuper quo certiſcet Camerarium Scotiæ per ſufficientia documenta, & de cauſa tranſitus ſui, ſub pena videnti librarum, viſibus Domini noſtri Regis, applicandarum.

85. Anent Hostellaries.

ITEM, Eodem die Rex mandavit universaliter omnibus Burgensibus de regno, quod faciant fieri Hostellaria seu hospitia publica in Burgis, honesta & competentia more aliorum regnorum, ad recipiendum omnes & singulos hospites, tam pedestres, quam equestres per regnum laborantes, sub pena super hoc in alio Parlamento constituta.

86. Of downe-putting of Deakones of Craftes.

DIE Veneris, videlicet undecimo mensis supradicti, quia ordinationes factæ in Parliamentis præcedentibus, super artificum Decanis in Burgis Regni, tendebant ad noxam & commune totius regni dispendium, Rex ex trium Regni statuum deliberatione, ipsas ordinationes revocavit, & illas totaliter annullavit, inhibendo de cetero, ne tales Decani in aliquibus Regni Burgis, inter artifices eligantur, nec etiam alias electi, ulterius exerceant officia Decanorum, nec faciant suas congregaciones consuetas, quæ conspersiones sapere præsumuntur.

87. The forme of Proces, and the paine of the Judge nor keipand the famin.

ITEM, Eodem die ad parcendum expensis & vexationibus pauperum in curia spirituali litigantium, & ad breviamdum lites, pro expedienti fuit ordinatum in causis civilibus & probanis, quod ad instantiam laici actoris, Clericus reus citeatur per suum ordinarium, vel ejus officialem ad certum diem peremptorie, apponendo causam in citatione, propter quam reus citatur ad comparandum scilicet, responsurus sub pena excommunicationis: Quo die adveniente, reus habet litem contestari. Quod si reus fatetur petitum, moneatur ad solvendum infra quindecim dies, sub pena excommunicationis: si vero deneget petitum, assignetur terminus actori, ad producendum omnes suas probationes peremptorie, juxta arbitrium Judicis: Quo die adveniente, & receptis hujusmodi probationibus, assignetur terminus reo ad producendum omnes suas exceptiones & defensiones peremptorie, juxta arbitrium Judicis: Quo adveniente receptisque exceptionibus & defensionibus, assignetur terminus ad concludendum & ad sententiam diffinitivam proferendam, si liqueat: sic quod infra quadraginta dies, a tempore executione citationis sententia feratur, a qua nulla pars frivole appellet, nec Judex tales appellationes admittat. Et si Judex infra quadraginta dies, propter defectum vel negligentiam non fecerit complementum Justitie, vel frivolas exceptiones admittat, & de hoc coram suo ordinario convictus fuerit, sit ipse debitor principalis parti conquerenti. Et quod istud statuatur de presenti autoritate Concilii Provincialis.

88. Of the election of the Over-man in arbitrie.

ITEM, Ordinatum est super omnibus & singulis causis, infra Regnum, nunc pendentibus sub compromisso, si inter Clericos arbitri sint electi in pari numero, per diocesana Episcopum, de concilio sui capituli, dispar persona, partibus non suspecta, eligatur. Si vero inter Barones vel quoscunque alios laicos, extra burgum commorantes, tunc eligatur dispar persona neutri partium suspecta per Vicecomitem, infra cujus balliam partes compromittentes commorantur, de Concilio tamen Baronum, quos Vicecomes ille commodè pro tempore habere poterit, neutri partium suspectorum. Si autem inter Burgenses, seu alios habitantes infra burgos arbitri sint electi, tunc dispar persona non suspecta, per Præpositum & Concilium Burgi, infra quem partes inhabitant, eligatur. Ad negotia vero causas & lites futuras per arbitria terminandas, arbitri de cetero in dispari numero & non in pari eligantur. Arbitria autem aliter inita & facta, nullius sint roboris vel momenti.

89. That the cause of all Merchandes, deade out-with the Realme, be decided within.

ITEM, Eodem die Rex, ex deliberatione trium statuum in Parlamento congregatorum, decrevit, quod cause omnium Mercatorum & incolarum regni Scotiæ in Zelandia, Flandria, vel alibi extra regnum decedentium, qui se causa mercandiarum suarum, peregrinationis, vel aliqua quacunque causa (quomodo causa non morandi extra Regnum) se transulerunt, debent tractari coram suis ordinariis infra regnum, a quibus sua testamenta confirmantur, non obstante quod quedam ex bonis hujusmodi decedentium, tempore sui obitus fuerunt in Anglia, vel in partibus transmarinis.

90. The manslayer suld be persewed, until he be put forth of the Realme, or brocht againe to the place of the slaughter.

IN The first, quhair onie man beis slaine within the Realme, als weil within Regalitie as within Royaltie: and in Burrowes as to land, that incontinent without delay, als fast as the Schirreff beis certified thereof, outhir be the partie, or be onie utheris; he sall passe and persew the slayers ane or maa, and raise the Kingis horne on them, and raise incontinent the Countrie in his supporte, quhill he be over-tane. And gif he may be over-tane, he sall be put in sicker fastenance, quhill the Law be done on him: And that sall be done within

within fourtie daies at the farthest: and be it reid hand, it shall be done within that sun. And gif he escape out of that Schireffedome un-arrestit, the Schireffe shall write or send ane of his officiares to the Schireffe of that nixt Schireffedome, and certifie him of sik men, that hes done sik felonie against the King, and ar fugitive fra the Law, and then shall that Schireffe persew him or them out throuch his Schireffedome, in the famin maner, as the other did before, without delay. And swa fourth fra Schireffe to Schireffe, quhill he be over-tane, or put out of the Realm. And gif he happenis to flie in Regalitie, out of the Royaltie, the Schireffe shall certifie the Lord of Regalitie, or his Stewart or Baillie, the quhill shall persew the trespassour in like maner as the Schireffe, as is foresaid. And quhair ever he happenis to be takin, that Schireffe, Stewart or Baillie of the Regalitie, shall send him to the Schireffe or his Baillie of the nixt Schireffedome, the quhill shall receive him, and send him to the nixt Schireffe, and swa fourth fra Schireffe to Schireffe, quhill he be put to the Schireffe of the Schire, quhair the deede was done, and there shall the Law be ministrif to the partie, as is foresaid: And gif it be fore-thought felonie, he shall die therefore.

91. *He quha is fugitive for slaughter, shall be openlie proclaimed, and his receipters punished.*

AND Gif it happenis the man fugitive to escape throw diverse Schireffedomes, that Schireffe or Schireffes, that he hes escaped fra, shall passe to the chiefe Burgh of his Schireffedome, and there gar cry openlie and proclaim, that sik a man hes done to the King sik a felonie and trespass against his Majestie, and is fugitive fra the Law: and there forbid that na man house nor herberie him, receipt him, or give him support or helpe in onie degree, under the paine of life and gudes.

92. *Of slaughter in the Barronie.*

ITEM, Gif a man be slaine in the Barronie, the Barronie or his Officiares shall arrest him, and gif he be infect with sik freedome, he shall do the Law, as is before said, or else present him to the Schireffe or his Ministers: and escape he un-arrestit out of the Barronie, and afterward it may be knawin be ane assise, before the Justice or the Schireffe, that the Barronie might have arrestit him, and outhor for sleuth or favour let him passe unarrestit: The Barronie shall pay to the King twenty pundes. And he escape in the default of the Barronie, Serjant, or Baillie of the Barronie, they beand required or warned, if they be not of power to pay twentie pundes, they shall remaine in the Kingis prison, quhill they over-take the Kingis will thereupon.

93. *Of slaughter in Burgh.*

ITEM, In like maner shall the Officiares of the Burgh doe, gif onie man be slaine within Burgh, they shall take him gif he may be over-tane, and put in suretie, quhill the Judge may be warned, that hes power to do the Law, and gif the Aldermen and Baillies hes na power to do the Law, there the Judge havand power shall receive the trespassour, and minister the Law within the time foresaid.

94. *Of slaughter in Regalitie, and officers thereof.*

ITEM, It is statute, that gif ony Schireffe or Minister of Regalitie, that ministeris not the Law, as is before said, and that may be over-taken on him, outhor be an assise before the King or his Justice, or be witness of gud, worthy & trew men, that is to say, three or foure or five or maa, he shall be in the Kingis prison fourtie daies, and to pay the King fourtie pundes, and the croy to the next of the kin of the slaine man.

95. *Of the Lord of Regalitie, and Magistrates within Burgh negligent in their offices.*

ITEM, It is statute, that gif the Lord of Regalitie be warned, and executis not the Law, nor garris his Officiares execute it, as is before said, he shall be in like paine to the King, as is the Schireffe. And gif the Minister of the Regalitie faillis in the execution, as is before said, he shall be punished be the Lord of Regalitie, in maner as the Schireffe shall be punished be the King. And richtswa Aldermen and Baillies in Burgh, shall be punished be the Kingis Justice, gif they failzie in the execution of the Law, as is foresaid.

96. *Of inquisition of fore-thought-felonie, to be taken be an assise.*

ITEM, It is statute, that gif onie man barganis outhor in burgh or land, quhiddir that the partie pleinzie or not, that the officiares, that is to say, Alderman, Baillies, or the Serjandes in the absence of the Baillies, shall arrest baith the parties, and that famin day, gif it be before the Sun goe doune, and na halie-daie, shall give them the knowledge of ane assise, quhiddir it be fore-thought-felonie or suddainelie done. And gif it be suddainelie done, demaine them as the Law treatis of before, and gif it be fore-thought-felonie, his bodie to be put in prison, quhill he amend to the partie, be the sight of leill and trew men before the Schireffe, gif it be Royaltie: and richtswa before the Lord or his Baillies in the Regalitie, and before Alderman and Baillies in Burgh, he shall garre amendis bee maid after the quantitie of the trespass done to the partie, and demained syne as Law will.

97. *Of the Fugitive in fore-thought-fellonie, fra burgh to lande.*

BE The advise of the haill Parliament, it is statute & ordained, gif sik bargane happenis to be in Burgh, & be called fore-thought-fellonie, & the deed-doe eschape un-arrestit fra the Alderman and Officiares of the Towne, and flies the Law; but delaie the Alderman or Baillies fall write to the Schireffe or the Officiares to the Regalitie quhair he happenis to be receipt, & certifie them of his misdeede, and that he is fugitive fra the Law, and then fall they persew him as a fugitive, and send him againe quhair the deed was done, and to abyde the Law but delay, after as he hes maid default.

98. *Injurie or slaughter done be him, quha is friend to assured persones.*

ITEM, It is statute, that quhair two parties discordis, and after are put under Burrowes, ilk ane assured of uthers, and their purchase, after that anie of their friendes thinks, that thocht the principal parties be assured, hee is not assured, cummis and outhur hurtis or defoulis the partie that is contrary to his friend or slayis: And gif he slayis, he fall die therefore, and tyne all his gudes, as escheitte to the King, and gif he hurts or defoulis with fellonie assaillzie and with edge or vre, he fall remaine in prison but remeid, quhill assyth be maid to the partie, and amendis to the King, or to the Lord, that it belangs to, as effeiris.

99. *The Countrie men nocht assfist and the Schireffe suld be punished.*

ITEM, Gif it happenis the Schireffe, to persew fugitours with the Kingis horne, as is foresaid, and the Countrie rise not in his support, they, all, or parte, hearand the Kingis horne, or beand warned be the Maires, and followis not the out-horne, and that may be over-tane upon them be ane assise before the Schireffe, ilk Gentle-man fall paye to the King unforgiven fourtie shillings, and ilk zeaman twentie shillings.

100. *That Maires and Serjands have wandes and Hornes.*

ITEM, Fra thine forth, it is statute and obtained, that ilk Officiar of the Kingis, as Maire, or Kingis Serjand, and Barronne Serjand, fall not passe in the Countrie, nor Bartonne Serjand in the Barronie, but ane horne and his wand, and that fall be in this maner.

THE Kingis Officiar as is foresaid, fall have an horne, and ilk ane a read wande of three quarters of ane zairde lang at the leaste, and the Officiars of the Regalitie ane Wand of the samin length, th'ane end reade, th'other ende quhite, and ane horne quhair he passis within the Regalitie. The Barronne Serjand ane horne and a quhite wand of ane elne lang, the Serjand of the Burgh ane reade wand allanerlie, like the Kingis Officiar, and als oft as hee beis founden without his wand in the Burgh, hee fall paie aucht shillings unforgiven to the King: and there-attoure to abide challenged before the Chalmeriaine. And gif the Kings Serjand hes not horne and wand, as is foresaid, he fall be challenged before the Schireffe at the heade Courtes. And gif he be convict, he fall paie fourtie shillings to the King. And richtwa the Serjand of the Regalitie fall be challenged at three heade Courtes before the Lorde of the Regalitie. And gif he be convict, he fall paie till his Lorde fourtie shillings. And gif the Barronne Serjand defaultes, he fall be punished after the unlaw of the Barronne Courte. And that ilk Serjand be thus purwayed be xv. daies nixt after *White-fundaie* nixt to cum.

F I N I S.

IN PARLIAMENTO SEPTIMO

Vel CONCILIO GENERALI Illustrissimi Principis Domini JACOBI, Dei Gratia, Regis SCOTIÆ, rento apud PERTH, primo die Mensis Martii, Anno Domini Millesimo Quadringentesimo vicesimo septimo: *Et Regni Domini Regis vicesimo tertio, cum continuatione dierum & temporum, summonitis & vocatis more debito & solito, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, & Libere-tenentibus, qui de Domino nostro rege tenent in capite, & de quolibet Burgo certis Burgensibus, comparentibus omnibus illis qui debuerunt, voluerunt, & potuerunt commodè interesse, quibusdam vero absentibus, quorum aliqui legitime excusati fuerunt, aliis se contumaciter absentantibus, quorum nomina patent in Rotulis sectarum, quorum quilibet adjudicatus fuit in amerciamiento decem librarum, ob suam contumaciam.*

101. Of them, that hes Merchandice out of the Realme uncustomed,



IE Veneris, quinto mensis Martii supradicti: The King with consent of the three Estaies, statute and ordained, that they that hes out of the Realme merchandice, not payand the custome, outhir gold or silver, gif they be present or convict, or gif they be out of the Countrie, gif the King hes cleare document thereof, that without onie doome they be banished, and uthir paines maid against them, standand nevertheles in their force, out-takand them that is in hostage for the King in England, for quhais costage how it fall be maid, the King fall ordaine the maner.

102. That small Barronnes and free-halders needis not to come to Parliamentes:

ITEM, The King with consent of the haill Council, Generalie hes statute and ordained, that the small Barronnes and free-tennentes neid not to cum to Parliaments nor General Councils, swa that of ilk Schirefdome their be fend, chosen at the head Court of the Schirefdome, twa or maa wise men, after the largenes of the Schirefdome, out-tane the Schirefdomes of *Clakmannan* and *Kinross*, of the quhilkis ane be fende of ilk ane of them, the quhilk fall be called Commissares of the Schire, and be thir Commissares of all the Schires fall be chosen ane wise man and expert, called the commoun Speaker of the Parliament, the quhilk fall propone all and findrie needis and causes, pertaining to the commounes in the Parliament or General Council, the quhilkis Commissares fall have full and haill power of all the laif of the Schirefdome, under the witnessing of the Schireffis seale, with the seales of diverse Barronnes of the Schire, to heare, treat, and finallice to determine all causes to be proponed in Council or Parliament: The quhilkis Commissares and Speakers, fall have costage of them of ilk Schire, that awe compeirance in Parliament or Council, and of their rents, ilk pound fall be uthiris fallow to the contribution of the said costes. All Bishoppes, Abbottes, Priors, Dukes, Erles, Lordes of Parliament, and Ban-rentes, the quhilkis the King will be received and Summound to Council and Parliament, be his special precept.

103. The price of ilk workmanshippe.

ITEM, It is statute and ordained, that men of craftes within Burrowes, fall have for azeir to cum, of Ieverie craft a Wardane, chosen be the Council of the Burgh: The quhilk Wardane with Council of uthir discreete men unsuspected, assigned till him be the said Council, fall examine and prife the mater and the workman-shippe of ilk craft, and set it to a certaine price, the quhilk gif onie breakis, the said Wardane fall punish the breakers in certaine paine, quhom gif he punish nor, the Alderman, Baillies and Council of the Burgh, fall punish them in certaine paine: quhom gif they punish nor, the King fall have a certaine paine of that Burgh. The paine of the breakers of the price fall be escheit of the samin thing, of the quhilk the prife beis broken of, to be applyed th'ane half to the Wardane of that Crafte, and th'other half to the commoun woorke of that Burgh, quhair it beis seene maist expedient. The paine of the prifer gif he be negligent and punish nor, fall be in the unlay of the Burrow Courte, als oft as hee beis convict culpable and faultie, fall be applyed for the half to the commoun purse of the Toune, and for th'other half, quhair it beis maist expedient, to the wark of the Toune. The paine of the Alderman, Baillies and Council of the Burgh, that beis negligent in the punishing of the said Wardan, als oft as they default, fall be in ten pund to the King, and fall be raised after that they be challenged and convict be the Chalmerslaine and his deputes in the Chalmerslaine air, ance in the zeir. The quhilk ordinance fall be extended to Masones, Wrichtes, Smithes, Tailzeoures, Wobstares, and all uthers in likewise generallic, quhais fees and handling fall be pryfed, as is before

before said. And attoure to Landwart in Schireffedomes ilk Barronne fall garre prife in their Barronnies and punish the trespassours, as the Wardane dois in the Burrowes, and gif the Barronne dois not, the Schireffe fall punish the Barronne, and gif the Schireffe dois not, they fall bee in amercement to the King, as the Alderman, Baillies, and Councell in Burrowes, and the Alderman Baillies and Councell in Burrowes fall inquire ilk moneth at the least, gif the Wardenis of the craftes price weil, and punish the trespassours: and gif onie man complainis of over greate price, or of he breaking of the price, maid or, set to the Aldermen, Baillies, and Councell: that they punish the breakers of the price, and garre the partie complainand be assyithed, under the paine foresaid.

104. *Of Beggars.*

ITEM, The King hes statute, with consent of his hail Parliament and Councell, and eiked to the statutes maid in his Parliament of Beggars: that in Burrowes, the Chalmerlaine in his air ilk zeir fall inquire, gif the Aldermen and Baillies have keeped the statute: And gif they have broken it, they fall be in fourtie shillings to the King.

105. *The Woolfe and Woolfe-birdes, shuld be slaine.*

ITEM, It is statute and ordained be the King, with consent of his hail Councell, that ilk Barronne with in his Barronnie in gangand time of the zeir, chafe and seeke the quhelpes of the *Woolfes*, and gar slaie them, And the Barronne fall give to the man that slayis the *Woolfe* in his Barronnie, and bringis the Barronne the heade, twa shillings. And quhen the Barronnes ordainis to hunt and chafe the *Woolfe*, the tenentes fall rise with the Barronne, under the paine of ane Wedder of ilk man, not risand with the Barronne. And that the Barronnes hunt in their Barronnies and chafe foure times in the zeir, and als oft, as onie *Woolfe* beis feene within the Barronnie. And that na man seeke the *Woolfe* with schot, but allanerlie in the times of hunting of them.

106. *Auent Lipper folke.*

ITEM, That na Lipper folke, nouthen man nor woman, enter not cum in an Burgh of the Realme, bot thrife in the oulk, that is to saie, *Mondaye, Wednesdaye, and Fridaie*, fra ten houres, to twa after noone; And quhair Faires and Mereattes tallis on thay dayis, that they leave their entrie in the Burrowes, and gang on the morne to get their living.

ITEM, That na Lipper folke fit to thig, nouthen in Kirk nor in Kirke-zaird, nor uther place within the Burrowes, bot at their awin Hospital, and at the Porte of the Towne, and uther places out-with the Burrowes.

ITEM, That the Bishoppes, Officialles, and Deanes inquire diligentlie in their visitation of ilk Paroche Kirk, gif onie he smitted with Lipper. And gif ony sik be foundin, that they be delivered to the King, gif they be secularles: And gif they be Clerkes to their Bishoppes. And that the Burgesse gar keepe this statute, under the paine contained in the statute of Beggeres. And quhair Leprous that keepis not this statute, that he be banished for ever off that Burgh, quhair he disobeis, and in likewise to Landwart.

107. *Auent the passage of Clerkes out of the Realme, and of Barratrie.*

ITEM, It is statute and ordained, that na Clerkes, religious nor secularles, passe out of the Realme, bot gif he cum to his ordinar first, or then to the Chancellar of the Realme, and schaw to them gude and honest cause of his passage, and mak faith to them, that he do na barratrie and have his letters of licence and witnessing thereupon. And gif onie dois the contrarie, or makis barratrie, fra it be kend with sufficient and gude document, that he underly the statute maid against them that hes money out of the Realme. And that this statute be not allanerly extended to them, that dois barratrie in time to cum; bot als to them out-with the Realme now, that beis convict of barratrie. And als the King forbiddis, that onie of his Lieges send onie expenses till ony barratour, that is now out-with the Realme, or give them helpe or favour, in quhat degree that ever they attaine to, quhill they cum hame in the Realme, under the paine of breaking of the act of Parliament.

108. *That nane interpret the Kingis statutes wrangeouslie.*

ITEM, The King of deliverance of Councell, be maner of statute forbiddis, that na man interpret his statutes urtherwaies, then the statutes bearis, and to the intrent and effect, that they were maid for, and as the maker of them understode: And quha fa dois the contrarie, fall be punished at the Kingis will.

109. *Wilde fowles forbidden to be taken.*

ITEM, That na Partrick, plovers, black-cockes, gray-hennes, na mure-cockes, nor sik fowles be tane with na maner of instruments, fra the beginning of Lenton, quhill *August*, under the paine of fourtie shillings. And that indictment passe thereupon be the Justice Clerke.

IN PARLIAMENTO OCTAVO

Vel CONCILIO GENERALI Illustrissimi Principis JACOBI, Dei Gratia Regis SCOTIÆ, Tento Apud PERTH, & inchoato, ratificato & approbato, tanquam sufficienter & debite præmunito, per tres Regni status, duodecimo die Mensis Julij, Anno Domini, Millesimo, Quadringentesimo, vicesimo octavo, cum continuatione dierum & temporum, summonitis & vocatis, debito modo & more solito, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, & omnibus libere-tenentibus, qui tenent in capite, de dicto Domino nostro Rege, & de quolibet Burgo regni certis Burgenfibus, comparentibus omnibus illis, qui debuerunt, voluerunt, & potuerunt interesse, quibuscumque vero absentibus, quorum quidam fuerunt legitime excusati, aliis per contumaciam se absentantibus, quorum nomina patent in rotulis sectarum, quorum quilibet adjudicatus fuit in amerciamento decem librarum, ob ejus contumaciam.

110. Of the aith to be maid to the Queene, be the Clergie and the Barronnes.



VO Die Dominus Rex, ex deliberatione & consensu totius Concilij, statuit, quod omnes & singuli successores Prælatorum Regni quorumcunque, necnon omnes & singuli hæreses futuri Comitum, Baronum, omniumque Libere tenentium Domini Regis; teneantur facere constabile juramentum Domine nostre Regine. Nec ullus Prælatum de cetero admittatur ad suam temporalitatem, aut hæres cujusvis tenentis Domini Regis ad suas tenendas, nisi prius præstet Regine illud juramentum.

111. Anent fugitours fra the King or his Lieu-tennent.

QVO Die consensum fuit & statutum quod omnes & singuli fugientes a Rege, vel alio quocunque ejus locum tenente, puniantur sicut rebelles publici, & notorii.

F I N I S.

T H E N I N T H P A R L I A M E N T O F K I N G J A M E S T H E F I R S T,

Halden at Perth, the sext daie of March, the zeir of God, ane thousand, foure hundredth, twentie nine zeires.

112. Of Maires of see, their offices, attachementes and election.



N the First of the power of the summonder, It is statute and ordained, that a Maire of see, quhiddir hee bee Maire of the Schireffedome, or of parte, sall have power to present ane sufficient person or persones, and able to the Schireffe in Courte to be Deputes under him, quhilkis sall be sworne in the plaine Courte to the saide Office, and admitted be the Schireffe, and given the wand. He sall schaw nane other power in his attachementes, nor in his summondes making, bot allanerly the precept of his over-man, the quhilk commandis him to make the summondes. And swa ay till indure and minister in the said office, quhill his power be lauchfully revoked in Court be his Ordinar. And swa in the Schireffedomes quhair there is Maires of see in a warde, and not in anie other, the Schireffe sall choose sufficient

and able persones, ane or maa, after as the custome of the Schireffedome is, the quhilk sall be chosen be him, with the consent of the members of the Courte, and sworne in Courte and admitted, and minister all thinges pertenant to the said office.

113. *Of the execution of Summoundes, and verification thereof.*

ITEM, It is statute, that the summonder fall summond, & make his rehearse in courte, quihidder he likis the writ or tounge, keeping the sex termes of Summoundes: Swa that he have sufficient witnesse of diverse Barronies, as is contained in the Lawe, the quihikis fall sweare in Court, that they bystude, saw and hearde, and for witnesse were tane, quhair that Summoundour maid the Summoundes, in maner and forme, as is contained in that writ, and he fall have freedome to reade the Summoundes, or gar reade them gif he cannot, but onie exception.

114. *Auent exceptiones and substantial beades of the Brieve.*

ITEM, It is statute and ordained, that fra thine furth their fall nane exception avale against the Kingis brieves, quihidder they be lang written or schort, swa that they halde the forme of the brieve, statute in the Law of before, congruit and not raised, nor blobbed in suspect places, that is to say, in the name and the surname of the follower, & of the defender, and the name of the land, or of the cause, upon the quihik the brieve was purchased, and the daie.

115. *Of effonzies to be maid in Court.*

ITEM, It is statute and ordained, that there fall be nane Effonzecour admitted in courte, but gif he have a power specified for that cause, for him that he effonzies, and finde Burrowes to prove his effonzie, at the next court, as the Law requiris. And nane effonzies to be admitted in court, bot the effonzies statute and written in the Law of before, or gif a pure man fall suddenlie seik, twa leill men, his Nichtboure, or his Paroch Priest fall sweare it, and that to be admitted for that daie.

116. *Auent a Borgh to be founden in court.*

ITEM, It is statute and ordained, that quhair a Borgh is founden in a Court, upon a weir of Law, that the partie defender, as to that Borgh, fall have freedome to be advised, and ask leave thereto, and fall have leave and quihidder he will be advised within Courte or without Courte, findand Borrowes of his entrie, and his answer within the houre of cause, at the consideration of the Judge and the Court.

117. *Of the doomes falsing.*

ITEM, It is statute and ordained, that quha sa will fals doome, fall not remooove out of the place he stands in, quhen the doome is given, nor zit be advised with na man, quihill the doome be againe called, and that fall be that a man may gang easely fourtie paise, & to be considered after the consideration of the Judge and the courte, and gif it be againe called, be ane Advocate of the partie, hee beand admitted anis to speake for that partie in the Courte be name and surname, it fall not neede him to rehearse his awin name, nor the Dempstaris in the doome falsing, bot allanedic to say, **THAT DOOME IS FALS, STINKAND, AND ROTTEN IN THE SELFE, AND THEIRTO A BORGH,** and assigne a reason, protestand for maa.

118. *He quba reconteris aue Borgh, and absentis himselfe thereafter, tynis his action.*

ITEM, It is statute and ordained, that quhair two parties appearis at the Barre, and the tane stryke a Borgh upon a weir of Law, th'other partie fall have leave to be advised, gif he will aske it, quihidder he will reconter it or not, as is foresaid: and gif he reconters the Borgh, and strenthins it with reasones, hee and his partie be remoooved the Court. And gif it happenis them baith, or ane, till absent them, and cum not againe to the doome giving of the decreet, quha sa at the doome giving, cummis not againe, fall remaine in ane unlaw of the Court, and tynce the action, for the quihik the Borgh was foundin, and the reconter never to be harde nor have remeid to againe say that doome.

119. *Auent the persones that fall weare claithes of Silke and Furringes.*

ITEM, It is statute, that na man fall weare claithes of Silk, nor Furrings of Martrickes, Funzies, Purry, nor greate nor richer furring, bot allanerlie Knichtes and Lordes of twa hundreth markes at the least of zeirlie rent, and their eldest Sonnes and their aires, but special leave of the King, asked and obtained. And none uther were broderie, Pearle, nor Bulzeone, bot array them at their awin list in all uther honest arraiments, as serpes, beltes, broches, and cheinzies.

120. *Auent the persones that fall be haill barnished and weill horsed.*

BE The advise of the haill Parliament it is statute and ordained, that ilk man that may dispand zeirlie twentie pund, or an hundreth pund in movable gudes, that he be weill horsed, and haill barnished, as

Gentle-

Gentlemen aucht to be: And utheris semplar of tenne pounde of rent, or fiftie pundes in gudes, have hat, gorget, and a pefane with wambraferis and reirbraffers, and glooves of plate, breast-plate, pans, and leg splents at the least, or gif him likis better.

121. *Anent the gratheing of Zeamen for weire.*

ITEM, That ilk Zeaman, that is of twentie pound in gudes have a gud doublet of fense, or ane habit-geon, an iron hat, with bow, schais, sword, buckler, and knife, and the Zeaman, that is na archer, nor cannot draw a bow, sall have a gude fuir Hat for his head, and a doublet of fense, with sworde and buckler, and a gude axe, or else a brogged staffe.

122. *That ever-ilk Barronne within himselfe ordaine his men to be graithed, as is before written.*

ITEM, It is statute and ordained, that ilk Barronne within himselfe sall see and ordaine his men to be bodin, as is before written. And gif he dois not this betuixr this and *Martine-mes*, the Schireffe sall raise of ilk Zeaman then not bodin, as is foresaid, a wedder: and of ilke Gentleman, twa wedders, sa that they be warned of fourtie daies warning at the first time: and at the nixt time of fiftene daies warning, of ilk Zeaman not bodin, twa wedders, and of ilk Gentleman four wedders: and at the thrid time of fiftene daies warning of the Zeaman three wedders, and of ilk Gentleman a Mairt, and swa furth fra fiftene daies to fiftene; quhill they be anis lauchfully bodin, as effeins.

123. *Of ilk Burgesse man havand fiftie pundes in gudes.*

ITEM, It is ordained, that ilk Burges havand fiftie pundes in gudes sall be hail anarmed, as a Gentleman aucht to be: And the Zeaman of lower degree, and Burgeses of twentie pundes in guds sall be bodin with hat, doublet, or habigeon, sword and buckler, bow, schais, and knife: And that hee that is na bow-man, have a gude axe and sure weapons, as is foresaid: And that the Baillies sall raise the paine hereof in Burgh, gif it beis not kepted: that is to say, of ilk harnished man four shillings at the first, aucht shillings at the nixt, a marke at the thrid daie, ay fourth quhill he be weil anarmed: And of ilk Zeaman twa shillings at the first, foure shillings at the nixt, and aucht shillings at the thrid, and swa fourth, quhill he be weil anarmed.

124. *Anent shippes that breakis in this Reakme.*

ITEM, It is statute and ordained, that Schippes that breakis in this Countrie, the Schippe and the gudes sall be escheit to the King, gif they be of thay Countries, the quhillkis usis and keipis the samin law of broken Schippes in their awin lande, and gif they be Schippes of onie land that keipis not that law, they sall have the samin favour here, as they keepe to Schippes of this land broken within them.

125. *That Advocates and Fore-speakeres in temporal Courts sall sweare.*

THROW the consent of the hail Parliament it is statute and ordained, that Advocates and Fore-speakers in Temporal Courtes, and alswa the parties that they pleade for, gif they be present; in all causes that they pleade, in the beginning or he be heard in the cause, he sall sweare, that the cause he trowis is gud and leill, that he sall pleade. And gif the principal partie be absent, the Advocate sall sweare in the faule of him, after as is contained in thir meters.

*Illud juretur, quod lis sibi justa videtur.
Et si quaeretur verum, non inficietur.
Nil promittetur, nec falsa probatio detur.
Ut lis tardetur, dilatio nulla petetur.*

126. *Barronnes and Lordes havand landes on the West Sea, and on the North, suld have Galayes.*

ITEM, It is statute and ordained, that all Barronnes and Lordes havand lands and Lord-shippes heir the; sca in the *West*, and on the *North* parts and namelie for anent the Iles, that they have Galayes, rhat is to say, ilk foure markes worth of lande ane aire. And that this till understande of them, that are not seft before of Galayes. For they that are seft before sall keepe and uphalde the Galayes, that they are seft of before, and halden to susteine be their aulde infestment. And that the saids Galayes bee maid and reparrell be *Maij* cum a twelfe-moneth, under the paine of ane marke to be raised to the Kingis use of ilk air. And the landes and Lord-shippes, quhat ever they be, strikand endlang the coast syde, and inward in the land; sex mile fall contribute to the reparation and the sustentation of the saids Galayes.

127. *Of the nature of the brieve of inqueist and faising.*

ITEM, It is ordained, that the samin statute maid upon the proclamation of the inqueist be kept upon the brieve of faising: that is to say; gif the brieve be presented to the Schireffe or Baillies in the head court, that it be served incontinent. And gif it be presented on ane uther daie our-with the court, that it be cryed on fiftene daies warning. And gif it be neir *Whitsunday* or *Martine-mes*, the faising shall be given; and the partie contrare shall be privileged to break faising of fee and heritage fiftene daies after, and of the conquest fourtie daies after that cause; so that the breaker be in faising of before.

128. *All persons remainand in England, without the Kingis leave, committis treason.*

ITEM, It is statute, that gif onie of the Kingis lieges passis in *England*, and residis and remainis there, against the Kings will, he shall be halden as traitoure to the King.

129. *Of sovertie asked be onie partie of others.*

ITEM, It is statute and ordained, that gif onie of the Kingis lieges hes any doubt of the life, outhier be deed or mannanche, or violent presumption, and he ask sovertie of the partie, that the plaint is maid upon, so that the partie plantife mak prouf of the deed, or mannanche, or of the violent presumption maid or done till him be his aith, or uther sufficient proufe, and the Schireffe do not that effeiris till his office in that case, he shall be in fourtie pund to the King, and assyth the partie.

130. *Free-holders or their Attourneyes suld be present at the Schireffes head Courtes.*

ITEM, It is statute and ordained, upon the serving of inqueistes and Retoures againe to the Kingis Chappell, that all Free-holders dwelland within ony Schireffedomes; compeir at ille head Courtes, in their proper persones with their seales: Bot gif it happen them to be absent upon a reasonable cause. And gif onie be absent in that case, that he sende for him a sufficient Gentle-man, his Attourney, with the seale of his Armes; and swa in Schireffe-courtes set upon fiftene daies warning. And gif it happenis that the Court be waik, and not sufficient in the Ryall within the Schireffedome, the Gentles of the Regalties shall compeir at the warning of the Schireffe, without prejudice of the Regalitie, and enforce the court. And they that ancht compeirance, and compeiris not, shall be in ane unlaw of the Court.

131. *Salmond fishing is forbidden except in Solway and Tweede.*

ITEM, It is ordained, that the statute of fishing of Salmond, maid be the King that now is, and the three Estaites, be firmestie kepted, ay foorth, quhill it be revoked be the King and the three Estaites of the Parliament, our-takand the waters of *Solway* and *Tweede*, quhilkis shall be reddie to all *Scottis-men* all times of the zeir, als lang as *Berwick* and *Roxburgh* ar in the *Englissh* mennis handes.

F I N I S.

T H E T E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E F I R S T.

Halden at Pêrth; the fifteenth of October. 1431.

132. *Anent the selling of Salmond out of the Realme.*



HE King and the hail Parliament hes statute and ordained, that na Salmond be sauld, nor bartoured with ony man that hes his our of the Realme, bot for *English* money allanerlie, gold, or silver for thairne halfe, and *Gascogne* Wine, or six gude penne-worthie for the other half.

133. *That the Governour of the Realme induring his time, might not annaillan landes, that fell to the Crowne.*

ITEM, The said daie it was decreet be the three Estates in plaine Parliament, that the Governour of the Realme, induring the time of his Governace, nicht not give fra the Crowne na landes; nor annaill that fell to the Crowne; throw the decease of ony Ballarides, And therefore the gift and the infeftments maid till ADAM KER of the landes of *Zetthume* was of nane availe.

F I N I S.

T H E E L L E V E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E F I R S T.

Halden at Striviling, the second daie of March. 1433.

134. *Anent the breaking of the Kingis protection.*



ITEM, As touching the breaking of the brieve of the Kingis Protection, it is seene speedeful be the Lordes assembled at *Striviling* at this time, that what person, that hes the Kingis Protection, and it bee broken on him, fra hee have compleinzie to the Schireffe, the Schireffe fall sumounde the partie upon fourtie daies warning, to compeir before him at the nixt heade Courte to answere to his partie, anent the breaking of the Kingis Protection. And quhider he appeare or not, to garre it be knawin be an assise, gif the Kingis Protection be broken. And gif it be founden, that he hes broken the Kingis Protection, he fall be in the Kingis unlaw in ten pund, and assyith the partie, as law will, notwithstanding ony law or statutes maid of before.

F I N I S.

THE TWELFTH
PARLIAMENT
OF

KING JAMES THE FIRST.

Halden at Perth the tenth daie of Januarie, the zeir of God, ane thousand, foure hundreth thirettie foure zeirs.

135. Of the foresaultour of the Erlédome of Marche.



ITEM, Die Martis, videlicet undecimo die Mensis & anni prædictorum, in prædicto Parlamento præfati excellentissimi Principis, tento apud Perth, ut supra, super jure tam proprietatis quam possessionis omnium & singularum terrarum Comitatus de Marche, & Domini de Dumbar, Procuratoribus & præcutoribus dicti excellentissimi Principis & Domini nostri Actoris ab una prosequentis, necnon procuratore D. Georgii de Dumbar militis, rei & defendentis, partibus ab altera, ipsorumque allegationibus, juribus & rationibus attentis, ad plenum consideratis & discussis, dictique Dom. Georgio & ejus præcutorè remotis postea revocatis & reintratis, per tres status Regni in dicto Parlamento presentes & existentes, diligenti examinatione & matura deliberatione præhabitis, concorditer fuit decretum, ac per os David Dempster judicatoris Parlamenti sententialiter judicatum, quod ratione forisfacturæ Dom. Georgii de Dumbar quondam Comitæ Marchiæ & Dom. de Dumbar omne jus tam proprietatis quam possessionis omnium & singularum terrarum comitatus Marchiæ, & Domini de Dumbar, aliarumque terrarum quas de dicto Dom. nostro Rege tenuit in capite, cum omnibus & singulis suis pertinentiis, fuisse, spectasse & pertinuisse, ac esse, spectare & pertinere debere, tam in possessorio, quam in petitorio ad Dominum nostrum Regem supradictum.

136. Of letters of fidelitie promitted to our Ladie the Queene.

ITEM, Eodem die Mensis & anni supradictorum, omnes Domini de Parlamento, tam Ecclesiastici, quam Seculares, ac etiam Burgorum Commissarii, promiserunt dare literas suas retinentie & fidelitatis Domine nostre Regine.

F I N I S.

THE THRITEENTH
PARLIAMENT
Or GENERAL COUNCELL of
KING JAMES THE FIRST,

*Halden at Edinburgh, the twentie twa daie of October, the zeir of God, ane thousand,
foure hundredeth, thirtie sex zeires.*

137. *Of Thieffs-bute.*



ITEM, It is statute and ordained be the King, with consent of the three Estaites, that nouthir Lord of Regalitie, Schireffe, Barronne, nor utheris, sell onie thiefe, or fine with him of thiefdome done, nor to be done, under the paine to the Lords of the Regalitie, doand the contrarie, of tinfell of the Regalities, and Barronnes, Justices and Schireffes of life and gudes. Saifand that this statute fall not strike to Bordourers dwelling on the Marches, but for thiefto be done, after the making of this statute. And this statute induring the Kingis will.

138. *That assifors suld sweare.*

ITEM, It is statute and ordained, that all Judges fall garte the assifours swear in the making of their iath, quhen they are charged to assifes, that they nouthir have tane, nor fall take meede nor buddes of ony partie: And gif onie sik be given, or hechi: or onie prayer maid before the giving out of the declaration and determination of the assifours: the said assifours fall openly reveale the buddes, gifts of prayers, and the quantitie and maner thereof to the Judge in plaine Court.

139. *Of arreistment to be made be the Crowner.*

ITEM, It is ordained, that all Crowners fall arreist at all time, alsweill before the erie of the Aite, as after, all them that fall be given to him in portuous bee the Justice Clerke, and nane utheris.

140. *Trespaffours may be accused at the Kingis instance allanerly.*

ITEM, It is ordained, that all Maires and Serjandes arreist at the Schireffis bidding, albeit that na partie follower be, all trespaffours: and that the said Schireffe follow the saids trespaffoutes in the Kings name, gif na partie follower appears.

141. *Assurance with English-men is treason.*

ITEM, It is ordained, that na man be assured of *English-men*, nor take protections of them for landes or gudes, bot allanerly the Wardens, quhilkis fall have leave given by the King, under the paine of treason.

142. *Justice suld be done upon thieves in all haste.*

ITEM, It is ordained for mair stanching of thieft and trespaffe, that suppose a thiefe byde twa Sunnes, Ithree or foure, or maa, after he be attached, he fall not have freedome to abide fourtie dayes, bur he fall be judged als soone, as a courtte may be set therefore.

143. *Of in-bringing of Bulzeon.*

ITEM, It is ordained, that of ilk sack of wooll, that fall passe out of *Scotlande*, and the *Scottis* Merchande gif he failis therewith, or the *Scottis* Merchande that selles it to strangers, fall finde sicker sovertie to the Customers of the Portes, quhair the Schippes sailis, to bring hame in *Scotlande* to the Maister of the Kingis cuinzie, three ounce of Bulzeon, and of a last of hydes as meikle, as of the three sacks of wooll. And of five *Hamburgh* barrells alsmeikle, as of a sack of wooll. And of uther gudes, that awe na custome, or awe custome, after the fraucht of the Serplaith: that is to say, it that payis a Serplaith in fraucht, fall bring three ounce of Builzeon hame, under the paine of tinfel of alsmeikle Builzeon, as they suld bring hame to be applied to the King. And the customers of ilk Burgh fall write all maner of gudes, that enters to schip-buird for the seaching of knowledg heirof.

G

144. *That*

144. *That nane be foundin in Tavernes after nine houres.*

ITEM, It is ordained, that na man in Burgh be foundin in Tavernes of wine, aill or beir, after the straike of nine houres, and the bell, that fall be rung in, in the said Burgh. The quhilkis founden, the Alderman and Baillies fall put them in the Kingis prision: The quhilk gif they do not, they fall pay for ilk time, that they be foundin culpabill before the Chalmerlane fyftie schillinges.

145. *Byeing and selling of English guds.*

ITEM, It is ordained, that na man under the paine of escheit bye ony *English* claith or uther gudes, within the Kinrik of *Scotland* fra *English-men*, or without. And that na *English-man* havand conduct, bring in and sell, or change onie *English* gudes, bot gif thay gudes be specified, and leave given in his safe conduct, saifand in paymeat of ranfome of *English-men*.

146. *Tutiching the selling of Salmond till English-men.*

ITEM, It is ordained, that na *Scottis-man* sell to *English-men*, or in *England* before hand, or utherwaies ony Salmond, bot that *English-men* bye them in *Scotland* for *English* gold, and none uther contentation. And gif the *English-men* will not bye them, the *Scottes* merchandes may send them in *Flaunders* or uther places, quhair them thinkis: swa that of na wise they nouthir sende them nor sell them in *England*, under the paine of escheit. And for the gude of the Merchandes, the King will grant conduct till all them that will cum and bye Salmond in *Scotland*.

147. *That nane bye wine fra Fleminges of the Dam.*

ITEM, It is statute and ordained, that na man of *Scotland* bye at *Flemminges* of the *Dam* in *Scotland*, onie kinde of wine, under the paine of escheit their of.

148. *That the Law be balden, quhair the trespassse is done.*

ITEM, It is statute and ordained, that for seven zeires to cum the Kings Justice of baith the fyds of the water of *Forth*, and als the Schireffes for trespassse done out-with Regalities and Burrowes, the said Justice and Schireffes fall hald the Law, quhair the trespassse was done, and nouthir defer to Burrowes nor Regalities therein.

149. *That nane have out of Scotland Gold, Silver, nor Jewels.*

ITEM, That nane have out of *Scotland* Gold, Silver, nor Jewels cuinzeit, nor un-cuinzeit, under the paine of escheit.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES and utbers, maid be KING JAMES the First, quibilkis are nocht prented,

In his first Parliament, the twentie sex of May, 1424.

Of Finance to be maid for the Kingis costage in England.
Of the maner of Taxation to be maid within the Realme.
Ane complaint upon purchassing of Pensiones.

Second Parliament, twelfth of March, 1424.

Anent the ordinance of Processiones.

Thrid Parliament, elleventh of March, 1425.

Anent the schawing of Chartoures and infestimentes.
Of Prayer and Proceßion to be maid for the King and the Queene by the Clergie.
Anent meafures.
Anent sitting of Session.

Seventh Parliament, first of March, 1427.

Of Cruwes and waters.
The leave to Merchandes to sure their gudes.

Tenth Parliament. 15. of October, 1431.

For resßting of rebelloures in the North.

Elleventh Parliament. 2. of March. 1433.

Of the Brieve de aqua ductu.
Of mandementes to execute the attes of Parliament.
That the Law be balden where the trespasse is done.

F I N I S.





IACOBVS. II REX SCOTORVM.



T H E F I R S T
P A R L I A M E N T
O F
K I N G J A M E S T H E S E C O N D,

*Halden at Edinburgh the XX. Day of March, The Zeir of God, Ane thousand, foure hundredth,
threttie seven zeiris: And of his Reign the first zeir.*

1. Of the Coronation of our Sovereine Lord.



VO Die comparentibus tribus Regni statibus apud EDINBURGH, omnes Comites, Nobiles, & Barones, ac Libere-tenentes dicti Regni, venientes ad castrum de EDINBURGH, prefatum Dominum nostrum Regem, cum maximo applausu & apparatu, ad laudem Dei & letitiam totius populi ad Monasterium Sanctae Crucis de EDINBURGH, pro Corona Regni Scotiae ibidem suscipienda solenniter producerunt. Cetera autem praesentis Parliamenti sunt in certis actis tangentibus partes.

2. Revocation of landes, possessiones, and moveable gudes:
Alienation of the Kingis Landes.

THE Haill three Estaites of the Realme, sittand in plane Parliament, That is to say, the Clergie, Barronnes, and Commissiouners of Burrowes be ane assent, nane discrepand, weill advised and delivered, hes revoked all alienations, alsweill of landes and of possessiones, as of moveable gudes, that were in his Fathers possession, whome God assoilzie, the time of his decease, given and maid without the advise and consent of the three Estaites. And hes ordained, that ane inventar be maid of all the gudes in to depois belangand to the King by them, that beste knawis the gudes: And that this inventar be keiped to the Kingis age. And hes ordained be maner of statute, that na landes nor possessiones pertaining to the King, be given or granted till onie man, without the advise and consent of the three Estaites of the Realme, unto the time of his age of xxj. zeires. And gif it happenis ony sik alienationes to be maid in prejudice or hindring of the Crowne, that it be of na value, force nor effect.

F I N I S.

H

THE

T H E S E C O N D
P A R L I A M E N T

Or COUNCELL, of

KING JAMES THE SECOND,

*Halden at Striviling, the XIII. daie of the Moneth of March, the zeir of God, ane thousand,
four hundreth, threttie aucht zeires.*

3. *Ancient Rebelloures and unreasonable men, being receipt and halden within Castelles.*



ITEM, It is statute and ordained, that quhair there is ony rebelloures or unrulie men within Castelles or fortalices halden or receipt, or quhair there be ony presumption violent of rebellion, or spoilling of the Countrie: it is advised and ordained, that the Lieu-tenant raise the countrie, and passe to sik houses, and arreist their persones, quhairsumever they be, to the Law, and take sovertie of thay persones, being within thay houses, that the Countrie and all the Kingis lieges be unharmd and unskairthd of the saids houses, and of them that inhabitis them, fra thine foorth. And gif onie makis difficultie to be arreistd and finde sovertie, aslaw will, they fall be streinzid thereto,

F I N I S.

T H E T H I R D
P A R L I A M E N T

Or COUNCELL GENERALL of

KING JAMES THE SECOND,

*Halden at Striviling, the second daie of the Moneth of August, the zeir of God, ane thousand
four hundreth, and fourtie zeires.*

4. *Kirk-men suld not be troublid in their bodies nor gudes.*



THE Frydaie the fift daie of the Moneth, and zeir before writen: The haill three Estaites nane dissentand, hes ordained, that halie Kirke be kept in freedome, and na-man vexe Kirk-men in their persones nor gudes, under all charge, that they may in-rin against God and our Sovereine Lorde the Kingis Majestie.

5. *Justice aires suld be halden twise in the zeir.*

ITEM, The famin daie the haill three Estaites hes ordained, that the Justices on the South side of the *Scottis* Sea, set their Justice aires, and hald them twise in the zeir, and alsua on the North side of the *Scottis* Sea, as auld use and custome is. And richtswa Lordes of Regalities within their Regalities, & alsua the Kingis Baillies of his Regalities. And that the King himselfe, quhill Justice be anis halden in the Realme, be in ilk Tounne, quhair the aire fall be halden, or neir theiry, quhair his Councel thinkis it speid full.

6. *Of remeid and punition of divers crymes.*

ITEM, The three Estaites hes concluded the said daie, that our Sovereine Lord the King ride throw all the Realme incontinent after their be send word to his Councel, quhair onie rebellion, slaughter, burning, reue,

reife, forfalt, or theft, happenis: and there to call the Schireffe of the Schire quhair the rthing beis done before him, and or the King depart our of that Schire, to set remeid of sik harmes done, or gif onie sik fall happen to be done, quhidder the default be in the Officiares, or in the doers, ro be punished be the King. The quhilk conclusion and ordinance, all the Barronnes of common assent and consent are obliged till assist, baith with their power in bodies and gudes, als oft as fall be seene speedeful, be advise of the Council, for the gude and availle of the Realme, and the common profite.

F I N I S.

T H E F O U R T H
P A R L I A M E N T
Or G E N E R A L L C O U N C E L L of
K I N G J A M E S T H E S E C O N D.

Halden at Striviling, the fourth daie of November, the zeir of God, ane thousand foure hundredeth, fourtie three zeirs.

7. *Aneut troublers of Halie Kirk: and cursed persones.*



THE Kinge and the three Estaites hes statute and ordained, that the statute of halie Kirk, that is oppressed and hurte, be kepted, belawe of halie Kirke, and actes and statutes made of before time in Generall Councell and Parliament. And that general proceffe be maid in forme, and general cursing against all the breakers of the said freedome, and als against particular or singular persones be censure of halie Kirk. And that ilk place assist till uthers processe. And that na persones, the quhilkis ar notour spuilzieours, distroublers, or invafours of halie Kirk, nor nane against quhome the Proces beis led of cursing: be received in the Kingis Castelle or Palace, or in his presence, nor admitted to Councell nor Parliament, heard nor answered in the law of judgement of fee and heritage, or uthir causes, bot ever eschewed as cursed, unto the time the said persones cum to amendis, and assyir the partie, & obtaine absolution in forme of law.

F I N I S.

T H E F I F T H
P A R L I A M E N T
O F
K I N G J A M E S T H E S E C O N D.

Halden at Edinburgh, the zeir of God, ane thousand, foure hundredeth, fourtie nine zeires: And of his Reigne the threttenth zeire.

8. *The punition of the slauchter of Salmond.*



ITEM, It is ordained, that quha sa beis convict of slauchter of Salmond in time forbidden be the law, fall pay fourtie shillings, but remission the first time. And the seconde time foure poundes. And at the thrid time he fall time his office for ever. And als wa he that garris slaie or mainteinis the slayer, or is airt or part of the deede doing, fall be demained, as the principall doers. And gif onie man be inest of freedome to sith in forbidden time, sik freedome fall cease for seven zeires to cum. And gif onie dois in the contrarie, he fall paie an un-law before the Justice, upon the quhilk trespassse, the Justice Clerke fall inquire at the receiving of the indictments, as of uthir poyntes belang and his office.

H 2

9. *The*

9. *The Schireffe suld cause restitution to be maid of gudes spuilzied and rest: otherwise he becummis debtor therefore.*

THrough the consent and advyse of the hail Parliament, it was ordained and decreited, quhair onie open and publicke riefes and spoliaciones outhur of Kirke gudes, or uthers happenis within the Realme, that the partie spuilzied compleinzie to the Schireffe, in quhat Schireffedome the spuilziers remainis in, and that the gudes spuilzied ar receipt in. And that the Schireffe passe to the spuilziers and receipters of them, and the gudes spuilzied, and charge them to restore againe the spoliacion, and arreist the spuilzieoures and receipters of them, and the gudes spuilzied, to the Law. And gif the spuilzieoures or receipters disobeyis the Schireffe, swa that hee may not compell them to restore againe the spoliacion, the Schireffe fall blaw out on them to the Kingis horne as rebelloures, and pronounce them as sik rebelloures openlie to the Lord Lieu-tennent. And gif the Schireffes refusis to doe their office, or be negligent, or partial: then the partie spuilzied fall compleine to the Kingis Lieu-tennent, of the Schireffe, and the Lieu-tennent fall demaine the Schireffe, as the spuilzeoures suld have bene demained: and that sik execution be maid be the Officiares upon them, that again-standis and disobeyis the Kingis Acts & decreetes given under the Kingis waxe, and decreeted be the Lieu-tennent and the three Estitates. And gif sik trespassoures put to the Kingis horne, make na restitution and fulfilling of the acts, as is before said, within fiftene daies, & findis not fovertie to underly the law for their disobeying, that fra thine forth, thay persones be notourlie cryed rebelloures to the King be the Officiares. And sik men suld be demained be the actes of fourtie daies, the auld act not againe-standing. And if ony sik trespassours, rievors or spuilziers, of ony mennis gudes put to the Kingis horne, makis not restitution within the foresaid fourtie daies of the gudes spuilzied, and bindis them not to the law, as is before writen, they fall not be received be na minister of the Kings to the Law, quhill before all things they have maid full restitution of the spoliacion.

10. *That the Officiares and Lordes of Regalities sall execute and fulfill this foresaid act.*

ITEM, It is ordained and decreeted, that this acte fall be execute and fulfilled be the Officiares, and Lordes of the Regalities within the Realme, with the helpe and supplie of the Lord of the Ryall, gif neede be. And gif the Officiares of Regalities fulfillis not this acte, it fall be lauchfull to the Kingis Schireffe to fulfill it within Regalities.

F I N I S.

T H E S E X T
P A R L I A M E N T
O F
KING JAMES THE SECOND,

Halden at Edinburgh, the zeir of God, ane thousand, foure hundreth, fourtie nine zeires.

11. *Of letters of caption to be given against Cursed persones.*



IN The first, for the mainteining of the freedome of halie Kirk, It is ordained, that fra the censure of halie Kirk be led and used upon onie person, and it be maide knawin be the Ordinar, the Kingis letters of caption fall be given, and the auld Law used as effeiris. And that the Schireffe and uthers officiars execute the Kingis letteres, and put the persones that the censure of halie Kirk is led upon, in the Kingis ward. And gif the persones be fugitive, and may not be over-tane be the Schireffe or his Officiares, and they have landes and gudes, thay landes fall be and their gudes arreistid and pryfed to the partie, like as for uther debt at certaine mercat dayes, as effeiris. And gif the saidis persones be not over-tane be the said Officiares, and they have nouthir landes nor gudes, they fall be put to the Kingis horne. And this acte till indure till the nixt Parliament.

12. *The*

12. *The Proclamation of generall peace: Of Law-burrowes: Of Ministers of Law.*

ITEM, It is ordained, that generall peace be proclaimed and kept out-throw all the Realme, that all men may travel surely & sickerly in merchandice, & utherwaies in all places throw the land, swa that na man neede till have assurance ane of uther, bot that the Kingis peace be assurance till all men. And quha that offendis therein, to be punished by the King or his Officiares. And that the King make sik Officiares, that can weil & may weil punish sik trespassours. And attour, gif ony person dreads ane uther, that he passe to the Schireffe, or to the Officiares, that it effeiris to, and make that knawin. or sweare that he dreads him, and they fall take borrowes of peace, after the actes maid thereupon of before. And that just men be maid Justices, that kennis the Lawe, and that will minister evenlie, alsweill of the greate, as of the small. And richtswa of uther officiares. And gif they be negligent to minister their office, that they be punished be the King. And that the Justice passe twise throw the countrie in the zeir, after the auld lawes.

13. *That nane rebell against the Kingis person nor his autoritie.*

ITEM, It is ordained, that nane rebell against the Kingis person, nor his autoritie: and quha sa makis sik rebellion, to be punished after the qualitie and quantitie of sik rebellion, be the advise of the three Estates. And gif it happenis ony within the Realme openly or notourly to rebell against the King, or makis weir against the Kingis Lieges against his forbidding, in that case the King to gang upon them with assistance of the hail landes, and to punish them after the quantitie of the trespassse.

14. *Of them quha seekis revenge for trespassours justified.*

AND Attoure, gif it happenis ony man till assist in red, comfort, or counsell or maintenance to them that ar justified be the King in his present Parliament, or fall happen to be justified in time cumming, for crimes committed against the King, in the contrair of the act maid: Fra it be notout, or the trespassour be convict thereof, he fall be punished in like maner, as the principal trespassours.

15. *Trewes on the Bordoures, sulde be kept be the Wardane.*

ITEM, It is ordained, that the Wardane choose sik deputies and officiares under him, as he will stand for, for the keeping and observing of the trewes, sen hee hes the charge. And that the King gar assist to him, in the supplying of him and his officiares, gif ony walde take on hande to disobey or gaine-stand.

16. *Of punishment of Officiares trespassand in their office wilfullie.*

ITEM, It is ordained, that gif ony Officiar wilfully trespassis in the ministracion of his office of the Law, that beand over-tane or proved on him, before the King or his Councell, he fall tyne his office for an zeir and day at the Kingis will, and allyith the partie, as effeiris.

17. *The byer of Landes suld keepe the tackes set before the bying.*

ITEM, It is ordained, for the safetie and favour of the puir people that labouris the ground, that they and all utheris, that hes taken, or fall take landes in time to come fra Lordes, and hes termes and zcires thereof, that suppose the Lordes sell or annaly that land or landes: the takers fall remaine with their rackes, unto the ischew of their termes, quhais handes that ever thay landes cum to, for siklike maill, as they tooke them for.

18. *Tackes of wedset Landes, set within the just valour, suld nocht be kept after the Redemption.*

BOT Quha sa takis, or hes tane landes in wedset, and syne settis for maill lang time after the land be quite out, for halfe maill or neir thereby, that thay rackes fall not be kept nor halden, after the quiting out of the said land, bot gif they be set for the verry maill or neir theirby.

19. *The committer of spuilzie suld make restitution: pay the expenses, and ane unilaw to the King.*

ITEM, It is statute and ordained, that onie man, that beis spuilzied, and cummis before the King, and his Councell, and compleinzieis of spoliacion, & the spuilzie may be proved, there the partie present or summond lauchfullie, & not compeirand: or appeirand, the spuilzie beand proved, the Schireffe of the Schire fall be commanded be the King to mak him, that is spuilzied, bee restotid but delaie. And gif the plainzeour of the spuilzie have na prooffe reddie before the King, the King fall write to the Schireffe, at his instance, to set him a peremptour day of fiftene daies at the fardest, to the quhilk he fall warne the parties to cum. At the quhilk day quhither they cum or not, the spuilzie beand proved, the Schireffe fall make him

that is spulzied, but delay no be restored, as is before said, togidder with the expenses, the quhilk is the partie follower lauchfullie makis, and the Kingis unlaw as effeiris.

20. *That the Justice, Chalmerlane, Crowners, and all uther Officiares ryde in competent and easy number.*

ITEM, It is ordained, that justices, Chalmerlane, Crowners, and uther Officiares, that makis course throw the land, ryde but in competent and easy number, to eschew grievance and hurting of the people, the quhilk number of auld time was statute and modified, and that the Crowners cease of the taking of the tenne pennies, for the wrang custome of them, that fundis them redde borrowes.

21. *Of the away putting of Sornares, seinzied foolis and vagaboundes.*

ITEM, It is statute and ordained, for the away putting of Sornares, ouer-lyars, and maisterfull beggetts, with horse, houndes, or uther guddes, that all officiares, baith Schiriffes, Barronnes, Aldermen, Baillies, alswed within the Burgh, as ourwith, take ane inquisition at ilk courte, that they hald of the fore-said things: And gif ony sik be founden, that their horse, houndes, or uther gudes be eicheit to the King, and their person put in the Kinges waired, quhill the King have said his will to them. And alswa that the said Schireffe, Baillies, and Officiares inquire at ilk court, gif there be onie, that makis them fuiles, and are hairdes, or uthers sik like rinnares about. And gif onie sik be founden, that they be put in the Kings waired, or in his irones for their trespasses, als lang as they have ony guddes of their awin to live upon, and fra they have not to live upon that their eares be nailed to the trone, or till ane uther tree, and their eare cutted off, and banished the cuntrie. And gif thereafter they be funden againe, that they be hanged.

22. *Of byares of victual, and keiperes-thierof to ane dearth.*

ITEM, It is ordained for the eschewing of dearth within the Land, that Schireffes, Baillies, and uther Officiares, baith to burgh and to land, take and inquire at ilk courte that they hald, quhat persons within their boundes byis victual and haldis it till a dearth. And gif it beis founden, that the Schiriffe and officiares make it knawin at ilk mercat croce to the King, quhat persons they ar, and that they be bot as ockerrares repute. And that they be punished and detained as ockerrares suld be. And the victual that they have, be escheit to the King.

23. *It is lesun to all the Kingis Lieges to bye and sell victual. Of auld stackes.*

ALSWA, That na Burgeses nor na uther persones, that byis ony corne or victual to sell againe, hald victual in Burgh nor out-with, mair then will susteine him and his meinzie to new corne: under the paine of escheit of the victual to the Kingis use, bot that that victual be presented to mercattes, and sauld as the price gois. And attour, that the Kingis Lieges in all places throwout the Realme, have power to bye & sell victual at their liking, baith on the North halfe and South halfe of *Forth*, ilk ane till uthers, but onie letting or impediment. And that na man hald old stackes in his zaird langer then *Zule*, under the paine of escheit thereof to the King.

24. *Sundrie poyntes of treason.*

ITEM, It is statute and ordained, that gif onie man, as God forbid, committe or do treason against the Kingis person, or his Majestie, or ris in feire of weir against him, or layis handes upon his person violentlie, quhat age the King be of, zounge or auld, or receiptis ony that hes committed treason, or that supplies them in helpe, redde or counsell, or that stuffis the houses of them that are convict of treason, and haldis them against the King, or that stuffis houses of their awin in furthering of the Kingis rebelles, or that assaillies Castelles or places quhair the Kingis person fall happen to be, without the consent of the three Estaites fall be punished as traitoures.

25. *That the Regalities being in the Kingis hande, fall be justified be the Kingis Justice.*

ITEM, It is ordained, that all Regalities, that are in the Kingis handes, or fall be in time to cum, be halden as Royalty & justified be the Kings Justice, quhill they remaine in the Kingis handes, and the free-halderis of the said Regalities fall compeir at the Justice aires, and their Suters within the Schireffedomes, that they are in, and to the Kinges Parliamentes and General! Councelles, as the free-halders of the Royaltie dois.

26. *For eschewing of maisterfull thieft and reise.*

ITEM, For eschewing of greare and maisterfull thieft and reise, it is ordained, that the Justice do law out throw the Realme, and quhair he may not hald Justice of maisterfull men, he fall verifie and certifie the King theirow: then the King fall provide with his secret Councell in all haist remeid theirow.

27. *The*

27. *The Justice Clerke shuld nocht reveil the dittay: nor alter the Rolles.*

ITEM, It is ordained, that the Justice Clerke reveil na mannis action to na person, or translatie onis action uthirwaies, then it was given him, bot for the better to the King: or change names ane for ane uthir, or put out onie of the Rolles without commandement of the King, or of the Councell, under the paine of tinsell of his Office, his honour, and his gudes to be at the Kinges will.

28. *Money shuld nocht be carried away: False Money: Na money shuld be striken without the Kingis licence.*

ITEM, As anentis the money, it is referred to the Actes maid of before, be the soure and twentie per-sones chosen thereto, baith for the hame bringing of the Builzeon be the Merchandes, and of the new fraik to be maid, and the course thereof be the money that now runnis. And that their be maid at all portes of the Realme strait searachers to restraine the having out of the money, and richt swa upon the Bordowres of the Marches. And that all falsie strikers of gold, silver, or of falsie groates, & pennies be searched, & writ-ten for, & brought to the King to be punished, as Law will. And that nane tak on hand to sryke in time to cum, bot they that hes or sall have command of the King under his greate seale.

29. *Anent the Summounding of onie persones of contumacie, and paine thereof.*

ITEM, It is ordained, that gif onie persone garris sumound ane uthir before the King and his Councell for onie cause; and the partie sumound be *contumax*, he fall be condemned at the first daie in the ex-penses of the partie followand, and in twentie schillinges to the King for his amerciament. And be he ab-sent and *contumax* at the second summoundes, he fall be condemned be the Judge in the expenses of the par-tie follower, and in fourtie schillinges for the Kinges unlaw. And be he *contumax* at the thrid day, at the quhilke he fall be sumound to cum: the quhilke summoundes fall mak intimation, that quhidder he compeir or not, the Judge will proceed as Law will in the cause, and then gif he be sumound thirfe and compeiris not, he fall be condemned in the parties expenses, and in four pundes for his unlaw to the King. And then fall the Judge proceed in the cause and doe Justice. And gif the cause be on fee and heritage, the partie sum-ound, as is foresaid, fall be condemned for his contumacie, and the partie follower fall be put in posses-sion of the said fee and heritage, and byde therein, aye and quhill his partie affyith fulllelie all the expenses, in the quhilke he was condemned, and to the King all his unlaues: The quhilke done, he fall be heard in the principall cause mooved against him; not againstanding the decreit of possession before given: bot gif he bide sa lang; that prescription lauchfullie be runnin. And gif the cause be of mooveable gudes, the partie follower fall be put in possession of the other parties gudes, to the quantitie of the thing or the gudes, in the quhilke the other partie beis judged, to remaine with the partie follower for a zeir and a day, And gif the partie condemned within the zeir and day, cummis and affyith fulllelie all the other parties expenses judged to the partie follower, and all the Kingis unlaues, as is before said, and findis cautione to stand and abide the partie at the Law, then fall he recover againe the possession of his gudes, and be heard and have Law in the cause principal. And gif the partie condemned have landes or gudes: then fall his landes and gudes be recognised in the Kingis handes. And gif he hes na landes nor gudes, then fall he be out-lawed and put to the Kingis hornie. And this ordinance to continue to the nixt Parliament. And that all Lordes havand Re-galities, fall judge all them of their Regalities, after the acte before written. And that ilk ane of the three summoundes be of fiftene daies warning at the least. And that the letters of summoundes passe under the quhire waxe, and the summoundes of the Lordes of Regalities, to passe under their scalles, or their signettes.

F I N I S

T H E S E V E N T H
P A R L I A M E N T
Or C O U N C E L L G E N E R A L L, of
K I N G J A M E S T H E S E C O N D.

Halden at Perth, the fourth daie of Maij, the zeir of God, one thousand, foure hundreth, and fiftie zeirs, and of his Reigne the fourteenth zeire.

30. *That na man of this Realme bring hame payson, under the paine of treason.*



THE Lordes of the three Estaites gathered and assembled in the Friere Kirk, & commonand upon divers matters be-langand the commonn gude of the Realme, it was be the King and als the Lords of the three Estaites, assentand and consentand, ordaind: & be the maner of aye lestand statute determined and forbidden, that na kinde of man nor woman of the Realme of *Scotland* for Silver, nor Gold, nor nane uthér merchandice, be na maner of way, sould bye, nor inbring na kind of payson in the Realme, for onie maner of use, under the paine of treason. And gif onie person of the Realme of *Scotland* in onie time to cum bring in onie maner of payson, throw the quhilk onie Christian-man or woman may take bodelie harme, and that may be kend or they convict thei of, that person or persones, sa declared and convict, fall tyne and forefault to the King lyfe, land, and gudes.

31. *That na stranger bring hame payson.*

ITEM, Gif ony stranger, ane or maa, man or woman, of ony uthér Realme, cum in this Realme of *Scotland*, and in-bring be ony maner of way payson, throw the quhilk onie Christian-man or woman may take bodely skaith, and that may be kende, or they convict thereof, they fall underly the samin paines, as is before writen of them of this Realme, and na conduct nor remission to helpe them in that case.

F I N I S.

T H E A U C H T
P A R L I A M E N T
Of our S O V E R A I N E L O R D,
K I N G J A M E S T H E S E C O N D.

By the Grace of God, King of SCOTTES, Halden at Striviling, the twentie fift daie of the Moneth of October, the zeir of God, one thousand, foure hundreth, fiftie one zeir.

32. *The advisement of the three Estaites, touching the matter of money.*



ITEM, In the first, that they thinke it expedient for diverse causes, that they have considdered, and counsellis that there be stricken in this Realme new money, conforme eaven in weight to the money of *England*, with the quhilk this Realme hes part of commoning. And that there be stricken of the ounce of burnt silver, or Bulzeon of that finnes, aucht groates, and of the samin matter and weight, as effeiris, halfe groate, pennie, halfe-pennie, and farding.

ITEM, That the samin new groate to be stricken, have cours for aucht pennies the halfe groate: for foure pennies, the pennie: for twa pennies the halfe pennie: for ane pennie and the farding, for a half pennie.

I T E M,

ITEM, That the *English* groates, of the quhilkis aught groates haldis ane ounce, have cours rightfwa for aught pennies the peece. And the half groate *English*, conformed to the said groate in weight, have cours for foure pennies. And that na *English* pennie have cours, bot at the will of the receiver.

ITEM, Fra the new groate be stricken and proclaimed, and a special daie set for the cours of it, then the new groate that now runnis for sax pennies, fall descend to foure pennies, and the halfe groat to twa pennies.

ITEM, That the Demy, the groate and the half groate, that now runnis, have their cours, that they now have, unto the time of the Proclamation, and the cours of the said new money.

ITEM, That there be stricken a new penny of Gold called a *Lyon*, with the prent of the *Lyon* on the ane side, and the image of Saint *Andrew* on the other side, with a side coate even to his fute, halding the famin weight of the halfe *English* Noble. And that the said *Lyon* be not taken in payment, bot gif it hald the full weight of the said half *English* Noble. And that the said new *Lyon*, fra the daie that it be new cryed, have cours, and fall runne for sex shillings aught pennies of the said money: and the half *Lyon* of weight fra the daie it be cryed, and of finnes thereafter, have cours for three shillings foure pennies. ITEM, after the cours of the said Proclamation, the Demy that now runnis for nine shillings, fall run then for sex shillings aught pennies, and the halfe penny for three shillings foure pennies.

ITEM, The Royall of *France*, fall have cours for sex shillings aught pennies, and the *Sakute* havand the weight of the said new *Lyon*, fall have cours then als for sex shillings aught pennies. And the Crown of *France* havand a crowned *Floure-de-luce* on ilk side of the Schield, that runnis now in *France* for courseable payment, and the *Dolphin* Crowne ilk ane of them havand cours for sex shillings aught pennies. And the Ryders of *Flanders* havand cours for sex shillings aught pennies. And the *English* Noble called the *Pace*, fall have cours then for threttene shillings foure pennies. And the halfe Noble thereof, for sexe shillings aught pennies: and sa the farding for three shillings foure pennies: and the *Flemish* Noble that time havand cours, for twelve shillings aught pennies. And all uther kinde of gold havand na cours, bot as the byar and seller can accord.

ITEM, The pennies that were stricken by the Kingis Cuinzeoures, that is to say, *Robert Gray*, *John of Dabrynpill* father himself, *Alexander Tod*, and *John Sperby*, fall have cours as they now have, unto the time of the said new straik. And of thia pennies, fall be tane bot twelve pennies in a pound. And all uther kindes of pennies stricken by *Henry Goldsmith*, and be all uther false cuinzieoures, outhir in *Invernes*, *Dysfart*, or *Forfare*, or ony uther place, fall have na cours fra this daie forth, nor be received for payment.

ITEM, Fra the new groate have cours for aught pennies, that the foresaid pennies stricken be the said Kingis cuinzieoures have na langer cours, nor be received in payment.

ITEM, That this new cuinzie be stricken even furth-with; groate, halfe groate, and penny, unto the said new groate runne for aught pennies: the said new groate for twelve pennies: the halfe groate for sex pennies: and the penny for three pennies.

ITEM, That the *Lyon*, and halfe *Lyon* be stricken even sa furth-with and have cours to the said time, the *Lyon* for ten shillings: And the halfe *Lyon* for five shillings.

ITEM, That provision be maid for the Gravoures of the irones, And that now incontinent traistly sworne-men passe forth, and receive all the irones of the Kingis strykers baith of Gold and silver, togidder with the letters of graving fra the Gravoutes, and before the King and his Councel they be destroyed, and the new irones that fall be maid, fall be given within the cuinzie place.

33. *Maister of the Cuinzie.*

ITEM, That the Maister of the money fall answer for all gold and silver, that fall be stricken under him, quhill the Wardane have tane assay thereof, and put it in his buist. And that na man fall take the said money, fra it be buried and clypped, bot at his awin lyking. And the said Maister fall have power to choose all servandes under him to stricke, and to punissh them, gif they trespasse. And that the prenters and strickers were na Gold-smithes, and utheris might be gotten.

34. *That na man have out of the Realme gold, silver, nor Bulzeon.*

ITEM; That na man have out of the Realme, gold, silver, nor Bulzeon, under the paine of escheiting thereof, the ane halfe to the King, and the outhir halfe to the taintour and taker. Neverthelesse, because that diverse men mon passe throw *England* be land, or be Sea to *France*, *Flanders*, or uther countries, and na further, upon the quhilk the King mon take searhours of leill men.

35. *That na cattle be sauld in England, bot for reddie gold or silver.*

ITEM, That na Cattle be sauld in *England* to *English-men*, bot for reddie gold or silver, under the paine of escheit of sa meikle as is sauld, to be distributed betwixt the King and the Wardane of the *Marche*.

36. *Auent the out-quiting of wed-settes.*

ITEM, That all wed-settes that are maid in the time of the money that now runnes, be payed in the time of the quiting out, of sik money, as was lent, or else the avails of it.

ITEM, debtes and obligationes, of the payment, of the quhilkis the termes are gane, ilk man that will not paie betuixt this and *Al-hallow* daie cum a twelve Moneth, sik maner of debts throw obligationes, or uther maner of way, contracted in the money, that now runnis, they fall pay it of the money, that runnis fra that daie forth. Nevertheleffe, the saidis deputes intendis not to give furdre delay of the payment thereof, bot at the liking of the partie.

F I N I S.

T H E N I N T H

P A R L I A M E N T

O F

KING JAMES THE SECOND,

Halden at Edinburgh, the XXVI. daie of August, the zeir of God, ane thousand foure hundredeth, fiftie twa zeires.

37. *Of Cornes and auld stacks.*

ITEM, It is statute and ordained be our SOVERAINE LORD, & be advife of the Lords now present with him, that all maner of mén, that hes corne un-threschen within the Realme, fall gar it be halilie threschen out, before the last daie of *Maij* nixt to cum, under the paine of escheit to the King of the corne, that happenis to be un-threschen, alsweill within barnes, as out-with. And that furth-with in all gudlie haste, our Sovereaine Lordis letters passe to all Schireffes of the Realme of charge for keiping of the said ordinance. And that the said Schireffes see, that the said statute be execute. And quhat Schireffe, that failzies heir-in-till, that they be discharged of the execution of their Office in time to come, induring the Kingis will, and utheris depute thereto.

38. *Girnalling of vittuallis forbidden.*

ITEM, It is ordained, that na maner of victual be halden in Girmal be onie man, bot allanerly that is needefull for their awin perones, & sustentation of their houshalds; And finally unto the terme of *Michael-mes* nixt to cum: bot that they be presented to the mercat, under the paine of escheit.

39. *That na man hald mair victuall, then will susteine himselfe.*

ITEM, Hereafter it is statute and ordained, that na man hald victual in Girmal to a dearth, and that na man hald victuall mair, then will serve him and his familie for ane quarter of ane zeir. And that they present all that they have mair to the mercat, within nine daies after to be sauld, under the paine of escheit thereof. For the searching of the quhilk thing, there is depute searchers in *Edinburgh & Leith*, certaine persons.

F I N I S.

THE

T H E T E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E S E C O N D.

Halden at Edinburgh, the sixteenth daie of Julij, the zeir of God, one thousand, foure hundredeth, fiftie foure zeires.

40. *That in-bringers of victual, shuld be favorable treated.*



TEM, For in-bringing of victualles, it is ordained, that strangers that bringis in victualles, be favorably treated, and thankefullie payed for their victualles: And that there be na new custome tane of them, and that there be na mair victual tane to the Kingis parte, bot alanerly alsmeikle as will serve his houshalde: And richt-swa, gif Scottis Merchandes bringis in victual out of *England*, that they be favorable treated, as said is.

F I N I S.

T H E E L L E V E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E S E C O N D.

Halden at Edinburgh, the fourth daie of the Mon' th of August, the zeir of God, one thousand, foure hundredeth, fiftie five zeires.

41. *The Annexation of landes to the Crowne.*



TEM, In the first, for-sameikle as the povertie of the Crowne, is oft-times the cause of the povertie of the Realme, and that manie uther inconvenients ar there throw, the quhilkis were lang to expreeme, be the advise of the full Councell of the Parliament; It is statute and ordained, that in ilk parte of the Realme for the Kings residence, quhair it happenis him to be, there be certaine Lord-shippes and Castelles annexed to the Crowne, perperually to remaine. The quhilk may not be given in fee and heritage awaie, nor in franck-tenement to onie person, of quhar estaite or degree that ever he be, but advise, deliverance and decreete of the haill Parliament, and for great seeand and reasonable causes of the Realme. And albeit it happenis our Sovereine Lord that now is, or onie of his Successeurs Kinges of *Scotland*, till annaly or dispone upon the Lord-shippes & Castelles annexed to the Crowne, as is before said, that alienation or disposition fall be of nane availe. And it fall be lauchfull to the King, beand for the time to receive thay landes, quhen ever him likis to his awin use, but onie proceffe of Law, and the takers fall refound all profitis, that they have taken up of thay landes againe to the King, for all the time that they have them, and that our Sovereine Lord, that now is, be sworn, and in like maner all his Successeurs Kinges of *Scotland*, into their Coronation, to the keiping of this statute, and all the poyntes thereof. Thir are the Lord-shippes and Castelles annexed to the Crowne.

IN The first, the haill customes of *Scotland*, the quhilkis were in our Sovereine Lordis handes the daie of his

of his decess. And that our Sovereine Lorde that now is, content them that hes pensiones given forth of the Customes, with uther thinges: sa that the hail Customes may remaine till him. Item the Lordship of *Ettrick* forrest, with all the bounds pertaining thereto. Item, the hail Lordshippe of *Galloway*, with sik freedomes, commodities, as it hes thair daies, togidder with the Castle of *Creske*. Item, the Castle of *Edinburgh*. Item, the landes of *Ballincriefe* and *Gosford*, togidder with all the landes lyand about, pertaining to the King, within the Schireffedome of *Louthiane*. Item, the Castle of *Strivling*, with all and sundrie the Kings landes lyand about it. Item, the Castell of *Dumbertane*, with the landes of *Cardrosse*, *Rosmeth*, with the pension of *Cadzow*. and the pension of the ferme meile of *Kirkpatrick*. Item, the hail Erledome of *Fife*, with the Palice of *Falkland*. Item, the Erledome of *Strathberne* with the pertinentes, the house and Lordshippe of *Breichen*, with the service and superioritie of *Cortogubay*. Item, the house of *Invernes* and *Urgubard*, and the Lordshippes of them, and the Lordshippes of *Abernetby*, with the water mailles of *Invernes*, togidder with the Barronies of *Urgubard*, *Glen-urgubane*, *Bowich*, *Bonochar*, *Annach*, *Edderdaile* called *Arduannach*, *Petty*, *Brachly*, *Strathberne* with the pertinentes. Item, the *Reid Castle* with the Lordshippe of *Rosse* pertaining thereto. And that the annexationes of thir Lordshippes and Castelles to the Crowne, make no prejndice to our Sovereine Ladie the Queenes infestment, that now is, anent the Lordshippes and Castelles assigned till her dowrie be our Sovereine Lord and the three Estaites.

42. *The office of Wardane suld nocht be heretable: They are nocht judges in causes of treason or diltay.*

ITEM, It is statute and ordained, that in time to come, there be na Wardanes on the Bordoures maid in fee and heretage. And that the wardanes have na power to know of the poyntes of treason, sailand the poyntes quhilkis are needfull for the conservation of the trewes. And swa that the wardane courte intromet with na thing that pertains to the ditteit of the justice aire.

43. *That all Regalities being in the Kingis handes, be annexed to the Royaltie.*

ITEM, That all Regalities that are now in the Kingis handes, be annexed to the Royalty. And that in time to cum, there be na regalities granted without deliverance of the Parliament.

44. *That na office be given in fee and heritage in time to cum.*

ITEM, That there be na office in time to cum given in fee and heritage, and that the offices that are given sen the decess of OUR SOVERAINE LORDE, that deade is, be revoked and annulled, exceptand the wardanerie of the Marche, the quhilk our Sovereine Lorde hes given to his Sonne *Alexander Erle of Marche*, and Lord of *Anand-daile*.

ITEM, It is statute and ordained, that quhair ever offices of customes that are revoked, the quhilkis were granted till ony person, that maid coast at the King therefore: It sall be recompenst to them, the profitis upthane thereof in the mean time beand considered.

45. *Sornares suld be punished to the death.*

ITEM, Quhair ever Sornares be overtane in time to come, that they be delivered to the Kingis Schireffes and that forthwith the Kingis Justices do Law upon them, as upon a thiefe or riever.

46. *That there be twelve persones upon the secreit Councell of Burrowes.*

ITEM, It is statute and ordained, for the common profite of all Burrowes of the Realme, that there be aucht or twelve persones, after the quantitie of the towne, chosen offsecreit Councell, and sworne thereto: the quhilkis sall decreit all maters of wrang and unlaw within the Burgh, to the avails of five pound, or aucht pound, within aucht daies warning: Swa that in prejudice of the innocentes, the delayer have not the priviledge of the processe of law, bot upon aucht daies warning to be decided be the saids persones.

47. *The maner of arraymentes for the Parliament.*

ITEM, As touching the habites of the Earles, Lordes of Parliament, Commissioners of Burrowes and Advocates, sall have and use at all Parliamentes and Generall Councell times: It is statute and ordained, that all Erles sall use mantilles of browne grained, open before, furred with quhite lynyn, and lyned before out-with ane hande breadth to the belt steede, with the famin furring, with litle hudes of the famin clait, and to be used upon their shoulders. And the other Lordes of Parliament to have ane mantil of reide, richtswa opened before, and lyned with silke, or furred with cristie gray grieces or purray, togidder with ane hude of the famin clait, furred as saidis. And all Commissioners of Burrowes, ilk ane to have ane paire of Clokes of blew, fuired fute side, open on the richt shoulder, furred as effeiris, and with ane hude of the famin, as saidis. And quhat Erle, Lord of Parliament, Commissioners of Burrowes, that enters in Par-

liament

liamenr or Generall Councell, but the said habite furred, fall foorth-with pay there-after ten pound to the King un-forgiven. And that in ilk Burgh quhair Parliament or Generall Councell fall be halden, there be ordained quhair the Barre uses to stand, a seate of three seges, ilk ane hiare then other, to the Commissioners to sit on, under the paine of ten pound to be raysed of the Towne, quhair the Parliament or Generall Councell fall be halden, and the said seges un-maid, als oft as they ar halden.

ITEM, That all men that are fore-speakers for the coist, ro have habits of greene, of the fashon of a runikil, and the sleeves to be open as a Talbert. And quhilk of the Fore-speakers that wantis it in that time of the saide Parliament or Generall Councelles, the saids habites, and afterwarδες speakis for meed, fall pay five pound to the King.

F I N I S.

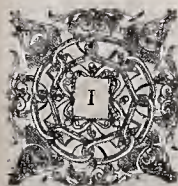
T H E T W E L F T H

P A R L I A M E N T

O F

K I N G J A M E S T H E S E C O N D,

Halden at Striviling, the thretteenth daie of October, the zeir of God, ane thousand, foure hundredeth, fiftie five zeires.

48. *The maner of taikening, for bailes making.*

ITEM, It is seene speedefull, that there be coist maid at the east passage, betuixt *Roxburgh* and *Berwick*. And that it be walked at certaine fuirds, the quhilkis gif mister be, fall make taikenings be bailes burning & fire. In the first, a baill to be maid at *Hume*, be the walkers at that fuird, quhair it may be seene at *Hume*: And als that the famin persones may come to *Hume* in proper person, and their bailes to be maid in this maner. Ane Baile, is warning of their cumming, quhat power that ever they bee of: twa bailes togidder at anis, they are cumming in deed: four bailes, ilk ane beside uther, and all at anis as foure candelles, suithfast knowledge, that they ar of great power and meanis far, asto *Haddington*, *Dumbar*, *Dalkeith*, or thereby. The famin taikenings to be watched and maid at *Eggerhope* Castel, fra they see the fire of *Hume*, that they fire richtwa. And in like maner, on *Sowtra* edge fall see the fire of *Eggerhope* Castel, & mak taikening in like maner. And then may all *Louthiane* be warned, and in special the Castel of *Edinburgh*, and their foure fyres to be maid in like maner, that they in *Fife*, and fra *Striviling* east, and the east parte of *Louthiane*, and to *Dumbar* all may see them, and cum to the defense of the Realme. And they will nor be sleuthfull themselfe, for to be warned of thir fyres, they fall wit of thir cumming over *Tweede*, and then considering that their far passage, we fall god-willing be als soone reddie as they, & all people be west *Edinburgh* to draw to *Edinburgh*, and fra *Edinburgh* east to *Haddington*. And all Merchandes of Burrowes to perfew the East quarter, quhair it passis, and at *Dumpender-law* and *North-Berwick-law* Bailes to be brunt in forme before written, for warning of the seacoast. And gif onie *Scottis-man* dois onie treason, that is to say, warnis of the ryding of ane hoiff, or onie *Scottis-men* to do harme in *England*, or to *Englis-men*, and that may openly be knawen upon him, he fall have furth-with the commoun Law, & be hangd and drawen, and his gudes escheit to the King.

49. *Of persones sclandered or suspect of treason.*

ITEM, Gif onie person or persones be sclandered or suspect of treason, they fall be tane and remaine in firmance, and their gudes under sure Borrowes, quhill the time they have thoiled ane Assyse, quhidder they be quite or foule.

50. *That nane passe in England in time of weir.*

ITEM, That na man passe into *England* without leave of the King, the Wardane, or of rhem he gives power to, in that part, in time of weir, under the paine of treason.

K

51. *That*

51. *That na English-man cum in Scotland without conduct.*

ITEM, Gif onie *English-man* cummis in the Kinrik of *Scotland*, to Kirk, mercat, or onie uther place, but conduct or assurance of the King, the Wardene, or them the power hes, he fall be lauchfull prisoner to quhat person, that likes to take him.

ITEM, Gif onie *Scottif-man* bring in onie *English-man*, or meites them at onie trystis, not havand power, they fall be taken, and put in firmance their gudes taken and arriested, to the time that they be punished at the Kinges will and the Wardanes.

ITEM, That na *Scottif-man* sit upon na special assurance of onie *English-man*, but leave of the King or the Wardane, under the paine of treason.

52. *That na Scottif-man supply Berwike or Roxbrugh: Of parting of gudes taken fra the enemies.*

ITEM, That na *Scottif-man* supplie *Berwike* nor *Roxbrugh* with na victual, fewal, nor nane uther supportation, under the paine of treason. And quhen the Wardane rydis, or ony uther chiftaine, and with him great fellow-ship or finall, that nane gang awaie with na maner of gudes, quhill it be thridded and parted before the chieftane, as use and custome is of the *Marches*, under the paine of treason, and to be hanged and drawen, and his gudes escheit.

53. *That na man rieve na maner of gudes nor prisoner.*

ITEM, That na man rieve ane uther na maner of gudes, nouthur prisoner nor uther, quhelkis they are in possession of, in *English* eird, or in *Scottis*, under the paine of death.

54. *That nane raise a fray in the hoiste wilfully.*

ITEM, Gif ony man raisis a fray in the hoiste in wilfull maner, withouttin cause, fall be accused of treason.

ITEM, It is statute, that quhair sa ever any raides are maid in *England*, that thir said statutes be delivered to the head-men. And that they openly gar them be maid knawin till all them, that passis with them, that nane of them may have effonzie or excusation of negligence.

55. *Of Garnifones to be layd upon the Bordoures.*

ITEM, As touching the laying of Garnifones upon the *Bordoures*: It is advifed and ordained be our Sovereine Lord and three Estaites, that there be layed in Garnifones, that is to say, twa hundreth speares, twa hundreth bowes, upon the east and middle *Marches*: And upon the west *Marches* to be layde ane hundreth speares, and ane hundreth bowes. And for the making and finding of their expenses, there fall be forth-with written letters to all the Schireffes to send in write to our Sovereine Lord the names of all and fundrie the Lordes, Barronnes, and free-halders, als well dwelland within the boundes of Regalities, as Royalties, and the availe of ilk man, their landes, rents, possessiones, and the availe of their mooveable gudes, als near as can be esteemed. And thereafter the Lords that fall sit, after the cumming of the said writtes fra the Schireffes, fall advise how many ilk Lorde and Free-halders fall finde, quhen and quhair. And they that are neare hand the *Bordoures*, are ordained to have gud housholders and weil abulzied men, as effectis. And to be reddie at their principal place, and to passe with the Wardanes, quhen and quhair they fall be charged.

F I N I S.

THE THRETEENTH PARLIAMENT

Or GENERALL COUNCELL, of

KING JAMES THE SECOND.

Halden at Edinburgh, the nineteenth daie of October, the zeir of God, ane thousand, four hundredeth, fiftie sex zeires.

56. *That all men be reddie for defence of the Realme: and in quhat maner.*



ITEM, It is ordained, that all maner of men, that hes landes or gudes, bee reddie horsed and geared, and after the facultie of his landes and gudes, for the defence of the Realme, at the commandement of the Kingis Letters bee bailis or outhornes. And quha fa beis nor, he will be punished in his person and gudes. And that all maner of men betuixt sextie and sextene, be reddie on their best advise to come to the *Bordoures* and defend the land, quhen onie wittering cummis of the incumming of a greate *English* hoast. And that na puir man, nor un-bodin be charged to come to anie raides in *England*. And that ilk man, that his gudes extendis to twentie markes, be bodin at the least with a jack, with sleeves to the hand, or splents, and ane pricked hat, a sword and a buckler, a bow, and a schafisse, gif he can get it: And gif he cannot, to have an axe and ane targe outhir of ledder or of firne buird, with two bandes upon the back. And throw-out all the Schires they be warned to provide for sik thinges, and to make their weapon-schawinges before the Schireffes, Baillies or Stewartes of the Regalie on the morning after the Law-daies after *Zule*. And quha that cummis not bodin, as effeiris, after his facultie, to be punished in his gudes. And swa foorth their weapon-thawings to be maid and continued fra thretrie daies to thretrie daies.

57. *The rule of the Pestilence.*

ITEM, As to the thrid article belangand the Pestilence and governance of it: The Clergie thinkis, that there sould no man to land nor to Burgh, that hes gudes to serve himselfe and his meinzie, be put out of his owne house, les then he will not remaine, nor will nor be closed up in his owne house. And gif he disobeyis his Nichtboures, in that case, he fall be compelled to passe out of the towne. And gif there were onie persones, that had na gudes to finde themselfe, put foorth of ony town; they of the towne sulde finde them, and not let them passe awaie fra the place, that they were depute to remaine, to file the country about them. And gif ony sik put out of the towne wauld steale awaie, they of that towne that put him out, sould garre follow him and bring him againe, and compell him to remaine, and punish him for his awaie passing. And that no man burne an others house, bot gif it micht be done but hindering or skaith of his Nichtboures.

58. *The money and the gold cryed higher.*

ITEM, As to the article belangand money: It is statute, that the ordinance in the Parliament maid of before, anent the in-bringing of Bulzeon be better punished and keiped, then it hes bene in time by-gane. And that there be mony of uther Countries cryed till have course in the Realme, sik as the *Henry* Nobles of Pace, to be cryed to twentie twa shillings. The *Salute*, the *Rider*, the *Crozone*, the *Dolphin* to eleven shillings: The *Rhenish* Guilding to aucht shillings. And to the intent, that the *Demyes*, that ar keiped in hande, have course and come out-throw the Realme, and syne to remayne in the Realme, and not be had out of it: It is thocht expedient, that the *Demy* be cryed to ten shillings, And the new *Lyon* to have course for ten shillings, as it hes. And the new groate to twelve pennies: Notwithstanding that it was ordained to have course for aucht pennies fra certaine time foorth. And the sex penny groate till have course as it hes. And that there be cuinzied of ilk pound in small pennies a shilling. And that the Wardane see, that thar be done to the fynes of the mater, that is cuinzied, as he will answere therefore. And that the *English* groate, and half groate, and penny have course, as they had of before. And that the Lordes and Auditoures of the Checker, earnestlie purway and examine the fines baith of Gold and silver, the quhilk is presented to them upon the Checker in a buist be the Wardanes of the cuinzie. And that the cuinzioures under the paine of dead, nouthir cuinzie *Demy*, nor uther that is cryed till have course in the land, nor zit sex-penny-groates.

59. *Of Faïres.*

ITEM, As touching the complainres maid by the Commissares of Burrowes of the Realme, that puir commounes ar greattumlie injured and oppressed be the Kingis Schireffes, Constables, and their Ministers in time of Faïres, takand distresses of their gudes of litle quantitie quihilk they bring on their heades or their backes, or in their armes, in like maner of Karris, Sleddes and smail tymmer: It is seen speedefull, that of sik gudes of litle quantitie or price, na distresse be tane in time to come for auld use and custome. The Schireffes sulde have, bot the best Oxe or Cowe or unriden Horfe, quihilkis are stalled and brought to sell. Item, of greate stalles of Merchandice, quihilkis cummis on horfe backes, or covered craimes, that occupis the Faïres, of the quihilkis they have use to tak their distresse for the continuation of Faïres, the quihilk distres aucht to be deliverd againe to the courte of the Faïre, gif the perfon hes done na default nor distroubling in the Faïre.

60. *Of the downe-laying of Constable fees.*

ITEM, Quhair the Constable deputes and his Ministers in the time of the Session and Generall Councell and Parliament, takis distresses for Constable fees of all maner of gudes, greate and smail, that cummis to the mereat to sell, baith merchandice and victual: It is seene speedefull, that that use be layde downe and forbidden in time to cum: Bot gif the Constables festment beir him till it, and that they be schawen to the King and the three Estaites all in the nixt Parliament or Generall Councell. And that in the meane time the Constable cease. For there can be no law founden according to that use.

F I N I S.

T H E F O U R T E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E S E C O N D.

*Halden at Edinburgh, the sext daie of the Moneth of March, the zeir of God, ane thousand,
four hundredeth, fiftie seven zeires.*

61. *Quhat power the Lordes of Session sall have.*

ITEM, The *saidis* Lordes of the Session sall have power to know and decide all spoliaciones, maid fra the daie of the Coronation of our Sovereine Lorde the King, to the *said* first daie of *Januar*, for the space of a zeir to cum. The quihilk zeire gane and out-run, all sik spoliaciones maid before the *said* first day of *Januar*, sall be decided and determind before the Judge ordinar of the Realme, the Lordes of Session havand na power to knaw upon them, after the *saide* zeir be out-run. The quihilkis actiones of spuilzie, consitis in twa maners: The first is spoliacion of mooveable gudes, nouthir touching fee nor heritage, the quihilk indifferentlie sall be decided before the Lordes of Session. The second spoliacion, that is to say, done because of landes or possessions debatable, or grounded on fee and heritage:

And upon that spoliacion, the Lordes of Session sall procede thus: That is to say, quhen the partie spuilzied compleinzies before the Lordes of the Session on ony perfon; the Lordes sall call the Schireffe, and furthwith sall garre restore the ground without prejudice of ony partie, twichand that fee and heritage, and recognis the landes in the Kings hands. Upon the quihilk spoliaciones maid, unto the time they be lousfed be the King, and the King to make inquisition be tane be the Schiref, quha was lauchfull possessour of thay Landes. And that inquisition to retoure againe to the King, and thereafter let them to brough to that last lauchfull possessor of thay landes. And als the *saidis* Lordes sall knaw upon all spoliaciones of tackes and mailinges. And als wa to knaw upon all obligations, contractes, and all maner of debtes, and uther civil actiones, the quihilkis concernis nouthir fee nor heritage. And the parties compleinzand to have full freedom to follow their actiones bfore the *saidis* Lordes or their ordinar Judge. And for till eschew malitious vexationes of ony partie follow-

followand or defendand before the Sessions, the said Lordes fall fourthwith gar the expenses be payed to the partie wrangouslie vexed be the modification of the said Lordes.

62. *The maner how the cause fall be brocht before the Lordes.*

THE Maner as the cause fall be brocht before the Lordes of the Session is this. The Schireffes of the Schires, quhair the said Lordes fall sit, fall be now warned to proclaime in ilk one of thir places three Moneth of before the Session, to be halden at dayes and place before writen. And gif ony persones hes ony actiones to follow, he fall warne them to passe to the Kingis Chappel, and raise Summondes peremptour, upon fourtie daies warning, and call his partie before the Lordes of the Session, the quhilkis fall minister unto them justice, as effeiris. And the summondes to be understood upon actiones done before the proclaime of the Session. The partie fall answer peremptourlie upon shorter tyme, after as he beis summoned, swa that the tyme of the summondes extende to fifteene daies. And gif ony action pertaining to the said Lordes knowledge, be continued in the tyme of the said Session, in the Schire quhair the Session sittis be ony persones, thay persones to be arrested furth-with, with a Maister, and justice to be done thereupon, as effeiris. And all uther causes perreining to the knowledge of the said Lordes, fall be utterly decided, and determined be them, but ony remeid of appellation to the King or the Parliament. And quhat person, that ever purchasis a summondes upon the partie, and he have ony preevis to lead, thar he raise then a summondes upon his preevis, and bring them with him to the Session, as he will be served.

63. *The expenses of the Lordes.*

ITEM, As tutching the expenses of the Lords before writen, and the places that they fall sit in, and the greite gude of the Realme considered: The Lordes of the three Estaites thinkis, that the saids Lordes of the Session of their awin benevolence, fuld beare their awin costes, considering the shortnesse of the tyme of their siting, the quhilk is bot fourtie daies, and peradventure in seven yeire not to cum again to them. And to supporte sum parte of their expenses, they fall have the Kingis unlaw of their awin court, the quhilk fall be fourtie shillings un-forgiven, to be divided betwixt them, and the Clerk of the Register be evenly portions.

64. *Weapon-shawings, Fute-ball, Golfe, and Archers.*

ITEM, It is decreeted and ordained, that the Weaponshawinges be halden be the Lordes and barronnes Spiritual and Temporal, fourre times in the zeir. And that the Fute-ball and Golfe be utterly cryed downe, and not to be used. And that the bow markes be maid, at ilk Parish Kirk a pair of Buttes, and schutting be used. And that ilk man schutte sex schottes at the least, under the paine to be raised upon them, that cummis not at the least, twa pennies to be given to them, that cummis to the bowe-markes to drink. And this to be used fra *Pasche* till *Alhallow-mes* after. And be the nixt Midsummer to be redy with all their graith Without failzie. And that there be a bower and a sledge in ilk head town of the Schire. And thar the town furnish him of stufte and graith, after as needs him thereto, that they may serve the countrie with. And as tutching the fute-ball and the golfe, to be punished be the Barronnis un-law, and gif he takis not the unlaw, that it be taken be the Kingis Officiares. And gif the Parochin be meikle, thar there be three or or foure, or five bowe-markes in ilk places, as gainis therefore. And thar all men, that is within fiftie, and past twelve zeiris, fall use schutting.

65. *Of the Deakon of Gold-smithes: and of the marking of their warke.*

ITEM, As anent the reformation of gold and silver wrocht be Gold-smithes, and to eschew the deceiving done to the Kingis lieges, there fall be ordained in ilk Burgh quhair Gold-smithes workis ane understandand and a cunning man, of gude conscience, quhilk fall be Deakone of the craft. And quhen the warke is brocht to the Gold-smithe, and it be gold, what gold that beis brocht till him, he fall give it fourth againe in warke na war, nor eleven graines. And the said Gold-smith fall take his warke or he give it fourth, and passe to the Deakone of the craft, & gar him examine, that it be sa fine as is before writen. And the said Deakone fall set his marke and taken thereto, togidder with the said Gold-smithes. And gif faulte be founden therein after wards, the Deakone foresaid and Gold-smithes gudes fall be in escheit to the King, and their lives at the Kingis will. And the said Deakone fall have to his fee of ilk ounce wrocht, an penny: And quhair there is no Gold-smithes, bot ane in a towne, he fall shew that warke taken with his awin marke to the head Officiares of the towne, quhilkis fall have a marke in like maner ordained therefore, and fall be set to the said warke. And quhat Gold-smith, that givis fourth his warke utherwaies, then is before writen, his gudes fall be confiscat to the King, and his life at the Kingis will.

66. *That na lister bye claith to sell.*

ITEM, It is seene speedefill, thar lit be cryed up, and used as it was wont to be. And that na Lister be Draper, nor bye claith to sell againe, nor zir thoiled thereto, under the paine of escheit.

67. *What men suld sail in Merchandice.*

ITEM, Anent the Estaite of Merchandice, and restriction of the multitude of saillers, it is seene speidful I be the Estaite of Clergie and the Barrones, and statute be the King, that their sail na perſones, bot abill and of gude fame, and that he have at the least three ſerplaites of his awen guddes, or else the availle thereof committed till him. And that the Sailers in Merchandice be free-men of Burrowes, indwellares within Burgh.

68. *The habites for Lordes of Session and men of Law.*

ITEM, As anent the habites of Earles, Lordes of Parliament, Commissioners of Butrowes, and men of Law, it is seene speedful, that they be maid and used after the tenour of the act maid thereupon. And that the King make a parron of ilk habite, and all the lave to be maid thereafter.

69. *Reformation of Hospitales.*

ITEM, As anent the reformation of hospitales: It is seene speedfull, that our Sovereine Lorde charge his Chancellar, quhilk of Law aught to vifit the Hospitales, founded be Kings, and they joyne to him the ordinar of ilk diocessie, and other twa perſons of good conscience to vifit the said Hospitales. And quhair they can get the foundations of them, to garre them be keiped. And quhair na foundation can be gotten, to make inquisition of the cuntrie, and refer to the King to see the remeid therefor.

70. *Of costly claitthing, and that na woman cum to the Kirk mussald.*

ITEM, That ſen the Realme in ilk Estaite is greatunlie pured throwe sumptuous claitthing, baith of men and women, and in ſpecial within Burtowes and commouns of Landwart: The Lordes thinkis ſpeidful, that restriction be thereof in this manner: That na man within Burgh that livis be merchandice, bot gif hee be a perſon conſtitute in dignitie, as Alderman, Baillie, or uther gude Worthy men, that ar of the Councel of the towre, and their wives; weare claitthes of ſilk, nor coſtly ſcarletts in gownes, or furrings with mertricks. And that they make their wives and daughters in like manner be abulzied, gangand and correſpondant for their estaite, that is to ſay, on their heads ſhort curches, with little hudes, as ar used in *Flanders, England*, and uther cuntries. And as to their gowns, that na women weare Mertricks nor letteis, nor railes unfit in length, nor furred under, bot on the Halie-day. And in like manner the Barronnes and uther puir Gentlemen, and their wives, that ar within fourtie pound of auld extent. And as anent the commounes, that na Laborers nor husband men weare on the warke daye, bot gray and quhite, and on the Halie-daie bot light blew, greene, redde, and their wives right ſwa, and courchies of their awin making, and that it exceed not the price of xl. pennyes the elne. And that na woman cum to Kirk, nor mercat with her face muſſald, or covered, that ſche may not be kend, under the paine of eſcheit of the courchie. And as to the Clerkes, that nane weare gownes of ſcatler, nor furring of mertricks, bot gif he be a perſon conſtitute in dignitie in Cathedral or Colledge Kirk: or else, that he may ſpende two hundreth markes, or greate Nobiles, or Doctours. And this to be now proclaimed, and put to execution be the firſt day of *Majj*, under the paine of eſcheit of the habite, that is to ſay, of the Clerkes be the ordinar Judge, and the lave be the Kinges Officiares.

ITEM, It is seene ſpeidfull, that Juſtice Aires be halden, and continued zeirlie through-out the Realme, for gude of the commounes.

71. *The King, Lordes, Prelates, Barronnes, and Free-halders may ſet their Landes in few-ferme.*

ITEM, As anent ſew-ferme, the Lordes thinkis ſpeidfull, that the King beginne and give example to the lave. And quhair Prelat, Barronne, or Free-halder, that can accord with his tennent, upon ſetting of ſew-ferme of his awin land in all or in part, our Sovereine Lord ſall ratifie and apprieve the ſaid aſſeſſation, ſa that gif the tennandrie happenis to be in waird in the Kingis hands, the ſaid tennent ſall remaine with his ſew-ferme unremovved, payand to the King ſiklike ferme, induring the waird, as he did to the Lord, ſa that it be ſet till a competent availle without prejudice to the King.

72. *That the freedomes of Regales be kept, and nane abuſed in prejudice of the Kinges Lawes.*

ITEM, As to the Regales; It is ſtatute and ordained, that all privilegedges and freedomes be kept, as they are founden. And gif onie havand Regal, abuſe it in prejudice of the Kingis Lawes and breaking of the cuntrie, that they be puniſhed be the King and the Law, as eſſeiris.

73. *Ane univerſal meaſour to be maid and a ſtandart.*

ITEM, Anent mettes and meaſoures, it is seene ſpeidfull, that ſen we have bot a King and a Law univerſall throw out the Realme, we ſuld have bot a mette and meaſour generall to ſerve all the Realme, that

that is to say, ane pint, a quart: quhilk was given be the ordinance of the three Estaites, Schir *John Forrester* that time beand Chalmerslane into the Burgh of *Stirling*; as for the standart, they to remaine universallie throw-out the Realme. And the firlost fall be maid thereafter, that is to say, ilk firlost fall contene eightene pyntes of the famin measure round and in like wide under and abone, the twa buirdes conteneand even over in thicknes ane inch and a halfe, and the breadth over within the buirds sextene and a halfe: And the halfe firlost and peck to follow in the famin kinde. And of thir said measures, that is to say, pynt, quart, and firlost, fall be maid new, three standerts: Ane to sende till *Aberdene*, ane uthir to *Perth*, and the third till *Edinburg*, to remaine, and now to be proclamend there, fra the feast of Saint *Michael* next to cum. That thay measures, pynt, quart, and firlost have coursie, and nane uthers. Swa that in the meane time, all maner of perfones, that thinks till use the said measures, may get them, beand burnt and sealed with the seales of thay steides, as they will use, and be served thereafter. And gif ony perfones after the said termes usis uthir measures then thir, & there may be taint gotten thereof be the dittay, or uthirwaies, they fall pay the unlaw of the Chalmerslane air double: And gif ony man be founden of auld or of newe fermes of uthir measures then are abone writen, their foundation fall stand in effect, and the measure of their foundation fall be proportionate to this measure that now is, swa that the famin quantitie fall remaine with the giver and the receiver, but prejudice of ony of them.

74. *He quha takis him to his remission, fall finde caution to satisfie the partie.*

ITEM, Anent the contentation of parties compleinzeand of divers perfones, quhilkis hes remissions of the King: It is seene speedefull for ony partie, quhair of it is pleinzied, and alleagis till his remission, as for spulzie of gudes, outhir be theft or rief, the partie alleage-and till his remission fall finde ficker burrowes, to content the partie compleinzeand within fourtie daies nixt followand. And gif he dois not, he fall remain in the Kingis prison, quhill the saide fourtie dayes be runnin, and then his remission to be expyred, and of no value. And as of actiones committed in times by-gane, the partie compleinzeand, fall have recourse to the Lordes of the Session, the quhilkis fall have power to garre them be restored, after the tenour of the acte of spoliation maid thereupon: Or gif it pleasis the partie to follow to the third aire, after the auld use and custome: And there after gif the partie be not content, his remission to be expyred and of nane availle, as is foresaid.

75. *That na Free-halder be confreinzied to the Parliament, bot he be of xxx. pounds worth of land.*

ITEM, The Lordes thinkis speedefull, that na Free-halder, that haldis of the King under the summe of twentie poundes, be confrenzied to cum to the Parliament or General Councel, as for presence, bot gif he be ane Baronne, or els be specially of the Kingis Commendement warnen, outhir be officiar or be writ.

76. *The punition of negligent Officiares.*

ITEM, OUR SOVERAINE LORD, and his three Estaites ordainis and determinis, gif that ony of his Officiares or Schireffes, Maires, Baillies, Crowners, Serjandes, Provestes of Burrowes, and their Ministers baith to land and to burgh, be foundin faultie or negligent in the execution of their offices, and it may be lauchfully proved on him, or notourly kend, gif the said office perteinis to him in fee and heritage, he fall tine his Office, and the profite thereof for ane zeir and a day, and to be punished be the King in his person and gudes, after the quantitie of his trespassse. And gif his office perteinis to him not in fee and heritage, he fall tine his office for all the times he has it, and to be punished in his person, after the quantitie of sik trespassse, at the Kingis will.

77. *That na leagues nor bandes be maid within Burrowes nor man-rent.*

ITEM, It is seene speedefull to the Lordes, that within the Burrowes throw-out the Realme, na leagues nor bandes be maid, nor zit na commotion nor rising of communes in hindering of the common Law, bot at the commendement of their head Officiar. And gif ony dois in the contrarie, and knowledge and taint may be gotten thereof, their gudes that ar foundin guiltie therein, to be confiscat to the King, and their lives at the Kingis will. And that na man dwelland within burgh, be foundin in man-rent, nor ride in rowtrein feare of weir with na man, bot with the King or his Officiares, or with the Lord of the Burgh, that they dwell in, or with their officiares, under the famin paine. And in like maner, that na indweller within burgh nor land, purches ony Lordshippe in oppression of his Nighboures in like maner, under the famin paine.

78. *Of them that occuppis Lordes landes against their willes.*

ITEM, Anent maisterful-men, that schapis them to occupy maisterfully Lords landes, baith Spiritual and Temporal: The Lordes thinkis speedefull, that the perfones compleinzieand upon sik maisterful-men, fall cum to the Kingis Schireffe and Baillie, and aske his ground for to be dewoyded, or to see what reason, that

partie

partie occupyand the ground pretendis for him: And gif the Schireffe findis na reason in the occupation of the grounde, the Schireffe fall devoyde the grounde baith of him and his gudes: And charge him in the Kingis name, that he make na mair distroublance to the Lorde nor his ground in time cumming, under the paine of the Kingis Waird. And gif he dois ony thing there attour, fourth-with till arreift his person, and sende him to the Kingis Waird.

79. *The Justice to take inquisition of fornares, bairdes, feinzied suiles, and maisterfull beggares in all Justice aires.*

ITEM, The Lords thinkis speedefull, that in all Justice aires, the Kingis Justice gar take inquisition of fornares, bairdes, maisterfull beggers, or feinzied suiles: & outhir banish them the cuntrie, or send them to the Kingis prison.

80. *To saw broome and make hedges.*

ITEM, Anent plantation of woodes and hedges, and sawing of broome: The Lords thinkis speedefull, that the King charge all his free-holders baith Spirituall and Temporal, that in the making of their *Whitsundays* set, they statute and ordaine, that all their tennentes plant wooddes and trees, and make hedges, and saw broome, after the faculties of their maillings, in place convenient therefore, under sik paine as law and unlaw of the Barone or Lord fall modifie.

81. *Of sawing of quheate, pease and beanes.*

ITEM, Anent the sawing of Quheate, Pease, and Beanes: It is seene speedefull, that ilk man earand with a pleuch of aught Oxen, fall saw at the least ilk zeir, ane sirlot of quheate, halfe ane sirlot of pease, and xl. beanes, under the paine of ten shillings to the Barronne of that land, that he dwellis in, als oft as he beis founden faultife. And gif the Barronne sawis not the said corne in his domaines, he fall pay to the King, ten shillings: And gif the Barronne beis founden negligent in the receiving of that paine fra his husbandes, there fall be raised on him fourtie shillings, als oft as he defaultis, without remission of the King.

82. *That na man cum to Courtes bot in sober wise.*

ITEM, It is ordained and decreeted, that in all Justice aires, Schireffe Courtes, and generally all Courtes of Spiritual and Temporal, that all perfones, Free-holders, and all uthers of the Kingis lieges, fall cum hitero in sober and quiet maner. And that na man bring with him maa perfones then ar in his dailie houshold and familiars. And fra he be cummin to his Innes, he and they fall lay their weapons and armour fra them (gif they bring ony with them) and use na weapons for that time bot his knife. And gif ony man be feeded, and alleagis feede, or dreade of ony partie, the Schireffe fall furth-with of baith take law burrowes, and for bid them in the Kingis name to trouble the Kingis peace, under the paine of Lawe. The quhilk paine the King fall execute without remission, upon the breakers of the peace fore-said. And if the Shireffe be negligent there in, he fall be punished after the forme of the statute made of the reformation of the faults of Officers, within the Realme.

83. *Of making of Hedges.*

ITEM, That na man make hedges of dry staikes, rice or stickes, or zit of hewen wood, bot allanerly of lyand wood.

84. *Anent wild foules, and foules of riefie.*

ITEM, Anentis birdes and wilde foules, that gainis to eat for the sustentation of man, as Pettrickes, Plovares, and sik like foules: It is ordained, that na man destroy their nestes, nor their egges, nor zit slaye wild-fowles in mouting time, quhen they may not fle. And that all men after their power destroy nestes and egges of birdes, and foules of riefie.

ITEM, Anent ruikes, craves, and uthir foules of riefie, as eirnes, bissettes, gledes, mittalles, the quhilk destroyis baith cornes and wilde foules, sik as pettrickes, plovares, and uthers. And as to the ruikes and craves biggand in orchardes, trees, and uthir places: It is seene speedefull, that they that sik trees perteinis to, let them to big, and destroy them with all their power, and in na waies that their birdes flee awaie. And quhair it is tainted that they big, and their birdes flee, and the neste be founden in the trees at *Belthane*: the trees fall be faulted to the King: bot gif they be redeemed fra him be them, that they pertained first, and five shillings to the Kingis unlaw. And that the said foules of riefie all utterly be destroyed be all maner of men, be all ingine of all maner of crafts that may be founden. For the slaughter of them fall cause great multitude of divers kind of wilde-foules for mans sustentation.

85. *The slaughter of redde fish in forbidden time, and paine thereof.*

ITEM, As anent redde fish, it is ordained, that quha sa beis convict of slaughter of redde fish in time forbid- den be the law: the doer, and he that biddis it be done, fall pay ten pound for his unlaw, but remission. And at the third time, and he be convict of sik trespassse, he fall bye his life. And gif ony man be inest of freedome to fish in forbidden time, sik privileges fall cease to the nixt Parliament: and gif ony dois the con- trarie, he fall pay an unlaw before the Justice: upon the quhilk trespassse, the Justice-Clerke fall inquire at the receiving of the dittay.

86. *That nane set Creilles in waters.*

ITEM, that na man in smolt time, set veschelles, creilles, weires, or ony uthir ingine to let the smolts to goe to the Sea, under the paine of ten pound to the King: And that the Schireffe of the land de- stroye them that are maid.

87. *To see for the destruction of Woolfes.*

ITEM, It is ordained for the destruction of Woolfes, that in ilk cuntrie quhair ony is, the Schireffe or the Baillie of that cuntry fall gadder the cuntrie folke three times in the zeir, betwix S. Markis day and *Lambes*, for that is the time of the Quhelpes. And quhat ever he be that risis not with the Schireffe, Baillie, or Barronne within himselfe, fall pay unforgiven a wedder, as is conteined in the auld act maid thereupon. And he that slayis ane Woolfe in ony time, he fall have of ilk houshalder of that Parochin that the woolfe is flaine within, a penny. And gif ony Woolfe happenis to cum in the cuntrie, that wit be gotten of: the cuntrie fall be readie, and ilk houshalder to hunt them, under the paine forefaide: And they that slayis ane Woolfe, fall bring the head to the Schireffe, Baillie, or Barronne, and he fall be debtour to the slayer for the summe forefaide. And quhatsumever hee bee that slayis ane Woolfe, and bringis the head to the Shiniffe, Lord, Baillie, or Barronne, he fall have sex pennyes.

88. *Anent the slayers of Hares and destroyers of Cunnings.*

ITEM, Anent the slayers of Hares in snaw time, and destruction of Cunnings, the three Estaites de- claris, that to be a poynt of dittay.

89. *That all the actes be copied fra the Clerk of the Register, and proclaymed.*

ITEM, The Lordes thinkis speedeful, that our Sovereine Lorde commande all his Schireffes and Com- missaries of Burrowes to cum to the Clerke of the Register, and gar copy all the actes, articles, and statutes above written, and garrie proclaime them openly through their Schires and Burrowes: Swa that nane of his Lieges alleage ignorance of them in time to-cum. And als that the articles and ordinances abone written, the quhilkis ar necessar till his Barronnes and Free-holders, be schawen at their *Whitfundayes* making, or their Barrone Courtes, richtwa be taken and copied, and schawen ro their tennentes. Swa that nouthir the Free-halder nor tennentes pretermitt the observing of the said decreetes. And that the paines set thereupon be dewlie raised, that the said actes and decreetes may be observed, as effeinis. And attour, sen God of his grace hes sende our Sovereine Lorde sik progresses and prosperitie, that all his Rebelles and breakers of his Justice, ar removed out of his Realme, and na maisterfull partie re- mained, that may cause ony breaking in his Realme: Swa that his hieneffe be inclined in himselfe and his mini- sters to the quiet and commonn profite of the Realme, Justice and equitie to be keiped among his lieges: His three Estaites most humble exhortis and requires his hiennes, to be inclined with sik diligence to the exe- cution of thir statutes, actes and decreetes above written, that God may be empleased of him and all his Lieges Spiritual and Temporal: And pray till God for him, and give thanking to him, that sende them sik a Prince to their Governour and defender.

F I N I S.

A N E T A B L E

Of the

*PARTICULAR and uther ACTES maid be KING JAMES the Second,
qubilks ar nocht prented.*

In the Councell, the thiretteenth day of March, the zeir of God, are thousand, foure
hundreth, threttie aucht zeires.

O F halding of Sessiones zeirly.

Fourth Parliament, iv. of November. 1443.

*The last part of the act maid anent the defense of the halie Kirk.
ITEM, ane act in the Parliament, 14. of Julij, 1445. Concerning landes qubilks pertained to King
James the First.*

Sext Parliament, xix. of Januar. 1449.

*Of the examining of Actes of Parliament and Generall Councell, bigging of Toures and fortalices.
The Parliament 28. of March, 1450. conteneing ane particular Acte touching John Lindefay of
Dunred.*

Elleventh Parliament, iv. of August. 1455.

*That nane receipt James, sumetime Erle of Dowglass.
Of him quba takis ane falsé cuinzieour.
Ane Embassadour to be sent to the Paipe.*

Thiretteenth Parliament, xix. of October. 1456.

*Anent weir and defense of the Reahne.
Anent sitting of Sessions.*

Fourteenth Parliament, vi. of March. 1457.

*Of Sessions. The Provison for money. The last part of the acte anent Hospitalles. Anent
Beggars. Of Chahmerlane aires. Of taking of strengthes be the Constable. Of leeing-makers.
Of mure-burne.*

F I N I S.



LEONARDUS DE VINCI



IACOBVS, III, REX, SCOTORVM,



T H E F I R S T
P A R L I A M E N T
O F
K I N G J A M E S T H E T H R I D.

Halden at Edinburgh, the IX. Day of October: The Zeir of God, Ane thousand, foure hundredeth, threescore sex zeires: And of his Reigne the first zeir.

1. *For observing of the honour of haly Kirk.*



ITEM, In the first, it is statute and ordained, that the priviledge and honour of haly Kirk, & Spiritual perones be observed, keiped, mainteined, and defended in honour and libertie, be our Sovereaine Lordis authoritie, for the time of his reigne, as it hes bene in the time of his Noble Predecessours & Progenitours of before, after the forme and statute maid thereupon.

2. *Anent the Queenis Dowrie.*

ITEM, As to the Dowrie of the Queene: it is ordained, that the thrid of the Kingis rentes of assise, that is to say, of landes and customes, be assigned till her tierce and dowrie allanerly, and no furdre.

3. *That na commendes be purchased.*

ITEM, Anennis commendes, it is statute, that na commendes of newe or aulde be susteined, or suffered within the Realme, nor that commendes purchased of before be halden. And that nane of our Sovereaine Lordes Lieges take upon hand to purches or take any commendes, nor to hald commendes purchased of before, outhir of Religious or Secular benefice, under the paine of tinsel of his temporalitie for his time, and under the paine of Rebellion utherwaies, then is lauchfull to the ordinar to commend for sex monethes.

4. *That na pension of benefice be taken.*

ITEM, That na pension of new or auld be purchased nor taken out-with the Realme nor within, of ony Benefice Religious or Secular, without the consent of the possessor, giver and taker, under the famin paine.

5. *The paine of the breaking of the Law-burrowes.*

ITEM, As anent Law-burrowes: It is statute, that gif Law-burrowes be broken upon ony Bishop, Abbot, or Prelate of haly Kirk, Erie, Lord of Parliament: That is to say, in the hurting of their awin perones or their fervandes, the burgh or burrowes of him, that findes thay burrowes, and breakis the famin, fall pay to our Sovereaine Lord for amerciament, the summe of ane hundredth pounds. And gif Law-burrowes be broken upon Knight, Bartonne, Squier, or great beneficed Clerkes, the summe of fiftie pounds. And gif they be broken upon Burgeses, zeamen, or Priestes, the summe of xxx. punds, togidder with amendis to the partie, les then the Law-burrowes bring the trespassours to the King, or the Schireffe of the Schire, within fourtie daies, or els pay the summe, as effeiris, for the person, as is before written. And the King to have the unlaues of all Law-burrowes broken, that is rane be his awin officiares, outhir to land or to burgh. And the Lordes of the Regalities and Barronnies, fall have the unlaues within their landes, quhair

quhair sik Burrowes ar taken be them, or their officiares, in sa far as they have priviledge, after the forme of the auld infestments and freedomes, as they had before. And this to indure to the nixt Parliament.

6. *That Summoundes be maid of xxi. dayes.*

ITEM, As anent Summoundes: It is statute for the ease of the Kingis Lieges, that Summoundes peremptour be abridged to xxj. dayes of all actions customable, to cum before the King and his Councill, that the Summoundes be execute of the time foresaid.

7. *That na English-man have benefice within Scotland..*

ITEM, That na *English-man* have benefice, Secular or Religious, within the Realme of *Scotland*, after the forme of the act maid thereupon be King ROBERT the Brusye.

8. *That na persones have money out of the Realme, under the paine of escheit thereof.*

ITEM, It is statute for the mater of money, and for the halding of the samin within the Realme, and ordained that na man Spiritual nor Temporal, liege to our Sovereine Lorde, have, nor send na money out of the Realme, under the paine of ten pounds unemittable to the King for amerciament, and als meikle money as he takis or sendis out of the Realme. And attour, it fall be a poynt of dritay, and Seculares to cum before the Kingis Justice depure in that part, to be limite and ordained be his Hieneffe, of fiftene dayes proclamation: And gif they be foundin culpable, they fall pay the said amerciament, togidder with the quantitie of the money that is taken out of the Realme: And Clerkes before their Ordinar and Official: and gif they be founden in likewise culpable therein, they fall pay the said amerciament, togidder with almeikle money, as is taken out of the Realme, saifand moderate expenses, to the avails of ane *English* Noble of ilk person. And that Clerkes failling or passing out of the Realme, fall cum before their Ordinar or his Official, and mak aith, that they fall nouthir have, nor send na money out of the Realme, bot his said expenses. And that Seculares fall cum before the Kingis depures to be limit at ilk Haven, and make faith likewise. And quha that passis Spitiual or Temporal out of the Realme, not givand his saide aithe, fall be in amerciament to the King of five poundes, of Clerkes, to be raised be their Ordinar, and of Seculares be his Hieneffe.

9. *Of money and black fardinges.*

ITEM, It is statute for the ease and sustentation of the Kingis lieges, and almous deede to be done to pair folk: That there be cuinzied copper money, foure to the penny, havand on th'ane part the croce of *Saint Andrew*, and the crowne on th'other part, with subscription of *Edinburgh* on th'ane part, and ane *R* with *JAMES* on th'other part. And that there be cuinzied three hundreth poundes conteinand silver. And that they passe in payment for bread and aile, and uthir merchandice, and in greate Merchandice to be taken xij. d. in a pund. And that all uthir money, gold and silver have cours, as it had of before, except the new *English* groate of EDWARDIS cuinzie to have cours among the Kingis lieges for ten pennies, and na dearer, and the new Noble of the *Rose* for twentie five shillings. And the Lordes, that fall be limited to have strength of the Parliament in uthir causes, as is before writen, have power to make sik rules and statutes of the sex-penny-groate of the *Floure deluce*, as they fall think expedient for the gud of the Realme.

10. *Anent the reformation of Hospitales.*

ITEM, Anent the reformation of Hospitales, and for the keiping of the failzied creatures: It is statute and ordained, that all the Ordinates of the Realme fall warne all them that hes Hospitales in their diocesses, and summond them till a day be the Kingis and the Ordinaris letters. To the quihilk day the Chancellor, or his depures fall cum with the Ordinar, & see the infestments and foundationes. And be the advise of the Chancellor and ordinar, to be reduced to their first foundationes, quhair-throw Gods service may be observed and miserabill persones susteined, and quhair the infestmentes can not be funden, be the advise of the Ordinar and the Chancellor, the fruites of the Hospital fall be assigned to pure and miserable persones, in sa far as the fruites are of avails. And that twa gude men of conscience be warnid be the Ordinar, to be with him and the Chancellor, for the reformation to be maid. And that to be done in continent, or the parting of the Ordinar and the Chancellor.

F I N I S.

T H E S E C O N D
P A R L I A M E N T
O F
K I N G J A M E S T H E T H R I D.

Halden the last daie of Januar, the zeir of God, ane thousand, foure hundreth, sextie sex zeires.

11. *That nane passe in Merchandice out of the Realme, but freemen.*



ITEM, In the first, that nane of our Sovereine Lordis leiges sail, nor passe in merchandice out of the realme, bot freemen burgeses dwelland within Burgh, or their familiares, factoures, servandes, being with them in houshalde at meate and drinke: Saisand, that it sail be lauchfull to Prelates, Lordes, Barrones, Clerkes, to send their proper gudes with their servandes, and to bye againe thinges neidfull to their proper use.

12. *That na man of craft use merchandice.*

ITEM, It is statute and ordained, that na man of craft use merchandice be himselfe, nor sail in merchandice, nouthir be himselfe, nor his factoures, nor his servandes, bot gif he have leave, and renounce his craft, but collour or dissimulation.

13. *That na man sail in merchandice without halfe a last of gudes.*

ITEM, That na man sail, nor passe out of the Realme in onie merchandice, bot a famous and worshipfull man, havand of his awin halfe ane last of gudes, or sameikle in steiring or governance, under the Paine of ten pounds to be rayfed to our Sovereine Lordes profit of ilk person deand the contrarie hereof.

14. *That na schip be fraucht without a Charter partie.*

ITEM, It is likewise statute and ordained, that in time to cum, there be na schip fraucht without a Charter-partie contenand thir pointes under written, that is to say, that the maister of the Schip sail find sufficient steir-man, tymmer-men, and schip-men convenient for the Schip. And that the maister finde free to the Merchands fire, water, and salt on his coast. And gif their happens onie contention or debairt betwixt the maister and the merchands, that they sail under the jurisdiction and ordinance of the Burgh, quhairto the schip is fraucht, without ony exception. And that na merchandis gudes be reiven nor spilt with unreasonable stolling, as with spakes: nor that na gudes be schorne, nor stricken up in na wise into the masters default, nor his servands: under the paine of tynfel of the said fraucht, and amending of the skaith of the Merchandes. And that the maister sure na gudes upon his over-lost: The quihilk and he do, thay gudes sail pay na fraucht, nar na gudes under the over-lost to scat nor lot with thay gudes, in case thay be cassin. And that every ilk Schip, exceedand five last of gudes, sail paye to the chaiplane of the Nation a sack-fraucht, and within five last, halfe a sack-fraucht, under the paine of five poundes to be raised to our Sovereine Lorde the Kingis use, of ilk person doing in the contrarie hereof. And that na drink-silver be tane be the maister nor his doers, under the paine above written: And home-ward a Tun fraucht, to the Kirk wark of the towne, that they are fraucht to.

15. *That na schipe sail with Staple gudes, fra Simons day and Iudis, quhill Candelmes.*

ITEM, It is statute and ordained, that in time to cum there be na Schip fraucht out of the Realme with ony Staple gudes, fra the feast of *Simons* day and *Iude*, unto the feast of the Purification of our L A D Y, called *Candel-mes*, under the paine of five poundes of the the usual money of *Scotland*, to be rayfed to our Sovereine Lordis use, of ilk person frauchting ony Schip in the contrair hereof.

16. *That na Merchandes sail passe to Bruges as Staple.*

ITEM, It is statute and ordained, that nane of our Sovereine Lordes lieges sail fra the feast of *S. Peter*, called *ad vincula*, sure ony schips in merchandice, or gudes to the *Swyn*, the *Staise*, the *Dam*, or

Bruges, under the paine of tinsel of all their gudes, & banishing of their persones out of the Realme. And that all persones now havand gudes in the townes of *Bruges*, the *Dam*, or the *Shuise*, remooove and devoyde themselves and their gudes off the saidis places before the said feast of *S. Peter*. And fra thine furth that they nouthre bye nor sell, nor make merchandice in any of the places before written, under the paine foresaid.

17. *That Merchandes sail to the Rochel, Burdeaux, and France.*

ITEM, Itis statute and ordained in the said Parliament, that it fall be leifful to all Merchandes in this Realme to sail to the *Rochel, Burdeaux, France*, and *Normandy*, with sik merchandice as is convenient therefore, siklike as they did of before. And all staple gudes to remaine in staple, and pas to na mercattes. And this to be observed and kept, under the paines foresaid.

F I N I S

T H E T H R I D
P A R L I A M E N T
O F

KING JAMES THE THRID,

Halden at Edinburgh, the twelfth daie of October, the zeire of God, one thousand, four hundredeth, sextie seven zeires.

18. *The Proclamation of money higher up.*



ITEM, Our Sovereaine Lord the King and his three Estaites in this present Parliament, findis his Hienes and the haill body of the Realme, greatly hurt and skaited in the money of this Realme, havand lower course, then uther Realmes hes about us, throwe the quhilk the Quinzie of this Realme is borne out in great quantitie: For the quhilk our Sovereaine Lorde and his three Estaites in this present Parliament, hes statute and ordained, that the money of uther Realmes: That is to say, the *English Noble*, *HENRY* and *EDWARD* with the *Rose*, the *French Crowne*, the *Salute*, the *Lew*, and the *Rydar*, fall have course in this Realme of our money, to the value and equivalence of the course that they have in *Flanders*: That is to say, *EDWARD* with the *Rose*, to threttie twa shillings of our money. Item the auld *EDWARD* to four marks, the ounce of the famin price, as the *Rose* hes course. The *HENRY Noble* to twentie seven shillings, sex pennies. The *French Crowne* to twelve shillings, sex pennies. The *Salute* to threttie shillings four pennies. The *Lew* to fifteen shillings sex pennies. The *Rydar* to twentie four shillings. The *Derry* to twelve shillings. The *Lyon* with the Crowne, to twelve shillings. Item, the auld *English* groate fall passe for sextene pennies. The *Borage* groate, as the new groate. The new groate of *EDWARD* for twelve pennies. The *Spurred* groate, as the auld *English* groate for sextene pennies. The *English* penny, three pennies. And the new *English* penny richtwa. The groate of the crowne fall have course for fourteene pennies. Item, the halfe groate seven pennies. The groat of the *Flour-de-luce*, aucht pennies. And the quhite *Scottis* penny and halfe penny to have course, as they were wont to have. And the striking of the black pennies to be ceased, that there be nane stricken in time to cum, under the paine of death. And that strait inquisition be taken be all Schireffes and Baillies of Burrowes, gif ony sik stryking be maid, and the strikers to be brocht to the King and punished, as is before written, and the bringers of sik persones to be weil rewarded therefore, as effectis.

19. *The maner of debtes and contrattis paying.*

ITEM, Because our Sovereaine Lorde and his three Estaites, considderis and understandis, that his Hienesse and the haill Realme in ilk estate is greatly hurt and skaited in the changing and hieing of the cours of the money, as is before written, baith in debts paying, and contratts, by-gane annualles, wed-fetres, and landes set for lang termes, customes, and procuracies of Prelates, and all uther debtes lesse, then they were provided

provided in this present Parliament, be our Sovereine Lorde and his three Estaites, that baith the creditour and the debitour, the byer and seller, the borrower and the lender, the Lord and the tennent, Spirituall & Temporal, be observed to the desire of the intentes of them, that were in the time of the making of their contracts, and payment to be maid in the samin substance, that was intended the time of the making of the contracts, maid before this present Parliament: Swa that quhar variation be maid in the Parliamente of alteration of the money for the common gud of the Realme, the samin substance and value redound to the receiver, like as he suld have had the time of the making of this acte. Therefore our Sovereine Lord, and the three Estaites, statutes and ordainis, that all debtores, that awe ony debtes of contracts maid of before, pay to their creditours of the samin summes in substance, as it was intended betwixt them, before the making of this act, in sik like manner as it zeid immediatly before this act. And proportionally in poundes, schillings, of the reckoning, that it fall be in time cumming, to raise the money, like as it zeid of before. And in like manner all annual-rents, weddettis, landes set for termes, customes, procuracies, and all uthir debtes of contracts maid of before, to be payed in sik like money, as zeid immediatly before this act. Item, all contracts, byinges and sellinges in time to cum, to be maid of the money after the course as it fall have in time to cum, or eis as pleasis the parties. And attour, in all Obligationes maid in times bygane with this clause maid, (of usuall money of *Scotland*) that it be interpreted and understood to be payed in the value and substance, as the money had course in the time of the making of this acte, and in all manner, forme and effect, as is abone written.

20. *That Ferriers make brigges.*

ITEM, It is seene expedient be the Lordes, for the utilitie and profite of the Kingis Hienesse and his lieges, quhilk divers times passis over Ferries with their Horse, for the safetie of the samin, that at all passages of Ferries of ilk side of the water, That is to saye, *Leith*, *Kinghorne*, the Queenis Ferry, on the uthir side of the water, the *Portmearg* and the East ferrie to be maid brigges of buirds, or portes in ferry boates, for the ease of schipping of the said horse. And that the said brigges be maid within twentie dayes nixt following the making of this acte, under the pame of tinsel and confiscation of the boate, and not to use the office for a zeir and a day. And that the Kingis letters be written thereupon.

21. *Anent the lower price of money.*

IN Prefence of our Sovereine Lord and the three Estaites in plaine Parliament; Ane worshipfull Clerk, Maister *Archibald Qubite-law*, Deane of *Dumbar*, Secretar to our Sovereine Lord, in the name & behalfe of the haill Clergie. And in likewise an honourable man, *Richard of Kintor*, Burgesse of *Aberdene*, in the name and behalfe of the haill Commissioners of Burrowes, humbly maid request and besoucht our Sovereine Lord of his Grace, thar gif it happenis of case, thar his Hienesse in times to cum proclaimis his money to lower price and les availe, then it is now proclaimed, thar therefore subsidies & procuracies, customes and duties, might be taken and payed of the money to the availe and price, as they pay. The quhilk requiest, our Sovereine Lord in prefence of his said three Estaites, graciously and heartlie granted in all thinges foresaid.

F I N I S.

T H E F O U R T H

P A R L I A M E N T

O F

K I N G J A M E S T H E T H R I D,

Halden at Edinburgh, the twelfth daie of Januar, the zeir of God, ane thousand, foure hundredeth, sextie seven zeires.

22. *The crying up of certaine money.*



ITEM, It is statute and ordained, that fra thyne furth the *Scottis* groate of the Crowne, that past for twelve pennies of before, fall have in time to-cum course among our Sovereine Lordis Lieges for fourteen pennies: And the half groat of the samin for seven pennies. Item, the auld *English* penny fall have course effeirand to the auld *English* groate: That is to say, for four pennies. Item, in likewise the new *English* penny of *Edwarde* till have course effeirand to the new groate of *Edwarde* for three pennies. Item, that the quhite *Scottis* penny have haill course in all payment, quhill the nixt Parliament, and then gif it neidis

neidis remeid to be set therefore, as sall be thought speedefull. Item, that in time to cum there be tane in payment of black money, bot twelve pennies in the pound, and swa descendand proportionally, as the summe descendis. Item, it is ordained for the hyeing of the availe of the crowned groate, and *English* pennies to be na hurte contrair the actis maid of before anent the money, bot that act to stand in all force and effect, as it was first maid.

23. *The Chalmerlane to see for mettes and measures.*

ITEM, Anent mettes and measures: It is statute and ordained, that the Chalmerlane and Schiresses sall put the last acte maid thereupon till due execucion in all places, as they will answere to our Sovereaine Lord.

24. *Anent money till have ane univerrall course.*

FOR As meikle as the Lordes of the three Estaites, depute till advise upon the money, considers the great murmur that is past, because of diversities of payment within the Realme, throw the intaking of rentes be the auld payment, and giving our againe be the famin price: Considering als that the penny-worthes ar risen with the penny, and meikle dearer then they war wont to be, that sulde hie the money till have general course to the hie price, that ilk man thar suld receive ony rentes, sulde be skaithed to the fourth or the fifth parte of his rente, quhilk, is too heavie to them in all estaites, and till eschew the greate rumour hereof, and for to content the commounes: It is statute and ordained, that the money fra thine fourth have univerrall course throw-out the Realme. And als it is ordained, that the Actes and statutes maid upon the in-bringing of Bulzicon within the Realme, and als the keeping of money within the Realme, be observed and kepted, under richt fair and heavie paines, and richtswa uther statutes maid for the keeping of the famin, that it pas not out-with the Realme. Item, it is ordained, that unto the time it be advised be the wisest of the Realme, and them that understandis them best therein depute thereto, and at great lasour, as effeiris, to disponse the money, as sall be seene maist speedefull for the profire of the Realme, that in the meane time fra this fourth the *Scottis* money: That is to say, the *Demy*, the *Lyon*, the groate of the Crowne, and the groate of the *Floure-deluce*, and the small penny, and the farding sall have the famin course, that they had before the first Proclamation, maid in the Parliament, in the moneth of *October*: That is to say, the *Demy*, and the *Lyon*, ten shillings: The groate of the Crowne, twelve pennies. The *Flour-deluce*, sex pennies and a halfe penny. And for the money of uther Realms, to draw it within the Realme, they ordained it to have course: The *English* Noble of the *Rose*, and the auld *Edwarde*, keipand pace, for twentie aucht shillings. The Noble of *Henry*, twentie four shillings. The *Lew*, fourteene shillings. The *French* Crowne, eleven shillings. The *Salute* and the *Rydar* till have course, as they zeid of before. And the auld *English* groat threttene pennies. And the new *English* groate eleven pennies. The *English* penny three pennies. The spurred groate threttene pennies. And the *Scottis* pennies till have course as they had of before. And of the fardinges to take twa shillings in the pund. And attour it is ordained, that gif ony man hes maid ony Obligations or contractes, sen the laste Parliament, or lent or boucht, or sauld, sen the said time, they sall paye with siklike money and siklike value, as it had course in the time, quhen they maid their contract, borrowed, or lent, bocht or sauld. And this priviledge til indure to them, quhill the feast of *Lamb-mes* nixt to cum, and na langer for their payment, and to outred their selfe.

25. *Nolt, Scheepe and cattle suld not be sauld furth of the Realme.*

ITEM, It is statute and ordained, that na Kye nor Oxen, scheepe nor uther cattel be sauld out of the Realme, be nane of the Kingis Lieges, under the paine of escheit. And the Wardane sall have na power to give licence in the contrarie hereof.

F I N I S.

T H E F I F T H

P A R L I A M E N T

O F

K I N G J A M E S T H E T H R I D,

Halden at Edinburgh, the twentie daie of November, the zeir of God, ane thousand, foure hundredeth, sextie nine zeires.

26. *Anent the freedome of halie Kirke.*

ITEM, In the first, it is statute and ordained, that the freedome of halie Kirk be observed and keiped in all immunitie, priviledge and freedome, in likewise, as it hes bene in times of maist Noble Princes; Predicessoures and Progenitoures to our Sovereine Lorde of haili minde, quhome God assoilzie.

27. *The Judge Ordinar being partial, or refusand to do Justice, fall satisfie the party, and pay an unlaw to the King.*

ITEM, As to the article of Schireffes and uther judges Ordinar, quhilkis will not execute their office, and minister Justice to the pur people: It is statute and ordained, that the partie compleinzeand in ony parte of the Realme, fall first cum till his Judge ordinar of Temporal landes, as Justices, Schireffes, Stewartes, Baillie, or Barronne, Provest or Baillies of Burrowes, and make his complaint, and aske at him administraction of Justice. And gif he gettis justice dewlie execute and ministrat to him, he mon remaine content. And gif the judge Ordinar failzie him, and will not minister him justice, he fall cum to the King and his Council, and take letters of summoundes, and summond the partie. And in likewise his judge Ordinar, quhat ever he be of Temporal landes. And gif the judge be foundin culpable, and wauld not minister justice, he fall be punished and put fra his office for a certaine time, after the discretion of our Sovereine Lorde and his Council, and pay the expenses of the partie compleinzeand: And our Sovereine Lord, fall gar minister justice to the partie compleinzeand in that case. And gif the Judge Ordinar minister him partial justice, and dois him wrang in the administraction of Justice: In likewise the partie compleinzeand fall summonde him before the King and his Council. And gif before them he be founden culpable or partial in the administraction of Justice, be he a Schireffe, Baillie, or uther Officiar of fee, he fall be put fra his Office for three zeires. And gif he be ane Schireffe or ony uther Judge Ordinar for a time, he fall be put perpetually fra his Office, and pay the expenses of the partie, and his person to be punished at the Kingis will. And in likewise the Officiar of fee. And gif the partie compleinzeand upon the Ordinar Judge, be founden be the King and his Council in the wrang, he fall pay the expenses of the saide Judge Ordinar for his vexation, and his person punished at the Kingis will in likewise. And gif ony partie hes ony proper action against the Schireffe, or ony Judge Ordinar, it fall be lauchfull to him to cum to the King, and uther summond his partie before the King, or make an other officiar in that part, to minister Justice to him. And that ilk Judge Ordinar, Schireffe, or ony utheris, fall be halden to answeire for their deputes, as themselfe. Neverthelesse, it fall be lauchfull to the Kingis Hienes to take decision of ony matter thar cummis before him, at his empleaseance, like as it was wont to be of before.

28. *Landes may be redeemed be the first seller, fra the first byer, or ony uther possessor.*

ITEM, As touching new inventiones and selling of landes be Charter and saising, and taking againe of reversiones, and it happen the byer to sell the samin land againe to ane uther person: It is now scene expedient in this present Parliament, and according to law and conscience, that the first seller have recourse to the samin landes, sauld be him under reversion, to quhatsumever handes the saids landes cummis, payand the money, and schawand the reversion, and have sik priviledge and freedome against the persones, thar haldis the said landes, as he suld have against the principal first byer. And because sik reversiones may of case be unt: Our Sovereine Lord fall make the said reversiones be registred in his register, gif it be required, on their expenses: That is to say, of ilk ane, ane halfe marke, the quhilke registred, fall have the samin force, as the principal reversion were schawed for the time.

29. *Of Obligations to be followed within fourtie zeir, or else prescribe.*

ITEM, As anent Obligations, that fall be followed in time cumming, except them, that ar dependant in the Law, before the making of this act: It is adviſed, that the partie to quhome the Obligation is maid, that hes intereſt therein, ſhall follow the ſaid obligation, within the ſpace of fourty zeires, and take document thereupon. And gif he dois not, it ſhall be preſcribed, and be of nane availe, the ſaid fourty zieres beand runnin, and unpewſed be the partie.

30. *Officiaries within burghs ſeld nocht be continued: The auld Counſel ſuld chuſe the new: They twa chooſis the officiaries.*

ITEM, touching the election of Officiaries in Burrowes, as Aldermen, Baillics, and uther officiaries, becauſe of great contention zeirly for the chuſing of the ſamin, throw multitude and clamour of communes, ſimple perſones: It is thought expedient, that na Officiaries nor counſel be continued after the Kingis Lawes of burrowes, further then ane zier. And that the chuſing of new Officiaries, be in this wiſe: That is to ſay, the auld counſel of the towne ſhall chuſe the new counſel, in ſik number, as accordis to the towne. And the new counſel and the auld in the zier foreſaid, ſhall chuſe all Officiaries pertaining to the towne: As Alderman, Baillics, Deane of *Gild*, and uther officiaries. And that ilk Craft ſhall chuſe a perſon of the ſamin craft, that ſhall have voit in the ſaid election of Officiaries, for the time, in likewiſe zeir by zeir. And attour it is thought expedient, that na Captaine, nor Conſtable of the Kingis Caſtelles, quhat towne that ever they be in, ſhall beare office within the ſaid towne, as to be Alderman, Baillic, Deane of *Gild*, Theſaurar, nor nane uther officiar that may be choſen be the toun, fra the time of the nixt chuſing forth.

31. *Notares ſuld be maid be the King, and not be the Emperour.*

ITEM, It is thought expedient, that ſen our Sovereine Lorde hes full juridiſtion, and free empire within his Realme, that his bieneneſſe may make Notares and Tabelliones, quahis instrumentes ſhall have full faith in all cauſes and contractes civil within the Realme: And in time to cum, that na Notar be maid, nor to be maid be the Emperours authoritie, have faith in contractes civil within the Realme, leſſe then he be examined be the Ordinar, and apprievd be the Kingis bieneneſſe. And that full faith be given to the Papal Notares in times by-gane and to cum, in all their instrumentes. And als that full faith be given to all instrumentes given of before be the imperial Notares, like as they are of availe. And attour, that the Notares that beis maid be our Sovereine Lorde, be examined before their Ordinares, Biſhopes, and have certification of them, that they are of faith, gud fame, ſcience and lawtie, according for the ſaide office.

32. *That woollen claithe be met be the Rig.*

ITEM, to eſchew deceit and ſkaith of our Sovereine Lordis lieges dailie, and at all times ſuſtained, throw the metting of woollen claithe be the ſelvedge: It is thought expedient, that in time cumming, all woollen claithe be met be the rig, and not be the ſelvedge.

33. *The indorſation of the Kingis letters ſuld be ſtamped.*

ITEM, As touching the indorſing of the Kingis brieves and letters, that full faith may be given thereto: It is ſeene expedient in this preſent Parliament, that Schireſſes, Baillics, or ony uther officiaries, outhir of ſce, or in that part, that executes the Kings brieves or letters, ſet their ſeals or ſignets to them before witneſſe, & procure gif they have nane, till all execution and indorſing of the ſaide brieves and letters: Swa that faith may be given thereto, and utherwaies their indorſing till have na faith.

34. *That the extorſiones of the Kingis Lieges be not tane in Faïres.*

ITEM, Becauſe there is abuſion foundin in the keeping of Faïres, Parliament times, and Generall Councilles: That the great Conſtables of Caſtelles, Schireſſes or Baillics of Burrowes, take greate extorſiones of the Kingis pure Lieges, quhilkis they call their fees, that is not aucht to them: Like as of ilk laid of fleſh, fiſh, victualles, meill or malt, or ſiklike burdinges, as ſoules on mennis backs, and uther things borne in mennis handes, to the quhilk they have no reaſon: It is ſeene expedient and ſtatute in this preſent Parliament, that all ſik thinges be fore-borne in the time to cum, and na ſik extorſiones to be taken of the Kingis Lieges, under the paine of puniſhing of their perſones, at the Kingis will, and to be put fra the execution of their office for ane zeir.

35. *That poynding on Martine-mes and Whit-funday be delayed to the thrid day. Faïres on Haly-daies ar forbidden.*

ITEM, Becauſe of keeping of Haly-daies and divine ſervice, quhilks ar greatly broken, and namely, in the poynding for mailles and annuallies, in-caſting and out-caſting of tennentes, quhilkis cauſes greate diſſention, and cauſes oft times great gadding and diſcord upon ſolemnne daies of *Whit-fundaie* and *Martine-*

Martine-mes: For the eschewing of the quhilk, it is thought expedient in this present Parliament, that the said poynding for mailles and annuallcs, in-casting and outcasting of tenentes, be deferred to the third day after *Whit-sunday* and *Martine-mes*, without prejudice of ony personcs, and in likewise there be na faires halden on hally dayes, bot on the morne after.

36. *Offslaughter of fore-thought-fellony and suddantie, and fleeing to Girth.*

ITEM, Because of the eschewing of great slaughter, quhilk hes bene richt commoun amangst the Kings Lieges now of late, baith of fore-thought-fellonie and of suddantie: And because monie personcs committis slaughter upon fore-thought-fellonie, in traiste they fall be defended throwe the immunitie of halie Kirk and Girth, and passis & remainis in Sanctuaries: It is thought expedient in this present Parliament, for the stanching of the saide slaughters in time cumming, quhair ever slaughter is committed on fore-thought-fellony, and the committer of the said slaughter passis and puttis him in Girth for the safetie of his person: The Schireffe fall cum to the Ordinar in places, quhair he is, under his jurisdiction, and in places exempt to the Lordes maisters of the Girth, and let them wit, that sik a man hes committed sik a crime on fore-thought-fellony: *Tanquam insidiator & per industriam*. For the quhilk the lawe grantis not, nor leavis not sik personcs to joyis the immunitie of the Kirk. And the Schireffe fall require the Ordinar to let a knowledge be taken beane affise on fiftene daies, quhiddir it be fore-thought-fellonie or not. And if it be founden fore-thought-fellonie, to be punished after the Kingis lawes, and if it be founden suddantie, to be restored againe to the freedome and immunitie of haly Kirk and Girth. And thereupon to set gude sovertie to the Ordinar. And that sovertie beand foundin, the said Ordinar, and the maister of the Girth fall suffer the personcs to be had to the said knowledge. And that the Schireffe fall put to execution the actcs of King JAMES the first, maid upon slaughter and fugitours fra the Law: quhilkis bearis in effect, that quhat time ony Schireffe be certified of ony slaughter, outhur by the partie or ony uthur way, hee fall incontinent raise the Kingis horne, and his lieges within the boundes of his office, and passe and seek that persone, and do justice on him, after the forme of the Lawes of the Realme. And gif he be fugitive, and escapis out of the Schireffedome, he fall send ane officiar to the Schireffe, in quhais Schireffedome he enters in, and denunce and signifie to him, that sik a man hes done sik a trespassse, and fellony against the King, within the boundes of his schire, and hes escapied out of the samin, and cummin within the boundes of his office, charging him in the Kingis name, and be vertue of this acte, to raise the Kingis lieges and his horne in likewise, to persew that trespassour, quhill he be overtane, or put him out of the Schire, and in likewise send his officiar to the nixt Schireffe, in quhais Schire the said trespassour enters in, to persew him, quhill he be overtaine, or els put off the Realme. And attout, ilk Schireffe of the Schire, quhair the said fugitour is fought, and nocht overtane, fall passe to the head burgh of the said Schire, and proclaime of the Kingis name and behalfe, that sik a man hes committed sik a slaughter and fellony, and is fugitive fra the Law, and charge all the Kingis Lieges, that na man take on hande to housse, herbery, receipt, nor helpe the said trespassours be onie manner of way, under the paine of inisel of life and gudes. And that the Kingis dittyay be taken hereupon in his Justice aire, and to be punished, as is abone written.

And gif ony Schireffe be foundin culpable hereupon in the execution of his office, the said Schireffe fall be punished at the Kingis will, and be removed fra his office for three zeires. And gif the Schireffe be founden diligent in the execution of his office, or ony uthur person, that labouris for the taking of the said trespassours, fall be rewarded and thanked therefore be the King, as effeiris.

37. *That the puir tenentes fall pay na farther, then their termes mail for their Lordis debt, be the brieve of distresse.*

ITEM, Till eschewe the great heitichip and destruction of the Kingis commons, maillers, and inhabitants of Lordis lands, throw the force of the brief of distresse, That quhair ony summes are obtained be vertue of the saide brieve upon the Lord, awner of the grounde, that the gudes and cattel of the puir men inhabitants of the ground are taken and distrenziid for the Lordes debtes, quhair the mailles extendis not to the availe of the debt: It is adviced and ordained in this present Parliament, that fra hyne-furth the puir tenentes fall not be distrenziid for the Lordes debtes, further then his termes mailles extendis to. And gif the summe obtained be the brieve of distresse exceedis the termes mail, the Officer fall at the instance of the partie, that obtainis the debt, gang to ony uthur proper gudes of the debtour, and pay the remanent of his debt, if he hes sameikil within the schire. And gif he hes not sameikil lands or gudes within the schire, the creditour fall cum to the King, and bring certification of the said Schireffe, howe meikil he wantes of the summe recovered be the brief of distresse, and may not get his proper gudes within the schire. And then the King fall gif his letters to ony uthur Schireffes, quhair the debtour hes ony uthur gudes or mailles within the Realme, and gar them be prisid, and pay the said creditour within fiftene dayes after the forme of the Law. And quhair the debtour hes na movable gudes, but his landes, the Schireffe, before quhom the said summe is recovered be the brief of distresse, fall gar sell the land to the availe of the debt, and pay the creditour: Swa that the inhabitants of the saides landes be not hurt, nor grieved for their Lordis debtes. Neverthelesse, it fall be leifull to the person that aucht the lande, first to redceme and the quire out the samin againe within seven zicitis, pay and to the byer the money that it was sauld for, and the expenses

expenses maid on the Over-lorde for Charter, saising and infestment. And the saide redemption and lowfing to be maid within seven zeires, as said is, or not. And gif the creditour takis the termes maill be vertue of the brief of distresse, it fall not be leifful to the Lord to tak it againe. And gif there cannot be foundin a byer to the saids lands, the Schireffe of that Schire or ony uther, quhair he hes land, fall cheefe of the best and worthiest of the Schire, and least suspect to ony of the parties, to the number of thretteene persons, and apprise the said landes, and assigne to his creditour to the avall of the said summe, within sex moneths after the said summe be recovered before the Schireffe. And als the Over-lord fall receive the creditour or ony uther byer, tennent till him, payand to the Over-lord a zeires maill, as the land is set for the time. And failing thereof, that he take the said land till himselfe, and under-gang the debtes.

38. *Of fish, Salmond, girfilles, trowtes, and nettes in waters.*

ITEM, For the multiplication of fish, Salmond, Girfilles and Trowtes, quhilk ar destroyed be cowpes, narrow maffes, nettes, prynes set in rivers, that hes cours to the Sea, or set within the flude marke of the Sea: It is advised in this present Parliament, that all sik cowpes and prynes be destroyed and put away for thre zeires. And quha sa haldis them up, fall be indired, and punished be the Kingis Justice in his Justice aire, as destroyers of redde fish, after the tenour of the act of slaughter of redde fish last maid of before. And in likewise all millares, that slayis Smoltes with creilles, or ony uther maner of way, fall be punished be the Kinges Lawes, after the tenour of the said acte, maid upon the slaughter of redde fish. And that ilk Schireffe within his Schire fall destroy and cast downe the said instrumentes, cowpes, prynes, & narrow maffes, nettes, creilles, or ony uther siklike.

39. *The Parliament, Justice aires, nor Chalmerlane aires, needis not be continued fra daie to daie.*

ITEM, It is seene speedefull, that the court of Parliament, Justice aire, nor Chalmerlane aire, nor siklike courtes, that hes continuation, needis not to be continued fra day to day, bot that they be of sik strength, force and effect, as they had bene continued fra day to day, unto the time that they be dissolved: The Parliament be the King: The Justice aire be the Justice: The Chalmerlane aire be the Chalmerlane, and utheris siklike Courtes. And that nane exception proponed be ony persones be admitted in the contrarie.

40. *That the Kingis Rolles and Register be put in buikes.*

ITEM, It is thocht expedient, that the Kingis Rolles and Register be put in buikes, and have sik strength as the Rolles had of before.

41. *That na Deniers of France, Cortes nor Mailzies be tane, nor brocht hame.*

ITEM, It is statute and ordained, that there be na *Deniers of France*, *Mailzies*, *Cortes*, *Mites*, nor nane uther counterfeites of black money, be tane in payment in this Realme, bot our Sovereine Lords awin black money, stricken and prented be his Cuinzioures, under the paine of death. And that na maner of person bring into this Realme ony strang black money of uther Realmes or counterfeit the Kings money under the paine of death, as said is. And attour in time cumming, that na man take in payment, nor offer in payment ony black money, bot of our Sovereine Lordis awin cuinzie. For quha that they be founden with, fall be debtour for them.

F I N I S.

T H E S E X T

PARLIAMENT

O F

KING JAMES THE THRID,

Halden at Edinburgh, the sext daie of Maij, the zeire of God, one thousand, foure hundreth, seventie one zeires.

42. Anent brieves pleidable.



ITEM, It is statute and ordained, be the Lords, having the hail power of the three Estaites committed to them, and the bodie of the Realme and Parliament, that in time to cum, quhair onie brieves pleidable happenis to be followed before quhatumever judge, and there be exceptions, ane or maa proponed, and there-upon borrowes and recounters foundin, and doome given falsed, and againe faide be outhir of the parties, and thereafter discussed in the Parliament: Gif it happenis the doome to be discussed & determined for the partie follower, then fall the parties baith passe againe to the nixt Justice aire, and the samin brieve and processe maid of before fall be redde againe, and the partie follower make his claime, and the partie defendand fall have freedom and priviledge to take ane or maa urther exceptiones, dilatoires or peremptoures, as they follow in ordour, nixt after the first exceptions proponed, that the doome was falsed upon of before. Bot it fall not be leiffull to them to take ony exceptions, that they pretermitted and let passe by at that time, bot they fall passe ordourly forward fra exception to exception, how oft that ever the doome be falsed, unto the time that the brieve be brocht to the recognition of ane assise, gif it pleasis the partie to mak perfore theirot. And the said ordour and forme conteneid in this acte abone written, to be observed and kepted in all pointes in the proceeding of the brieve of mortancestry, purchasid be *Andrew Bisset*, against the Laird of *Ardris*, and now dependand in the Justice aire of *Cowper*.

43. The man-slayer suld not be relaxed, except he finde caution. Negligent Schireffes.

ITEM, Anent the stanching of slauchter, quhilk is sa common in the cuntrie, baith in Sanctuarie places, & uthers, the Lordes thinkis expedient, that the acte of the last Parliament maid thereupon be kepted, with this addition, that quhair ony slauchter is committed, and the partie committand the slauchter be put to the horne of partie, and syne thereafter cum, and binde them to the Lawe, the Schireffe fall not receive him to the Law, nor gif him dilatoires of fourtie dayes, without he bring with him sufficient burrowes, that he fall compeir peremptourly the said day, to underlie the law. And failzieng theirot, that the committer of the said slauchter be put to the Kingis horne, at the faide day peremptour, and all his gudes escheit to the King, and his burrowes to pay twentie pound to the King for the unlaw. And fra hyne furth to be demained be the Schireffes, as is conteneid in the actes maid of before in the last Parliament. And to have knowlege quhat Schireffes hes bene negligent in the execution of the said act maid upon slauchter sen the last Parliament. And that now there be limited a day to the Schireffes at the empleaseance of our Sovereaine Lorde, quhair the Schireffe fall compeir, and abide his accusation thereupon. And quha that beis foundin culpable, to be punished after the tenour of the acte of Parliament. And in the meane time that there passe letters of the Kingis in all Schires, to be proclaimed at the head Burrowes, that quhair ony parties compleiniez upon slauchter sen the faide time, that they cum to the King the faide day with their plaintes, and the King fall minister them justice without favoures.

44. That na Clerkes purches benefices, or office of Collectarie at the courts of Rome, the quhilk was not thereat befor.

ITEM, As to the Article of the great damage and skaith daylie done to all the Realme be Clerkes, religious and seculars, quhilks purchassis, Abbacies, and uther benefices at the court of *Rome*, quhilks were never theirot befor, and purchassis, be means, offic of Collectorie, and takis upon them to raise heavie and great taxations of Prelates and Clerkes, and makis information of the ayale of the benefices in the court of *Rome*, mair nor the use and custome was of befor, or that ever was done in ony Kingis time bygane, and to provide for the making of unjions of benefices pertaining to Abbacies, and uther annexed and unite to Bischop-

ricks, and uthers in heirship and destruction of religious places, and against the common gude of the Realme: Therefore the Lordes thinkis expedient, that considering the inestimable damage and skaith in the having of innumerable riches out of the Realme there-throwe, that ilk abbacies, and uther benefices, purchased be secular or religious perones, quhilkis were never at the court of *Rome* of before, be of nane availle, but that the saidis places have free election of the famin. And that nane of our Sovereine Lordis lieges, Spiritual nor Temporal, take upon them to be Collectours to the sege of *Rome*, of na higher nor greater taxation of Bishopprikes, Abbacies, Priories, Provestries, nor uther benefices, that awe taxation, bot as the use and custome of auld taxation hes bene of befor, as is conteneid in the Provincialis buik, or the auld taxation of *Baginmont*. And attour, that there be na unions nor annexations maid in time to cum to Bishopprikes, Abbacies nor Priories of ony benefice: nor that na unions, nor annexations maid now of lait, sen our Sovereine Lorde tuik the Crowne, be of strength, value nor effect, nor be suffered within the Realme, bot that the said benefices, that were unite, be put againe to their first foundation, to the place, that they were at, before the time of the union. And the said unions to be repure of na force, strength nor effect in time cumming. And gif ony perones of our Sovereine Lordis lieges, Spiritual or Temporal would attempt, or hes attempted in the contrair of these poyntes abone writen, fall be demaied, as Traytours to our Sovereine Lord and his Successours, and never to bruik benefice, nor use worship within the Realme. Nevertheleffe, it fall be lauchfull to Lordes and Barronnes to purchase annexations and unions of ony benefice, that they can to purchase, outhir their awin Patronage or uthers, to be unite to Secular Colleges founded, or to be founded.

45. *The length of speares, and that Zeamen have targes.*

ITEM, It is thought expedient, that na Merchandes bring speares in this Realme out of ony uther cuntry, bot gif they contenei sex elne of length, and of a clyt: nor that na bower within this cuntry make na speares, bot gif they contenei the famin length. And quha that dois the contrair, that the speares be escheired, and the perones punished at the Kingis will. Item, that ilk zeaman that cannot deal with the bow, that he have ane gude axe, and ane targe of ledder, to resist the schot of *England*, quhilk is na coist, bot the value of a hyde. And that ilk Schireffe, Stewart, Bailie, and uthers Officiares, make weapon-schawinges within the boundes of their office, after the tenour of the acte of Parliament, sa that in default of the said weapon-schawinge our Sovereine Lords Lieges be not destitute of harnes, quhen they have need. And that the Fute-ball and Golfe be abused in time cumming, and that the buttes be maid up, and schuting used, after the tenour of the acte of Parliamente maid thereupon.

46. *That nane weare silk within an hundreth poundes woorth of land.*

ITEM, It is statute and ordained in this present Parliament, that considering the greate povertie of the Realme, the greate expenses and coast maid upon the in-bringing of Silk in the Realme: That therefore na man fall weare silkes in time cumming, in doublet, gowne or cloakes, except Knichtes, Minstrelles, and Heraldes: without that the wearer of the famin may spend an hundreth pundes woorth of land rent, under the paine of amerciamient to the King of twentie pound, als oft as they ar foundin wearand silkes, and escheiring of the famin, to be given to the Heraldes and Minstrelles, except the claithes that ar maid before this Parliament. And that the Schireffe of ilk Schire, Alderman, and Baillies of Burrowes, take inquisition thereof, and send it to the King. And that mennis wives within an hundreth poundes, weare na silkes in lynyng, bot allanerly in collar and sleeves, under the famin paine.

47. *Anent the money, and crying downe of the allayed groate to sex pennies.*

ITEM, As tuitching the mater of the money, sen the mater is greate and tuitchis the haill bodie of the Realme in great nearenesse, and that the Lordes here present cannot hastily be advised to take a final determination thereof: It is statute and ordained, that the money have course as it dois now, unto the continuation of this Parliament. And the Lords that fall have power in all uther maters for the common gude of the Realme, at that time to advise, determine and conclude upon the saide mater of the money, that now runnis. And in likewise, gif it be seene speedefull to make innovation of ony new money, outhir gold, or silver, the saidis Lordes fall have power to advise and conclude thereupon. And as anentis the new allayed groate of seven pennies: It is ordained be our Sovereine Lord, that fra thine forth it have course for sex pennies, and the halfe groate of the famin for three pennies. And the cuinzie and course thereof to be continued, quhill the continuation of the next Parliament.

48. *Wilfull and ignorant error of Assisores.*

ITEM, For the eschewing of man-sweearing of false assise and inquestis in greate hurting of our Sovereine Lordis Lieges, and specially be inquestis in heritages: It is statute and ordained, that in time cumming, quhair a partie findis him grievied be ony assise or inquestes be partial malice or ignorance of the assise or inquestes, faifand and exceptand the assise of brieves pleidabill, quhilk this statute fall not extend upon: It fall

fall be leiffull to the partie grieved to cum to our Sovereine Lorde and his Councell, and take a fummoundes of the said inquest, to compeir before them at certaine daie and place peremptourly, and there produce his evidences of the ignorance or falsed of the said inquest. And gif it happenis him to proove the said falsed, the partie grieved fall be reduced to the condition, that it was in of before, or the said inquest or assise proceeded, and the determination of the said assise or inquest to be of nane availe, and the saidis perfones of the assise or inquestes, to be punished after the forme of the Kingis Lawes, in the first buik of the Majestie, *Contra temere jurantes super assisam*. And gif the partie compleinzie and be foundin in the wrang, he fall pay ane unlaw of ten pound to the King, and make all the expenes of the partie that is fummound.

49. *That Lordes, Barrowmes, and Burrowes gar make Schippes, Busches, and greate Pinck-boates with nettes.*

ITEM, The Lordes thinke expedient for the commoun gude of the Realme, and the great entres of riches, to be brocht within the Realme of uther cuntries, that certaine Lordes Spirituall and Temporall, and Burrowes gar make greate Schippes, Busches, and uther great Pinck-boates, with nettes, and all abuilzementes ganand therefore for fishing. And the execution of this mater and the forme, and the number of the samin be had, at the continuation of this Parliament.

50. *The partie that tynis his action, fall be in an unlaw of fourtie shillinges.*

ITEM, It is statute and ordained, that quhair ony partie followis ony action before the Lordes of Council in time to cum, the partie that beis founden in the wrang, and the sentence is given against, fall pay ane unlaw of fourtie shillinges to the Lordes, to be disposed be the Chancellor; and the expenes of the partie that winnis the cause, be the modification of the Lordes.

F I N I S.

T H E S E V E N T H

P A R L I A M E N T

O F

K I N G J A M E S T H E T H R I D.

Halden at Edinburgh, the ninth daie of May, the zeire of God, ane thousand, foure hundreth, seventie foure zeires.

51. *Of money and bulzioon.*



ITEM, Anent the mater of money and in-bringing of bulzioon: It is statute and ordained, that the actis and statutes maid of before, anent the in-bringing of bulzioon fall be observed and kept: That is to say, of ilk Serplaith twa ounce of burnt silver, and of uther gudes esteirand thereto: Of the last of hides, foure ounce, and of the last of Salmond, twa ounce, and of claih and uther gudes, with this addition: That the Customers fall, or they give the cockquet to ony schip, take sovertie and Borrowes of ilk a merchand, for the lame-bringing of bulzioon, as said is: And fall zeirly make compt thereof in the Checker. And gif the customers failzie in the taking of the faide sovertie, they, to be punished therefore, and deprived of their Office for ever: And quhar merchand that failzie herein, to pay ten pounde to the King: And because the mater of money is richt subtle and greate, and may not richt haffely be set: It is thought speedefull, that the three Estaites commit their power to certaine wise discreet perfones, to the number often, or twelve, to advise, and set the cours of the money, and to devise newe money, as they thinke maist expedient.

52. *Of ane Tutor and his age.*

ITEM, It is statute and ordained anent the brieve of Tutorie, that it be understanding in time cumming, that he that is nearest Agnat, and of twentie five zeires of age, fulfilling the lave of the poyntes of the brieve,

briefe, fall be lauchfull tutour, suppose the childe that happenis to be in tutorie, have ane zounger brother or sifter, Notwithstanding that the agnat is not immediat to succede to the childe, because of zounger Brother and sisters.

53. *Probation of arreistmentes.*

ITEM, It is statute and ordained, anent the prieving of arreistmentes be Crowners or Serjandes, on the North halfe of the water of *Forth*, that hes bene used of before, to be prieved be twitching of wandes: It is statute and ordained, that in time to cum, all prievies fall be maid be Crowners and Serjandes, be witnessse and perfones, like as is used and done on the South halfe of *Forth*.

54. *Anent airship of mooveable gudes of Barronnes.*

ITEM, Anent the airship of mooveable gudes, that the aires of Barronnes, Gentle-men, and Freeholders fall have: It is statute and ordained, that the saidis aires fall have the best of ilk a thing, and after the statute of the Burrow Lawes, and as is conreined in the samin.

55. *Prescription of Obligations.*

ITEM, Anentis the acte maid of before of prescription of Obligaciones: It is ordained to be understandin in this wise, thar all auld Obligacions maid of before, that is elder then the dait of fourtie zeiris, nor dependant in the Law, in the time of the making of the said actes, fall be prescribed, and of na strength: and in likewise in time to cum, all Obligaciones maid, or to be maid, that beis not followed within fourtie zeires, fall prescrive, and be of nane availe.

56. *The Retour fuld containe the auld and new extent.*

ITEM, Anent the brieves of inquest to be served in time to cum: It is statute and ordained, that it be answered in the retour, quhair the land was of availe of the auld, and the very availe that it was worth, and gives the day of the serving of the said brieve.

57. *That foure of the auld Council be chosen to the new.*

ITEM, It is statute and ordained in Burrowes, notwithstanding the Actes maid of before, that there fall be of the auld Council of the zeir before, foure worthy perfones chosen zeirly to the new Council, at their entrie to sit with them, for that zeir, and have power with them to doe Justice.

58. *The Over-Lord not entrand to the superioritie, tinish the samin, and satisfies the partie.*

ITEM, It is statute and ordained anent Over-lords, that in defraud and skaith of their vassalles and tennentes, differis to enter to their landes and superiorities, that in time to cum, the saids Over-lords fall enter to their landes and superiorities, & do their diligence thereto, but fraud or guile within fourtie daies, after that they be required be their vassalles or tennentes. The quhilk gif they do not, the saidis vassalles or tennentes incontinent thereafter to be entred be the King or the Over-lorde, that the superiorities ar balden of, and hald of him, and the other Over-lorde, that fraudfully differis his entrie, to tyn the tennent for his life-time, and affith the partie of his coastes and skaithes, that fall be susteined throw him, in default of his entrie.

59. *That perfones arreisted to the Justice aire, enter within barre.*

ITEM, Because in times by-gane, there was halden an use and consuetude, that perfones indyted to the Justice aire, wauld cum in prefence of the Justice in the Tolbuith, and hald them out-with the Barre, and wauld not enter, for the payment of ane little unlaw, quhilk is great derision and scorn of Justice, and lychtlying of the Kingis Hienesse: It is therefore statute and ordained, that in time cumming all perfones arreisted, that may be apprehended the time of the Aire in the Tolbuith, or the Towne, quhair the Justice is, fall be taken and delivered to the Justice, to be justified for his crime and his trespassse: Swa that the arreistment be maid of before the time of the beginning of the aire and seate of Justice.

60. *The unlaw of stealing of haulkes, boundes, pertrickes and Dukes.*

ITEM, Anent the eschewing of great trouble, discord, and divers inconveniences that may cum, anente the stealing of Haulkes and Houndes: It is statute and ordained, that in time cumming, na maner of persons take ane uther mans boundes, nor haulkes, maid or wilde, out of nestes, nor egges out of nestes, within ane uther mannis ground, but licence of the Lord, under the paine of ten poundes. And in likewise that na egges be tane out of the Pertrickes, nor wilde-duik-nestes, under the paine of fourtie shillings. And this to be a poynt of dittay in time to cum.

61. *Of Daes and Raer, hunting of Deares, and taking of Cunnings.*

ITEM, That na man slaie Daes nor Raes, nor Deare in time of storme, or snaw, or slaie onie of their Kiddes, quhill they be ane zeir auld, under the paine of x. pounds: And it to be a point of dittay. And in likewise that na man hunt, schutte, nor slaie Deare nor Raes in utheris closes or Parkes, or take out Cunnings out of utheris Cunningsaires, or ony foules of utheris Dowcattes, or fish out of utheris puiles or stanckes, but special licence of the awners, under the paine of dittay, and to be punished as thief.

62. *That Ferriers make brigges: and of fraucht.*

ITEM, It is statute and ordained, that in time to-cum, the Ferriers of *Kinghorne*, fall tak off fraucht bot twa pennies of the man or woman, and the burden; and of a horse sex pennies. And quhat persones that bringis horse or beastes, fall make the persones and the burdens free, sa that the horse burden and the person, that fall be, pay sex pennies. And in likewise uther beastes fall make the persones free of fraucht. And at the *Queenes-ferry* fall be taken bot ane penny of the man, alwa the horse twa pennies, and all in forme and maner abone written. And at the *Portin-craige* ane penny for the man, and the horse ane penny. And quhat Ferriers, that dois in the contrarie, fall pay fourty shillings to the King, and his person prisoned, at the will of the King. And that the Ferriers make brigges to their boares, after the forme of the acts maid of before, under the paine contained in the samin.

F I N I S.

T H E A U C H T
P A R L I A M E N T
O F
K I N G J A M E S T H E T H R I D,

Halden at Edinburgh, the twentie day of November, the zeir of God, ane thousand, four hundredeth, seventie five zeires.

63. *That all complaintes first persewe to their Judge Ordinare.*

ITEM, As anent the administration of Justice in civil actions and complaintes throw all the Realme, it is statute and ordained, that all parties compleinzie and, fall first passe to their Judge Ordinare, & persewe Justice. And that the Ordinaires fall minister them Justice without partial meanes or sleuth. And gif the Judge failzie in his office and administration of Justice, the partie fall cum and plenzie to the King and his Councell upon the Judge and in likewise on the partie. And in that case they fall have summonds, baith on the Judge and on the partie, to compeir before the King and his Councell, and there have Justice and reformation, after the tenour of the act of Parliament maid of before the twentie day of November, the zeire of God, ane thousand, four hundredeth, threelcoir nyne zeires.

64. *Anent false assisors in criminal causes. Of ane great assise.*

ITEM, As ruitching the reformation of false assise, passand upon criminal actions before our Sovereine Lordis Justice, Schreffes, or uther Officers: It is statute and ordained, conforme to the Kings Lawes, *De pena temere jurantium super assisam*. That quhair indited persons are schawin before the assise, in the accusation of a trespassour, notour, or manifest knowledge beand of the trespassour, & it happin the persons that passin on the assise, wilfully be favours or partial meanes, to acquite the trespassour, or trespassoures, in that case it fall be leiffull to the King and his Councell to call the assise, and inquire at them, gif they concord all in a voyce, or how mony said all in a voyce, and how mony said ane uther way. And they that ar suspect *De temerario juramento*, fall be accused before the King & his Justice, quhar day & place, that it pleas his Hieneffe. And gif thay persones pleas to graunt their fault and *temerarium perjurium*, to be punished therefore, after the forme of the aulde lawe. And gif they deny or makis excusation thereof be

N

ignorance,

ignorance, the King or his Councell shall give them ane great assise of xxv. Noble persones, and schaw to that assise the evidens or notour knowlege of the trespassse, in sa far as was schawen to the first assise. And thereafter gif it beis foundin that the first assise acquit the trespasssours be remerarie, or wilfully be favoures or partialitie: Sa mony as beis convict of that cryme, to be punished after the forme of the auld lawes, contained in the buik of *Regiam Majestatem*. Neverthelesse the persones that happenis to be accused of the trespassse, outhir to be convict, or maid quite, after the forme of the first deliverance, and the falsse assise to be punished, as said is.

65. *Anent the in-bringing of bulzeion.*

ITEM, As anent the money, because the Lordes understandis, that the pretermittin and sleuth that hes bene in the execution of the actis maid for the in-bringing of bulzeion in the Realme, and als the searching and keiping of the money fra passing furth of the Realme, hes caused the great scantnesse of it, that is now of the money throw all the Land: That therefore our Sovereine Lord, shall zit cause the actis and statutes maid of before, baith in the in-bringing of bulzeion, and keiping of the monney, be scherpely put to execution. And that the breakers thereof be punished, after the forme of the actis maid thereupon of before. And that the King now depute true and abill persones to be searchours in time to cum, that will and may do diligence for the haldin in of the money, as is statute of before. And that the merchandes shall have for ilk ounce of brunt silver, that he bringis hame to the cuinziers, twelwe shillings, and the cuinzieour of that brunt silver, to make twelve groates of the ounce of the famin prent, that the new groate is now. And of the new finance of the new *English* groate. And that there be ane penny and ane half-penny of silver maid of the famin finance, according to the new groate, and that penny to have coursse for three pennies.

66. *That nouthir silver nor gold be put to the fyre.*

ITEM, Because it is weill knawen, that all cunzied money, baith silver and gold put to the fire to be maid bulzeion to uther new money, is minished, watted, and destroyed in the translatioun be the fyre, incurris great skaith in hurt of the King and all his Lieges, and suld not be suffered in time to cum: It is therefore statute and ordained, that fra hine forth, nouthir silver nor gold that bearis prent and forme of cuinzie, that it be in any wise molten or put to the fire be the Kingis cuinziaours, or be Gold-smithes to ony warke, without special licence or charge of the King: bot all gold and silver that is cunzied and hes prent, be observed and halden hail to pas amangst the Kingis lieges, as he ordained it to have cours.

67. *Anent the brieve of Idiotrie and furiositie.*

ITEM, It is statute and ordained, that sen there is a brieve of our Sovereine Lordis Chapel maid and ordained for the safetie of alienation of Lordes and Barronnes landes, throw idiores and natural fules, furious and wood-men the time of their folly, the quihilkis brieves savis not the alienation, bot allanerly fra the time of the serving of the saidis brieves, and remeids it not, that is done of before, in case it be done in the time of the folly or furiositie, albiet he be als great a fule and furious before, as after: It is statute and ordained therefore in time to cum, the said brieve be reformed, and an clause put therein, to inquire of the folly and furiositie, and how lang time he was of thay conditions. And fra it be knawin be the inquest, that the persones be fules or furious, the time thereof, the alienation maid be him, after the time that the inquest findis that he was outhir fule or furious, shall be of nane availle, bot retreated, and brocht againe till him, als well as the alienation maid after the serving of the said brieve.

68. *That the money and gold be cryed up higher.*

ITEM, It is statute and ordained, for the great scantnes and want of gold that is within the Realme, throw having out of the famin, because it standis heir in a lower price, then it dois in uther cunties: It is statute and ordained, that the gold have coursse in time to cum in this wise. That is to say, the *Rose* Noble to xxxv. shillings. The *Henry* Noble to xxxj. shillings. The *Angell* to xxij. shillings. The *French* Crowne to xij. shillings iij. pennies. The *Demy* to xij. shillings, iij. pennies. The *Scottis* Crowne to xij. shillings. The *Salute* to xv. shillings sex pennies. The *Lew* to xvij. shillings sex pennies. The *Rydar* to fiftene shillings sex pennies. And all uther gold to passe after the fines and weicht, and at the pleasance of the giver and the taker. And that all silver money have coursse sik-like in time to cum, as it hes this day.

69. *Of the payment of the debtour and the creditour.*

ITEM, To remove discord amangst the Kingis Lieges, betuixt the Creditoures and the debtoures, that are awand summes: It is statute and ordained, that notwithstanding the variance of the coursse of the commoun gold and silver, quhat coursse that ever it have, the debtour shall pay his creditour the debt of the money, that suld have been payed at the termes, before the making of this act, with sik money, and of the famin price, as the money had coursse before this proclamation and Parliament.

70. *That*

70. *That na courte of Guerra be halden.*

ITEM, Because there hes bene abuson of Law in times by-gane be the Schireffes, Stewartes, Baillies and Officiares, in the halding of courts of *Guerra*, to the great heirship and skaith of our Sovereine Lords Lieges, and of his awin Hienesse in his awin Justice aires, quhilkis ar spilt be the said *Guerra* courts: It is statute and ordained, that in time to cum, there be na courtes of *Guerra* halden, be na maner of persons, under the paine of punition, as for a man-flater and riever of his gudes, and usurper upon the Kingis Lieges and his authoritie.

F I N I S.

T H E N I N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E T H R I D,

Halden at Edinburgh, the fourth daie of Julij, the zeire of God, ane thousand, foure hundreth, seventie sex zeires.

71. *Of our Sovereine Lordis Revocation.*

IN The first of all alienations, infestmentes and gifts given and granted be him to quhatsumever persones that be hurt or prejudicial till his aires, or to his Crowne, of quhatsumever heritage pertaining to his Hienes, in any time to this day, and in special of gifts of landes, mailles, fishinges, patronages of Kirkes, giving of waird landes in blench-ferme, setting of landes, making of Regalities, and tailzies maid in his tender age, fra the righteous aires: Als wa all giftes given be his Hienesse of keiping of Castelles for langer times, then in-during his will, and in special of the Castelles that ar the keyes of the Realme, and generally all maner of alienations, as said is, or may be prejudicial till his aires, and Crowne in any wise, or that is against any gude confidence.

72. *The annexation of the Erledome of Rosse.*

ITEM, Our Sovereine Lord, with consent of his three Estaites of his Realme, annexis till his Crowne the Erledome of *Rosse*, with the pertinents, to remaine thereat for ever: Swa that it fall not be leiffull to his Hienesse or his aires, nor his Successoures to make alienation of the faide Erledome, or any part thereof, fra his Crowne in any wise: Saifand that it fall be leiffull to him and them, to give the said Erledome at their pleasance till ane of his, or their secunde Sonnes, lauchfully to be gotten betuixt him and the Queene.

F I N I S.

T H E T E N T H
P A R L I A M E N T
O F
KING JAMES THE THRID,

Halden at Edinburgh, the sext daie of August, the zeir of God, one thousand, four hundred, seiventie seven zeires.

73. *In-bringing of victualles.*



ITEM, Because victualles ar richt seant within the cuntry, the maist supportation that this Realm hes, is be strangers of divers uther nations, that brings victual: and because of divers new impositions and arrestments, that hes bene put upon them at their cumming and entres, they may not have libertie & freedom to dispone upon their awin gudes, the quhilk causis divers of them to forbear to cum in this Realme, to the great and heavy skaith of all the Kingis Lieges in all Estaites: It is statute and ordained, that all strangers and merchandes cummand in the Realme with victualles and uther leiffull merchandice be honourably received, and favorably treated: and fra they have entred their gudes in the Tolbuith, as use and custome is, that our Sovereaine Lord be served first of the best, and fine the Lordes of his Councell, after the price, that fall be maid with the merchandes, & the remanent to be sauld amangst the Kings Lieges. And that na trouble nor arreift be put upon merchandes, strangers, nor their gudes, bot that they have libertie to use and do their leiffull merchandice, as use and custome hes bene in times by-gane.

74. *Anent Cruves.*

ITEM, It is statute and ordained, that the acte maid of before, be King James the First, anent cruves set in waters, be observed & kept. The quhilk beiris in effect, that all cruves set in waters, quhair the Sea fillis & ebbis, destroyis the Frye of all fisches, be put away & destroyed for ever mair: notwithstanding any freedome or priviledge given in the contrair, under the paine of five pund of ilk cruve: And that they that hes cruves in fresh waters, that they gar keep the lawes anent *Satter daies* sloop, and suffer them not to stand in forbidden time, under the famin paine. And that ilk heck of the said cruves be three inch wide, as the auld statute requiris, maid be King David, and that the mid streme be left free be the space of sex fure. And that it fall be a poynt of dittay, baith of them that dois the contrair, or garnis be done: and quha that beis convict thereof, to pay 5. pund, as said is.

75. *Anent Ferriers that raisis fraucht.*

ITEM, Anent Ferriers that raisis fraucht upon the Kingis Lieges, and their gudes, mair then is ordained and statute of before be the Parliament, to be given and tane for the man and the horse and his burden: It is statute and ordained that in time to cum, that na Ferriers take mair fraucht of man, horse or gudes, bot sa meikle as is statute and ordained be the Parliament of before to be tane, under the paine of five pounde to be payed to our Sovereaine Lord, and amendis to the partie, sa oft as they trespasse. And this to be a poynt of dittay in time to cum.

76. *The unlaw of Mure-burne.*

ITEM, Anent mure-burne, that is plainly now done in all Moneths, contrair the actes and statutes maid of before, for the punition and stanching thereof: It is now statute and ordained, that the unlaw of mure-burne fall be in time to cum five pound, of them that beis convict before the Justice in the Justice air. And that na mure-burne be maid fra the last day of *March*, quhill *Michael-mes* day, under the paine foresaid.

77. *Of the bind of Salmund.*

ITEM, Because it is heavily murmured, and the Realme greatly slandered be strangers, and uthers that by is Salmund, of the minisning of the veschel and barrells, that the Salmund is packed in: It is statute and

and ordained, that in time to cum all Salmond be packed in barrellis, of the measure of *Hamburg*, after the auld assise, and na finalier barrellis nor veschelles. And that na Coupper within the Realme make finalier barrellis to pack fish in, then the saide measure of *Hamburg*, and the auld assise. And gif ony dois the contrarie hereof in time to cum; The first feller that sellis the fish of false packinges in sik small barrellis, fall fine the fish, and to be our Sovereine Lordis escheit, and the Coupper that maid the barrellis, fall pay five pound to the King. And that the Kingis Customers fall be searchoures hereupon in ilk Towne. And als it fall be a poynt of dittay.

78. *Of beggers and Sornares.*

ITEM, For the stanching of maisterfull-beggis and sornares, that dailie oppreßis and herryis the Kingis Lieges: It is statute and ordained, that the auld statute maid of before in our Sovereine Lordis time, King *JAMES* the First, be put to sharp execution, but favoures: That is to say, quhair ever ony common sornares beis over-rane in time to-cum, that they be arreistid and deliverid to the Kingis Schireffes. And that they be forth-with brocht to the Kingis Justice, to do and execute the law on them, as on a common thiefe and riever. And that dittay be tane thereof zeirly, and punished, as said is, in the Justice aire.

79. *Of schoing of horse in the quick be smiths.*

ITEM, Because ignorant Smithes throw ignorance or drunkenness spillis and cruickis mennis Horfe, schoing in the quick: It is statute and ordained, that quhen ever a Smith schois a mannis Horfe in the quick, that Smith fall make and pay the cost of the horse, quhill he be hail, and in the meane time finde the man ane Horfe to ryde upon, and do his labour, quhill the said horse be hail. And gif the said horse cruickis throw the said schoing, and will not hail, the Smith fall hald the said horse himselfe, and pay the price of the Horfe to the man that awe him.

80. *Quhat persones hes power to hald courtes of Purpysion.*

ANent the halding of the Court of Purpysion upon the landes of *Rach-burne*, be *Elizabeth Nesbet*, 25. March *Alexander Chirnside*, and *Patrick Home* their Baillie on the one part, Against *Jennet Home*, the spouse of *James Douglas* on the uther part: For the alleaged wrangous, calling of the said *Jennet* to the said court, continued to the Parliament. The Lords Auditoures chosen be the three Estaites, all in ane voyce, declaris and staturis: That na vassal nor sub-vassal, nor uther tennent under the Barron, hes power or jurisdiction to hald ane court, or know on the question of Purpysion, and therefore decernis and deliveris that the said court of Purpysion, halden be the saids *Elizabeth*, *Alexander* and *Patrick*, is of nane avail, force, strength nor effect.

F I N I S.

T H E E L L E V E N T H

P A R L I A M E N T

O F

K I N G J A M E S T H E T H R I D.

Halden at Edinburgh, the second day of April, the zeir of God, ane thousand, foure hundreth, fourscore ane zeires.

81. *Of speares and their length, and Jackes.*



ITEM, It is statute and ordained, that there be na speares in time to cum maid nor sauld, that is schorter then five elne & a halfe, or else at the least five elnes before the Burre, and of greatnesse according thereto: under the paine of escheitment of all his gudes, that makis or sellis them.

ITEM, It is ordained, that all persones that fall weare jackes for the defence of their bodie, that they garre make them sude to the knee, they that wantis legge harness, and they that hes leg-harness, that their Jackes be maid sa lang, as to cover the over part of their legge-harness. And that everie Axe-man, that hes nouthir speare nor bow, fall have ane Targe or Ledder, after the fashion of the example, that fall be sende to ilk Schireffe.

82. *Of persones cummand to the hoiste.*

ITEM, It is statute and ordained, that na persones cummand to OUR SOVERAINE LORDIS Hoiste, waiste or destroy medow nor cornes, nor spulzie any manner, of gudes in their cumming or ganging within the Realme of *Scotland*, under the paine of punition of their persones as breakeres, of OUR SOVERAINE LORDIS Proclamation of his hoiste, and refounding of the skaith that they do: And that ilk Lord and Barronie, fall be responfable for the persones, that ar under their leading, and deliver the persones that dois skaith to the King or his Lieu-tenentes or Wardens, or else refound and paye the skaith that is done themfelfe.

83. *Furnishing of Castelles.*

ITEM, Our Sovereine Lord hes ordained to gar purway and stufte his Castelles of *Dumbar* and *Loob-maban* with victuales and and artailzerie, and quhair they ar failzied in ony part, to gar them be haistlie reparrelled and fortified. and als his hieneffe commandis and ehargis all the Lordes of his Realme, baith Spiritual and Temporal, that hes Castelles neire the *Bordoures* and on the Sea coaste, sik as *Saint-Andrewes*, *Aberdene*, *Temptallon*, *Hume*, *Douglas*, *Halis*, *Adring-towne*, and specially the *Hermitage*, that is in maist danger, and sik urther Castelles and strengthes, that may be keiped and defended fra our enemies of *England*: That ilk Lord stufte his awin howse, and strength them with victualies, men and artailzerie, and to amend and reparrel them quhair it misters, sa that they be keiped and defendid, as said is.

84. *Ane woman conjunct fear makand faith that scho fall never cum against the Alienation theirow, fall noch be hearde afterwarde to impugne the said Alienation.*

MEMORANDUM, The fext day of *March*, the zeir of God. 1481 zeires, *Robert Danielsson* was perswaded be a woman called *Glen*, before the Lordes of Councel, and scho wald have cummin against her aith, that scho maid in judgement before the Official of *Glasgow*, and there was schawin ane Instrument under the seale of the saide Official, that scho consented to the alienation of sik landes, and swore that scho fuld never cum in the contrair hercof, and wauld have the saidis landes, alleageand that it was her conjunct-seftment, and maid revocation after her husbandis decease, sayand that he compelled her theiro. The action was delivered against this woman.

85. *That our Sovereine Lord present to benefices, all times, the sege vacand.*

ITEM, It is statute and ordained be the King and his three Estaites, anent the priviledge of the Crowne, used and observed in all times bygane, anent the presentation of benefices, in the time of the vacation of the seges of Bishoppes, that our Sovereine Lord and his Successours fall in time to cum, the time of the vacation of the sege, have power to present to benefices all times, quhill the Prelate and Bishop make his Bulles of provision be schawin to the Kingis Hieneffe, and his Chaptour. And in case that our Sovereine Lord of his special Grace and favours admit ony Prelat to his Temporalitie, before the schawing of his Bulles, as said is: That sik admission fall be na prejudice nor skaith to his Hieneffe, anent the said priviledge and richt of presentation.

86. *Contrarie the purchasers of benefices against the Kingis priviledge.*

ITEM, It is statute and ordained, that the acte of Parliament maid of before for punishing of the persones, that labouris and dois onie thing contrary to the said priviledge, fall be extended alsweill upon them, that takis Offices of procuracion on them, or supportis, or supplies thay persones with money & finance, to be punished as the principal doers. And attour, gif ony perion or persones in time to cum raisis or purchasis ony commission of the sege of *Rome*, to be provided of ony benefice, that beis foundin vacand, the sege of the Bishoppe vacand for the time: The persones that raisis purchases, or usis ony sik Commissiones, fall be repute and halden as breakers and violatoures of our Sovereine Lordis priviledges, and transgressoures against the Act of Parliament, and incur the paine contained in the samin.

F I N I S.

T H E T W E L F T H
P A R L I A M E N T
O F
K I N G J A M E S T H E T H R I D.

Halden at Edinburgh, the Elleventh of December, the zeire of God, ane thousand, foure hundredeth, auchtie twa zeires: And of his Reigne, the twentie three zeir.

87. *Continuation of Warden Courtes.*

IT is statute and ordained, that in all time cumming, the Warden courts be of continuation: That is to say, That the Wardens sall have power to hald their courts, and end them the first day, or continue them as pleasis them, for three daies, or within.

88. *Of breakers of the Kingis or Wardens saife-conduitt.*

IT is statute and ordained that in time to cum, for the honour of our Sovereine Lord, that nane of his Lieges breake his saife-conduitt: Nor his Wardens, within the boundes of their Offices, under the paine of death.

89. *Of bringers hame, and sellers of corrupt wine.*

IT is statute, that nane of our Sovereine Lordis Lieges in time to cum, bring corrupt or mixt wine within the Realme: And gif ony sik happenis to be sent hame, that na man sell nor top it, fra it be declared be the Baillies and gusters of wine, that it is mixt or corrupt, bot fend it againe furth of the Realme, under the paine of death: And that na person within this Realme, take upon hand in time to cum, to mix wine or beere, under the paine of death, as said is.

F I N I S.

T H E T H R E T T E E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E T H R I D.

Halden at Edinburgh, the XXIV. of Februar, the zeir of God, ane thousand, foure hundredeth, auchtie three zeires.

90. *Of weapon-schawinges, and reddines in weir.*

IT is adviced and thocht expedient be the three Estais of the Parliament, that our Sovereine Lordis Patent Letters, under his Prive seale be written to all Schireffes, Baillies and Officiars within his Realme, charging them be open Proclamation, and utherwaies, they warne his Lieges, within the boundes of their offices, that they weill abuilzied for weir, be reddie upon aucht daies warning to cum to the King or his Lieu-tennants, quhair they sall be charged, for the defense of the Realme, and resisting of the enemies of *England*, furnished with victual and expences, for the space of twentie daies, after their cumming to the said place and terme assigned to them. And that the said Schireffe proclaim and hald weapon-schawinges within the boundes of their Office, to see that our Sovereine Lordis Lieges be bodin for weir, after the forme of the acte of Parliament, and to punish them that ar absent, and not weill abuilzied, after forme of the said acte

acte of Parliament. And the said weapon-schawings to be halden, als oft as is contened in the acte of Parliament maid thereupon. And the said Schireffe and Baillies to warne the King, the day of the weapon-schawings, that he may sende a special servand of his awin to see, that his Lieges be weil bodin, and that the said Schireffes do their office, as effeiris therein. And quhat Schireffes or Officiares beis foundin negligent or sleuthfull in the execution of their offices, to be punished after the forme of the said Acte. And that the Schireffe put in Roll and bill, how mony speares, bowes, and axes, and sensible perones he findis within the said Schire, and bring the names of them to the assemblie of the Kingis hoist, under his seale, and uther fourre seales of the Barronnes, that beis in the Schire. And that the Baillies of the Regalities and Barronnies, use and exerce their priviledge in the halding of weapon-schawinges within themselfe, after the forme of the said act of Parliament maid thereupon.

91. *Detainers of the Kingis rentes shuld be punished.*

ITEM, As touching the Kingis mailles, rentes and fermes that ar halden fra his Hieneffe, upon the quihilk his estair and houshalde shuld be susteined: The Lordes thinkis expedient, that the Kingis Maister or houshalde and Comptroller, advise and see quhair his rentes and fermes ar with-halden, and obeyis not the Kingis charges. And that the Maister of houshalde and uther Lordes of Councell, passe and disfreinzie the Officiares in thay partes, to bring their perones to the King that disobeyis his authoritie, and with-haldis his rentes.

92. *Of making of peace amangst the Kingis Lieges.*

ITEM, Anent the division, debaites and discordes that standis amang our Sovereaine Lordis Lieges, Barronnes and utheris, quihilk is dangerous to be unstanchid baith of breakers of the Realme, and that they shuld gang in unitie and concord, to the resisting of our Sovereaine Lordis enemies of *England*: It is thocht expedient be the saids Lords, to counsel our Sovereaine Lord to make be called before him and his Councell the greate Lordes, and put them in friendship and concord, or they depart fra his presence. And to command his Justice and Lordes, that passis to his Justice aires, that they call before them uther smaller perones to make unitie and concord amang them: Sa that our Sovereaine Lordis Lieges stand in peace amang them, and be obedient to our Sovereains Lords authority.

93. *Of the money: The Wardens office: of Bulzieon.*

ITEM, It is statute and ordained be our Sovereaine Lord and his thre Estaites in this present Parliament, that a fine penny of gold be stricken of the wecht and finnes of the *Rose-Noble*, and a penny of silver to be equal in finnes of the auld *English* groate, and ten of them to make an ounce of silver, and to have cours and passe for fourteen pennies. And there sall be alsua ane halfe groate of the famin. And the said penny of gold to have cours, and pas for threitie of the said groates. And ane uther penny of gold to be of the famin prent, and to have cours for xx. of the said groates. And the thrid penny of gold to have passage for x. of the said groates. And the said penny of Golde to have sik prent and circumscription, as sall be adviced be the Kingis Hieneffe. And all uther money to be conformed equally thereafter. And that our Sovereaine Lord sall limit a wife man, that hes knowledge in the money to be Wardene thereof, and to examine and assaie the finnes of the said gold and silver, after the forme and rule maid in the Parliaments of before: the Wardene and the cuinzjournes havand sik like fees for their laboures, as they had in our Sovereaine Lordis Fathers, and Grandfchirs times, and sik-like profite to cum to the Kingis Hieneffe of the cuinzie. And for the inbringing of bulzieon, the merchandes sall for the gud of the Realme, bring in of ilk Serplait of Wooll, Skin, hydes and claithe, and of ilk last of Salmond, effeirand thereto, fourre ounce of burnt silver. And they sall have for ilk ounce, ten of the said groates.

94. *Of Justice aires, respettes, and remissions.*

ITEM, It is thought expedient be the Lordes foresaid, that for the increase of justice and tranquillite of the Realme, that our Sovereaine Lord cause his justice aires to be halden universall in all partes of his Realme twise in the zeir, anis on the grassie, and anis on the Corne, unto the time that the Realme be brocht to gud rule. And counsellis his Hieneffe to call a parte of the Lordes and heade-men of all partes of his Realme, and take ditay of them of notoure trespassours, without exception of ony person, to be taken and justified without remission, quihilk they understand wald be great cause of the common gud and weisfare of the Realme. And that na respettes be given in time to cum: For they ar mair against justice, than plane remissions ar. And that the respettes that ar given, be na prejudice to the parties, anent the persewing of their richtes, nor to dittaies, nor arreistments to the Kingis officiares, Crowner nor uther deputies. And that na remissions war given for common theft, except the first aires, as for the Borderers, that is to say, the *Mers*, *Tewiordale*, *Jedburgh-forrest*, *Liddalsdale*, *Eskdale*, *Ewerisdale*, and *Annanddale*.

95. *Of Ferriers that takis double fraucht.*

ITEM, Because there is great extorfions raifed upon our Sovereine Lords lieges, baith puir and rich, be taking of double and triple fraucht, be the Ferriers, in contrair the auld actes of Parliament, and ufe and confuetude of the Realme: The Lordes of the Articles thinkis expedient, that all Ferriers within the Realme in time to cum, be charged that they raife nor tak na mair fraucht of our Sovereine Lordis lieges for man nor uther gud, bot fameikle as is statute and ordained of before to be payed, and after the auld ufe and confuetude. And that they be reddie to serve all men for that fraucht, fa that they be not taryed in default of the Ferriers. And that this be a poynt of dittay in time to cum: And quha that beis convict, in the first aire, fall pay the unlaw of the aire. And at the nixt time, the boate to be efcheit. And at the thrid time, ro be fufpended fra the ufing of the faid office for all the daies of his life, and to be prifoned and warded at the will of our Sovereine Lord.

96. *That there be ane Deakon and fearchour of Gold-smithes.*

ALSWA it is advifed and concluded be the Lordes of the Articles, that for the efchewing of the great damage and skaithes, that our Sovereine Lordis lieges fusteinis be the Gold-smithes in the minifhing the fines of the silver warke: That fra thine furth there be in ilk burgh of the Realme, quhair Gold-smithes ar, ane Deakon, and ane fearchour of the Craft. And that ilk Gold-smithes warke be marked with his awin marke, the Deakons marke, and the marke of the Towne, of the finesse of eleven penny fine. And quhair there is ony fik warke within the faid finesse, the warke to be broken, the wark-man to up-make the availe of the finesse foresaid, and the faid wark-man to be punished therefore at the Kingis will. And that na Gold-smith take upon hand to be a maifter, or to hald open buith of the Craft, bot gif he be admitted be the officiares of the Craft, and the haill body of the Craft. And gif ony be foundin ufand Craft, haldand open buith, that ar unfufficient, that the perfonas be caufed to ceale and put under a maifter of Craft. And this act to be put to execution within 40. daies nixt followand the proclamation of the fame.

97. *The crying downe of the new Plackes.*

OUR Sovereine Lord of his fpecial grace, and at the request and desire of the Lords of the three Estaites in his Parliament, havand confideration of the great diftreff, that now proceedis amangst his lieges in default of victualles and all uther merchandice & gudes, that is put to derth, and raifed and put to exceedand price, and halden and abftracted fra mercats, throw occasion of great quantitie of false counterfeit money, plackes, stricken in cuinzie of lait be fals cuinzieours, not allanerly within this realm, bot als out-with the realme fa subtille, and in fik forme of mettle, that it is unpossible to difcerne and know the trew fra the fals: that therefore his hienes moved of pietie, and of his grace, as faid is, and for fafety of his people, efchewing of dearth, and mony uthers inconvenients, hes ordained to ceafe the courfe and paffage of all the new plackes laft cuinzied, and gar put the famin to the fire. And of the fubftance, that may be fined of the famin to gar make ane new penny of fine silver, like the fourteene penny groate ordained of before, quhilk is of fines to the *Engliſh* groate, and ten of them to make an ounce. And in part of relieving of his people, that they fall not tne all the fummis that they have of the faidis plackes, his hienes hes caufed *Thomas Tod*, and *Alexander Levingftoun* to receive, grant, and take upon them all plackes baith trew and fals, that is within his realme fra quhatfumever perfonas that will bring or fend them to the faidis *Thomas* and *Alexander*, berwixt this and the laft day of May *inclusive*, and to give therefore ij. pennies for ilk plack, that is to fay, a xiv. d. groate for seven of the faid plackes, or ony uther payment, that will empleis the partie receivand. And the faidis *Thomas* and *Alexander* fall find fovertie to the perfonas, that they receive the money fra, to make them payment, as faid is, gif fovertie be desired of them. And that the latter payment fall be maid to all perfonas be the laft day of September nixt to cum.

F I N I S.

THE FOURTEENTH
PARLIAMENT
OF
KING JAMES THE THRID,

Halden at Edinburgh, the first daie of October, the zeire of God, anethousand, foure hundreth, anchtie seven zeires.

98. *For in-bringing of trespassours, and defending of them at the Barre.*



LSWA, Because our Sovereine Lorde, hes sa gratiouſlie applyed him to the counſel of his three Eſtaires at this time, in all thinges concerning them, and the commoun profite of the realme, & benigntie granted to them all their deſire & requestes, that they have maid to his Maieſtie, all the Lordes Spiritual and Temporal, Barronnes, Free-holders, and Communities of the Eſtaires of the Realme, hes freelie granted, that everie ilk one of them for himſelfe, ſall faithfullie promiſe and ſweare, that they ſall not in time to cum, manteine, fortiſie, ſupplie, defende, nor be Advocates, nor ſtande at the Barre with maniſeit traitoures, nor commoun menſlayers, thieves, rieviers, nor uther trespassours, nor perſones pertaining to themſelfe or utheris: Saisand it ſall be leiſul to them in ſober wiſe, to ſtande with their kinne and friendes, in the defence of them in honeſt actiounes: Bot that they ſall at all their gudlie power, bring, or gar bring trespassours to Juſtice, and underly the Law, but diſſimulation, quhen ever they be required or charged thereto, be OUR SOVERAINE LORD, or his Juſtice. And als then at all their power and knowledge, ſall give their counſel, helpe, ſupplie, faviour, and aſſiſtance to inquire and get knowledge of the ſaid trespassours for execution of juſtice upon them, after their demerites. And that the Lordes of the Regalities, and all utheris, Spiritual and Temporal, that hes juſdiction of Courtes, nor their Baillies ſall not ſell ony trespassours, nor fine with them nor ſall nor for love, faviour, affection, or meid, or reward leave juſtice undone. And that ilk one of them ſall make ſuth-laſt and true relation to our Sovereine Lordis Chancellor or Juſtice, quhen they ſall be required of the perſones that dois in the contrair hereof. And quha ſa beis convict and attainied of the breaking of the poynts and articles foirſaid, or ony of them, ſall be puniſhed after the forme of the Kingis Laws, and of *Regiam Maieſtatem*: And the ſtatutes maid be King JAMES the Firſt, and King JAMES the Second, our Sovereain Lords Grandſchir and Father.

99. *Of arreſting of mightie and diſobedient perſones to the Juſtice aire.*

ITEM, It is thoct expedient, ſtatute and ordained for the gud of Juſtice, in-bringing of trespassours to the Law, and puniſhing of them, that in time to cum, quhen the Crouner receivis his porteous and traiftis, that there be ony perſones contened in the ſamin, that will diſobeie him, that he dare not, nor is not of power to arrieſt: In that caſe the Crouner ſall paſſe to the Lorde & Barronne of Barronnie, quhair that perſon or perſones dwellis and inhabitis. And gif he dwellis not within a Barronie, he ſall paſſe to the Schireffe of the Schire, and ſchaw his porteous, that he hes ſik perſones contened therein, and inquire and aſke, gif that Lord, Barronne, or Schireffe will be ſovertie and Borgh for thay perſones or perſon, to enter them to the juſtice aire, ſen they dwell within their Lordſhippes, Barronnies & boundes. And gif they grant thereto, he ſall deliver them the names of the perſones, that they cum borrowes for, indented in writ, ſealed or ſubſcribed with their awin hands. And if they deny and reſuſis the ſovertie or borgh, he ſall aſk and require the ſaid Lord, Barron or Schireffe in the Kingis name, outhir to paſ, or ſend their officiars with their houlhald and familiars, in ſufficient number with the ſaid Crouner, or ſuſſe, fortiſie and ſupplie him in the making of his arreſtment, taking or keiping of the perſon that will not finde ſovertie, quhill he be brocht to the Schireffe to be kept to the Juſtice Aire. And quhat Lord, Barronne, or Schireffe, that denies or reſuſis the doing thereof, ſall pay ten pounde to the King, at the nixt Juſtice aire thereafter: Swa that it may be ſufficiently proved be the Crouner, that they were required thereto, as ſaid is.

100. *Men-ſlayers charged upon ſex daies, and nocht compeir and, ſuld be denunced Rebbelles.*

ITEM, It is thoct expedient, ſtatute and ordained, that the Actes of Parliament maid of before, anent the punition of ſlauchter be put to execution, with this addition: that quhair ony perſon committis ſlauchter,

slaughter, and cummis not incontinent to the Schireffe to binde him to the Law, and finde sovertie therefore, after the forme of the actes of Parliament maid of before, bot beis fugitive and absentis him: The Schireffe fall then forth with, be him or his deputes, searh and seeke the committer of the said slaughter at his dwelling place, if he hes ony. And if he hes nane, and cannot be personally apprehended: Then the Schireffe fall put his gudes under arrest, and passe, or fend his depute to the head Burgh of the Schire, quhair the slaughter is committed, and be open Proclamation at the mercat-croce, warne and charge the slayer, ane or maa, as they be, thar they cum to him within sex daies nixt after, and finde sovertie to compeir and underly the law at a certaine day, under the paines contained in the actes of Parliament, maid of before. The quhilkis sex dayes beand runnin, and the perones not compeirand, and findand sovertie, as said is: Then the Schireffe incontinent, to put them to the horne, and denunce them the Kings rebelles, and take and escheit their gudes. And make warning to the nixt Schireffe, thar sik perones ar put to the horne be him, and charge him in our Sovereine Lordis name to do the famin, or els take and arrest their perones, gif they may be apprehended, and bring them to the Law.

101. *Of the keeping of arreiffed trespasssours.*

ITEM, It is thought expedient, statute and ordained, for the punition and justifying of sik trespasssours as hes bene in times by-gane, after that they were taken and arreiffed be the Crowners, and in default that they could finde na borrowes, nor there was na Castell to receive and keepe them in, quhill the Justice Aire, and their throw escaipid and was put fra the Law: That therefore in time to cum, quhair onie Crowner arreiffis and takis sik trespasssours, he fall bring them to the Schireffe of the Schire, quhill Schireffe fall receive them, and keepe them in suretie and firmance on OUR SOVERAINE LORDIS expensis quhair it failzis of their awingudes, quhill the nixt Justice Aire, and then presente them to the Justice. The quhill Schireffe fall have allowed to him in the Checker, for the expensis, thar he makis in the keeping of thay perones, thar beis delivered to him be the Crowner, for ilk person three pennies on the day, he bring-and a testimonial to the Checker fra the Justice under his seale, of the perones, thar he bringis to the Justice aire, and how lang time, and quhat dayes he kepted them. Upon the quhill time and daies the Justice fall take certification and prooffe in the aire, quhat time the Crowner delivered them, and how lang the Schireffe kepted them. And gif the Schireffe refusis to receive the person or perones that fall be brocht to him be the Crowner, as said is, he fall underly the danger and unlaw of the Justice aire to the fourt court, as ane borgh suld do, for fault of entrie of a person arreiffed, the Crowner prievand, thar he brocht sik perones to the Schireffe, and required him to receive them, as said is.

102. *The Crowner may nocht intromet with gudes of men convict, without the Schireffis consent.*

ITEM, It is statute and ordained, thar because the Crowners in times by-gane, throw wrang consuetude and abuson of the Lawe, after that a trespasssoure was convict before the Justice, and condemned to the death, the saidis Crowners walde incontinent passe or fend to escheit the gudes pertaining to our Sovereine Lorde, of sik convict trespasssours, and at their awin hand intromet with the famin, and appropriate a part thereof to their use, baith corne and cattle, & uther gudes, thar of law or reason suld nocht pertaine to their office: It is therefore thocht expedient, statute and ordained in this Parliament, thar in time to cum, na Crowner take upon hand to take ony sik gudes, or intromet therewith, quhill the Schireffe of the Schire or his deputes pas or fend with them, and see all the hail gudes, and thereafter deliver to them fameikde, as they suld have of reason, and as pertainis to their office, and bring the remanent till our Sovereine Lord and his Thesaurer: And thar the Schireffe deliver to the Crowners na mair, then they aucht of Law to have. And gif they do in the contrair hereof, and intromettis and takis ony of the said gudes at their awin hand, they to be punished therefore, as for rief.

103. *The Schireffe and the Crowner suld thoill ane assise the last day of the aye.*

ITEM, It is statute and ordained, thar there be charge given to the Justice, thar he in time to cum, the last day of his aire, give ane assise to the Schireffe and Crowner, gif they have used and done their office treulie. And gif they be convict and foundin falsche therein, thar they be punished therefore, after the forme of Law and their demerites.

104. *The Schireffe, discharge and convocation, and disobeyed, may continue his court.*

ITEM, It is statute and ordained, thar the acte and statute maid of before, anent the cumming to courtes in sober wise and quiet, bur armes or convocation of our Sovereine Lordis Lieges, be put to tharpe execution in all poyntes contained in the famin, and with this addition: Thar fra the Schireffe be sicklerly certified and geknowledge, thar ony parties makis convocation and gathering of armes to cum to the Court: The Schireffe fall be himselfe, his deputes or Officers, fend to thay parties, and charge them to cease, and skail their gadderings, and cum in sober and quiet wise to the court, after the forme of the said acte,

acte, the quhilk gif they do not, that he fall cease the court for that day, and incontinent cum and schaw to our Sovereine Lord, quhat persons disobeyis him. And thereafter to call thay perones, and take knowledge of their disobedience. And quha that beis foundin culpable, fall be punished be warding of their perones for ane zeir, and als to pay the expenes and damage, that the partie susteinis be deferring of Justice, throw the said disobedience.

105. *That all actions first be perfewed before their Judge Ordinar.*

ITEM, It is thocht expedient, that all civill actions, questions and pleyes, moved betuixt quharsumever parties, be determined and decided before their Judge Ordinar, as Justice, Chalmerlane, Schireffes, Barronnes, Provestes and Baillics of Burrowes, and uthers Officiares Judges and ministers of Law, to quhom thay actions perteinis and effeiris, to be determined and decided: Swa that na actiones fall be deduced, called, nor determined before the Lordes of our Sovereine Lordis Councill, except allanerly actions perteinin special to our Sovereine Lord, actions and complaints maid be Kirk-men, Widowes, Orphanes, and Pupilles, actions of strangets of uther Realmes, and complaints maid upon officiares, for fault of execution of their office, or quhair the officiares ar partie themselves. And quhen ever the complaint is maid on the Officiar for wrangeous and inordinar proceeding in ony maters, and summondes be determined and given thereupon, the partie that hes perfewed or defended the action, fall be sumound and called the samin day, with the Officiar for their entres, and special charge given, that the rolmentes of the court be brocht with them to that day, that it may be understandin, quhider it be richtously proceeded and determined, or not. And gif it beis foundin, that the Officiar hes proceeded wrangeously, or unordourly: The processe fall be reduced and annulled, and he to pay the expenes of the partie, and to be punished at the will of the King, after the forme of the acte of Parliament maid in that mater of before. And gif the partie compleinzie and beis foundin in the wrang, be making of the complaint, he fall paye baith the expenes of the Officiar and the partie. And gif the partie be nor of power to pay the coastes: Then their perones fall be at the will of the King, tane and punished be warding or prisoning of their perones: Providing alwaies that this statute hurt not the proces of the falling of doomes, quhair it pleasis the partie to procede that way. And that all summondes, that ar now raised, or standis under continuation, dependand and undetermined, fall be decided and ended before the Lordes of Councill. And this acte and statute till indure quhill the nixt Parliament.

F I N I S.

THE ACTS AND STATUTES

That the haill Commissioners of Burrowes desiris to be ratified and apprievied in this present Parliament, and to be put to execution for the honour of our Sovereine Lordis Hieneffe, his Realme, and weil-fare of Merchandes.

106. *Of saillers, to have halfe ane last of gudes.*



ITEM, It is statute and ordained, that the actes of Parliament maid of befor upon the greate multitude of simpie, unhonest persons Saillers soorth of all Burrowes South and North, in the parts of *Flanders, Holland, or Zeeland*, might be put till dewe execution: Sa that na man saille in the saids parts in way of merchandice, bot famous and worshipfull men, having ilk ane of their awin halfe a laste of gudes, or havand samikle in steirage or governance, under the paine of ten pounde, to be raised to OUR SOVERAINE LORDIS use, as the auld actes proportis. And als that na Merchande sail within the foresaide partes, bot gif he be a free-man of a Burgh, and indweller of the samin, under the said paine. And that searchoures might be limit here-upon, havand power to execute and searcho the actes, and raise the paine, and inbring the samin till our Sovereine Lordis Checker, als oft as they be foundin doand the contrair hereof. And the Commissioners thinkis expedient, that in ilk Burgh, the Proveste, Baillics, and Customers, be searchoures, and answer hereof.

107. *That Craftes-men usand merchandice, renounce their Craft.*

ITEM, It is statute and ordained, that the acte of Parliament, touching the Craftes-men usand and deal and with merchandice, might be put to execution, sa that he that is a Craftes-man, outhor for-beare his merchandice, or else renounce his Craft, but ony dissimulation or callour, under the paine of escheir of the merchan.

merchandise, that he usis occupyand his Craft, and this escheit to be in-brocht be the said searchoures to our Sovereine Lordis use, and compt thereof to be maid in the Checker.

108. *Of chusing of officiares in Burrowes.*

ITEM, It is statute and ordained, that the acte of Parliament, maid anent the chusing of Officiares in Burrowes may be ratified and appriued, and put to execution, and in time to cum to be observed and kept: Sa that the election of Officiares might be of the beste and worthiest indwellers of the Towne, and not be partialite nor maisterhip, quhilk is undoing of Burrowes, quhair maister-shippes and requisits cummis.

109. *Offrauchting of Schippes, and the paines thereof.*

ITEM, It is statute and ordained be the three Estaites in this present Parliament, that the acte of frauchting and lading of Schippes, might be put to execution after the tenour of the samin, and that na guides be fured be the maister upon his over-loft, nor the merchandes guides to be stricken up, nor unreasonably spaked nor rieven, under the paine of twentie pound to the Kingis use. And this to be searched be the Officiares of the Burgh, and the head frauchtes-men of the Schip, the quhilk sall answer therefore.

110. *The bind of salmond, and measure thereof.*

ITEM, it is statute and ordained be the three Estaites in this Parliament, that the Barrel binde of Salmond, fuld keipe and contene the assise and measure of fourteene Gallones, and nor to be minished, under the paine of escheit of the Salmond, quhair it beis foundin lessé, to the Kingis use: And that the Provost, Baillies, and Customers of ilk Burgh, be searchoures heirto. And that ilk Burgh have three hupeirons, *videliet*, ane hupe irone convenient herefore, ane at ilk end of the barrel, and ane in the middelt: for the measuring of the barrel, and a burning iron to marke the samin, under the paine of escheit of the barrel unmarked.

111. *That Commissioners of Burrowes compeir togidder anis in the zeir in Innerkething.*

ITEM, It is statute and ordained be the haill three Estaites, that zeirly in time to cum, certaine Commissioners of all Burrowes, baith South and North, conveyene and gadder togidder anis ilk zeir in the Burgh of *Innerkething*, on the morne after Saint *James* day, with full commission: and there to commoun and treat upon the weil-fare of merchandise, the gude rule and statutes for the commoun profite of Burrowes. And to provide for remeid upon the skaith and injuries susteined within the Burrowes. And quhair Burgh that compeiris not the said daie be their Commissioners, to paye to the coastes of the Commissioners five pound. And zeirly to have our Sovereine Lordis Letter to destrenzie herefore, and for the inbringin of the samin.

112. *Annexation of the Erledome of Marche, and uthir landes to the Crowne.*

IT IS thought expedient be the three Estaites, to unite and annexe perpetually to the Crowne ilk Lordshippes and lands, as they sall think convenient, of the landes that is cumming in the handes of our Sovereine Lord, be the fore-saltour, led upon *Alexander*, Duke of *Albany*, Erle of *Marche*, *Mar*, and *Garioch*, Lord of *Annandail* and *Manne*: And Sir *James of Liddal*, of *Haikerstoun*: Sa that thereafter our Sovereine Lord may be adviſed how he will dispoſe the remanent to the rewarding of his true lieges, that hes in time by-gane done, and sall in time to cum do, his Hiennesse gude and true service. Of the quhilk annexation the tenour followis: **JAMES**, be the Grace of God, King of *Scottes*, to all and findrie his lieges, baith Clerkes and Laickes, greeting: **FOR**-Sameikle as there is nothing mair honourable to us, and our Successours, nor profitable to our subjectes inhabitants of our Realme, then to have in all the partes of our Realme, certaine dominions and possessions appropriate untous: In the quhilk we may personally dwell and remaine, for doing of Justice to our subjectes, and punish the male-factours & transgressours of our Lawes: that therby we may governe honourable, and quietlie preserve the Estait of our Realme, without oppressing of our Leiges: Therefore in our Parliament, halden at *Edingburgh*, the first of *October*, the zeir of God, ane thousand, four hundred, four scoir seven zeiris: with advice and consent of all and findrie Prelates, Baronnes, Burgesses, Commissioners, Free-holders, representand the three Estaites of our Realme: It is statute and ordained, that all and findrie Lordshippes, Landes, Castellcs, with Advocation and Patronage of Kirks and Chaplanaries, with their pertinents hereafter expremed, sall be in all times cumming united, incorporated, and annexed: Like as be this present statute and ordinance, they are allie united, incorporated, and annexed to us, our Successours Kingis of *Scotland*, and to the ticht of the Crowne thereof perpetuallic: Swa that it sall not be leasum to us, our Successours Kingis of

Scotland quhatsumever, in ony time hereafter, ro give, grant, or in ony manner of way to annalie from the richt and propertie of our Crowne, in fee or life-rent, to ony person or persones, of quhatsumever Estate, degree, ordour, or condition he be of: The foresaidis Lordshippes, Landes, Castelles, Patronages of Kirkes, or ony part thereof, except the said donation, or alienation, fall be maid with the advise, mature deliberation and decreit of Parliament of the three Estaites of our Realme: And that for the evident commoditie, and manifest utilitie of us, our Successours and subjectes. And gif it fall happen ony of the foresaidis Kirkes, Landes, or Lordshippes, to be annallied or disposed be us, our Successours, Kingis of *Scotland*, in ony time hereafter, without mature deliberation, consent, and decreit of Parliament, or our evident commoditie, and manifest utilitie of us, our Successours and subjectes, as said is: The said donation and alienation, swa maid and granted, fall be of na strength, force, nor effect: in siksorte that it fall belesum to us and our Successours, Kingis of *Scotland*, for the time, to take back and receive at our awin free will and pleasure without ony processe of Law to be moved there, anent, the saidis landes, Lordshippes, Castelles, and advocation of Kirkes, swa alienate, contrair the tenour of this statute, to remaine as richt and propertie of our Crown, and to our awin proper use, notwithstanding the alienation thereof: And mair-over, all and findrie the persones to quhome the saidis Lordshippes, landes, Castelles, Advocation of Kirkes was swa given and annallied, fall be bound and obliged to restore all and sintrie fructes, commodities, and emolumentes intrometted-with and taken up be them of the saidis landes, induring the haill time of the donation and alienation thereof, to us and our Successours, Kingis of this Realme for the time. And thir ar the Lordshippes, Landes, Castelles and Advocation of Kirkes, united, incorporated, and annexed to us, our Successours and richt of our Crowne.

Inprimis, All and haill the Lordshippe and Erledome of *March*, with the pertinents: All and haill the landes of the Baronnies of *Dumbar*, and *Colbrands-peth*, with the Castel of *Dumbar*, with the toure and fortalice of *Colbrands-peth*: All and haill the landes of the Lordship of *Ammandail*, with the pertinents, with the Castel of *Lochmaban*, with tennentes, tennendries, and service of free tennentes, of the said Erledome and Lordshippe of *March*, and of the foresaidis Baronnies of *Dumbar*, and *Colbrands-peth*, and Lordship of *Ammandail*, and Advocations of all and findrie Kirkes, Prebendaries and Chaplanaries pertain to the saidis Erledome, Baronnies and Lordshippes: Mair-over to the effect that this present statute may be the mair surely keiped and observed: It is statute and ordained, that we fall give our bodiely aith, for the inviolable observacion of the said: And that all and findrie our Successours, Kingis of *Scotland*, fall be obliged to make the like aith in the time of their Coronacion: In witness of the quhilkis all and findrie premisses, our great seale, and the seales of the Venerable and Reverend Fathers in Christ, Bishoppes, Abbottes, Priors, togidder with the seales of our Lovits, Cousinges, Earles, Lordes, Barronnes, Free-holders, and Commissioners of Burrowes, ar hereto hung and appended.

113. *The Crouner suld have the horse pertaining to the malefactores.*

IT is statute and ordained, that the statute maid of before, anent the gudes of the persones that ar justified, and quhat part the Crouner suld have thereof: and especial of this poynt, quhair it is said, in the said statute, of dantoned horse un-schod: that it be interpreted and declared in time to cum, in this waies: That the said Crouners fall have dantoned horse depute to warke, and not to the saddle, that was never schod nor cued to schone.

114. *Anent strangers bringand in victuallie, and utheris merchandise.*

AND Attour, for the common profite of the haill Realme, and to cause strangers of uther Realmes to cum within the said Realme with victuallies and uther Merchandise, to the supportacion of the Kingis Lieges: It is statute and ordained that in time to cum, all strangeres be treated honorable with all favours, quhair ever they cum to ony Port of the Realme: And that none of our Sovereine Lords Officers, nor uther his Lieges, distrouble them, nor put them selves, schips nor gudes under arreist: Bot that they have full libertie and freedom to dispose upon their awin gudes, and sell them to free-men, without compulsion or violence: And that na price be set upon their gudes, bot be bying and selling with their awin consent. And that na new customes, impositions, nor exactions be raised nor taken of them, bot after the auld use and consuetude: And quhair ony victuallies of Merchandise cummis gaining for our Sovereine Lord: that his Comptroller or receiver, after that the price be maid with the strangers, fall have sameikle of the first and best, as is needfull to our Sovereine Lordis proper use, for the quhilk they fall make thankfull payment, but delay, that in default thereof, the strangers be not tarryed. And that in time to cum, na person under callour of byeing to OUR SOVERAINE LORDIS use, take or receive mair gudes fra strangers, to regrate and sell againe, under the paine of banishing the Realme, and tinsell and escheite of their mooveable gudes. And mair-over, that strangers now being within the Realme, that ar plainreous of ony gudes taken fra them, or injurie done to them, fall have incontinent payment maid to them, and reformation, according to Justice. And in like waies, gif ony strangers, that ar now absent cummis hereafter to compleinzie, that they fall have reformation and Justice of ony person within the Realme, but delay: Swa that throw ministracion of Justice, and favorable treating of all strangers, they fall have occasion to cum and repaire in the land in time to cum, to the great utilitie of the haill Realme.

115. Commission for examination of the Lawes.

ITEM, The haill three Estaites hes committed full power of the haill Parliament to the persones underwritten, to advise, commoun and refer againe to the nixt Parliament or Generall Councell, anent the reduction of the Kingis Lawes, *Regiam majestatem*, actes, statutes, and uther buikes to be put in ane volume, and to be authorized, and the lave to be destroyed, *viz.* Four for ilk ane of the three Estaites, and the Prelates ar accorded to make the coaste, of their Clerkes: And the Barrounes the expenses of their perones. And the Burrowes of their Commissioners.

F I N I S.

A N E T A B L E

Of the

*PARTICULAR ACTES and utheris, maid be KING JAMES the Thrid,
quhillis ar nocht prented.*

First Parliament, ninth of October, the zeir of God, ane thousand, four hundreth,
fextie sex zeires,

A Nent the mariage of our Soveraine Lord.
Anent bairnes put in fee of the land.
For in-bringing of money within the Reahne.

Second Parliament, xxxi. of Januar. 1466.

Licence to Merchandes to passe to Middle-burgh with their gudes.

Fourth Parliament, xiv. of Januar. 1467.

*Anent sitting of Sessions.
That there be twa Sessions.
Of sitting and authorizing of Justice aires.*

Fifth Parliament, xx. of November. 1469.

*The Setter-day and uther vigils to be halie daies.
Anent the reduction of Hospitales.
That Ferriers make Brigges.*

Sext Parliament, vi. of Majj. 1471.

Of Cartes of weir to be maid.

Seventh Parliament, ix. of Majj. 1474.

*Ane Embassadour to England.
That all complaintes be perswued before their Judge Ordinar.*

Aucht Parliament, xx. of November. 1475.

*Of Justice aires twise in the zeir.
Anent the mariage of our Soveraine Lordis Sister.*

Tenth Parliament, vi. of August. 1477.

*Of slauchter.
Of the money.*

Ane

*Ane Embassadour to the Duke of Burgundie.
Comission anent an Embassadour to be sent in England.*

Elleventh Parliament, xviii. of March. 1481.

*Auent weapon-schawing.
Against the riever Edward.
The Kingis promise anent Justice.
The maner to resist the riever Edward.
Of Carrours and their horses.
For resisting of the traitour James Dowglas.
The up-balding of Berwicke, and Garrisones on the Bordoures.
Of wages contrair the favorers of James Dowglas.
Ane Embassadour to the King of France.
Auent the indult granted to the Arch-Bishop of Saint-Andrewes.*

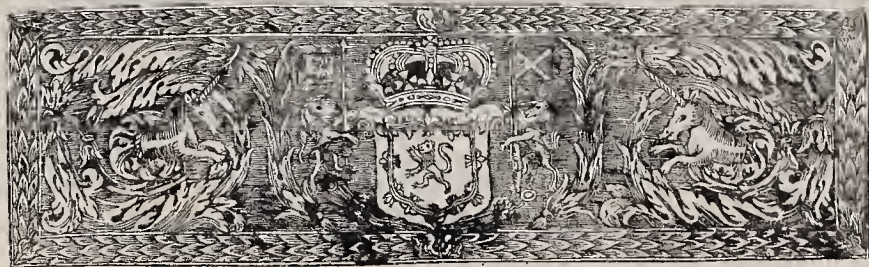
Threteenth Parliament, iv. of Februar. 1483.

*Recovering of Dumbar Castel against Alexander Duke of Albanie.
The denying of remissions and respettes.
Impetration of benefices the sege vacand.
Ane Embassadour to King Richard.
Of the Fith-girth.
Ane Embassadour to the Paipe, and his instructions.
Of talloun and salt hides.
Refuse of remissions and respettes.
Of Justice generalles to be maid.
Embassadour to the King of the Romaines.
Of fishing and making of herring in the West sea.
Annexation of the Priorie of Coldingham to the Chaipel Royal.*

F I N I S.







T H E F I R S T

P A R L I A M E N T

O F

K I N G J A M E S T H E F O U R T H.

Halden at Edinburgh, the VI. Day of October, The Zeir of God, Ane thousand, foure hundred, foure-score aucht zeires: And of his Reigne the first zeir.

I. Of Burrowes repledgeand their Nichtbourses fra the Justice.



IT is statute and ordained anent the article belangand the Burrowes, in the time of the Justice aires, quhillkis hes bene replerged fra the Justice, he sittand in the principal Burgh of the Schire, into their freedoms; Throw the quhilk repleding, justice hes not bene done upon the inhabitants of the said Burrowes in time by-gane; Therefore in time to-cum it fall be leiffull to the Kingis Justice, he sittand in the principal Burgh of the Royaltie, upon the mater of the aire, to give ane assise to all inhabitants within utheris Burrowes of their awin Nichtbourses, that best knawis the veritie, gif they be present. And gif sa mony bee not present, that may be sufficient number: That it fall be leiffull to him to choose ane assise of the said Head-burgh, or to eik the number, as he thinkis maist expedient for the gude of Justice, and without prejudice of the freedoms of the said Burrowes.

2. That a fine penny of gold, and ane uther of silver be stricken, Of the Wardens of the cuinzie.

ITEM, It is statute and ordained be our Sovereine Lord, and his three Estaites in this present Parliament, that a fine penny of gold be stricken, to be of weicht and fines to the *Rose-Noble*, and ane penny of silver to be equal to the auld *English* groate, and ten of them to make ane ounce of silver, and to have cours and gang for fourteen pennies. And that there fall be ane halfe groate of the famin. And the said penny of gold to have passage and gang for threttie of the saids groates. And ane uther penny of gold to have cours and gang for twentie of the saids groates of the famin prent. And the thrid penny of gold to have passage for ten of the saids groates of the famin prent. And the saids pennies of Gold and silver to have sik prent and circumscription, as fall be advysed be the Kingis Hiennesse. And all uther money to be equally conformed thereto. And our Sovereine Lord fall limit ane cuinziout thereto, as *Alexander Levingstoun*, and a wife and leill man, that hes knowledge in the money, to be warden thereof: That is to say, *James of Creichtoun*, of *Ruchvendaun*, for the space of a zeir, to examine and assay the fines of the said gold and silver, after the forme and rule maid in the Parliament of before: The saidis Wardene and cuinziours havand siklike fee for their labours, as they had in the time of our Sovereine Lordis Progenitours, and siklike profits to cum to the Kingis Hiennesse of the said cuinzie. And as for the in-bringing of Bulzieon, the merchandes fall for the gud of the Realme, bring of ilk Serplait of Wooll, ilk laste of Salmonde, ilk foure hundred claith, four ounce of brunt silver, of ilk laste of hides sex ounce, ilk laste of Herring, twa ounce. And siklike of all uther gudes that payis custome to the King. And the merchandes thereof fall bring in Bulzieon effairand thereto. And arour, the merchandes that bringis hame the said Bulzieon, quhillkis

fall be of the fines forefaid, fall have of the faid cuinzie, and to be payed be the Wardene, twelve thillings for ilk ounce. And the faid Wardene fall furnifh the cuinzior of bulzicon, and the irons to be put in keiping, and to receive it, that is cuinzied to the changeour thereof, and pay the merchandes for the faid Bulzicon, and to take ane affay of Gold and Silver that fall be cuinzied, as is forefaid, to be kept and examined zeirly at the Checker, and there to be maid compt of fa many ounces, as is cuinzied in the zeir, baith of gold and silver. And the Customers at their compts making, to be charged with fa many ounces, and uthers gudes, as is abone written in the famin forme. And to be difcharged of fa farre, as they deliver to the faid Warden and cuinzieouters. And thar all merchandes that beis foundin culpable in the breaking of this ftatute, fall pay to our Sovereine Lorde, the double avails of the faid ounces of Bulzicon, according to the Serplaith and gudes abone written. And that all uther money, gold and silver fall have courfe to the avails, as it is now.

3. *That fchippes cum to free Burrowes.*

ITEM, It is ftatute and ordained, that in time to cum all maner of Schippes, strangers and uthers cum to the Kingis free Butrowes, fik as *Dumbartane, Irving, Wigtoun, Kirk-cudbricht, Renfrew*, and uthers free Burrowes of the Realme, and there make their Merchandice. And that the faidis strangers bye na fiff, bot falfed and barrellid, nor bye nane uther merchandice, bot at free Burrowes, and there pay their dewties and customes, and take their coquet as eifeiris. And that they make na merchandice at *Lowes* nor uther places, bot at free Burrowes, as faid is. And thar nane of our Sovereine Lordis Lieges take Schippes to fraucht, under colour to defraud our Sovereine Lord nor his Lieges, under the paine of tinfel of their lives and gudes, and that na strangers do in the contrair, under the paine of tinfel and confiscation of their Schip and gudes to our Sovereine Lordis ufe.

4. *Of Clerkes that purchasit benefices contrair the Kingis presentation.*

ITEM, It is ftatute and ordained, that for-fameikle as it was ftatute and ordained be the Parliament in our Sovereine Lordis Antecessours times of maist Noble minde: That quhatfunever Clerk his liege purchafed any benefice at the Court of *Rome*, of the quhilk the presentation pertained to his Hieneffe, the fege vacand, be richt and privileged of his Crowne: That they that attemptis, accepts, or purchasit any fik benefices, or committis the crime of hurt-majestie againft his Hieneffe, that the paines contened in the act of Parliament, that is to fay, profeription, rebellion and treason be execute upon them. And now it is feene expedient be the three Estaites of the Realme, and ftatute and ordained, that quhat time it be declared be the best and worthiest Clerkes of the Realme, before the Lordes of Council, that any person or perfon be grace acceptis, or purchasit any benefice, pertaining to our Sovereine Lordis presentation, the fege vacand, in the Court of *Rome*, or within the Realme: or hes purchafed or perfwed the famin, fen the laft ftatute maid thereupon That after the declaration be maid be Clerkes before the Lordes of Council, the Chancellor fall make the paines contened in the faid actis of Parliament to be put to execution upon the breakers of the faidis actis, les nor they leave the faid benefices, after they be required thereupon: And their letters of declaration to be given in name of our Sovereine Lord and his three Estaites. And that the Ordinaries difpone upon their uther benefices, for the inhabilitie of their perfonnes. And gif any perfonnes Spirituall or Temporal would mainteine, fupply, or defend the faidis Clerkes, breakers of our Sovereine Lordis actis of Parliament, after that it be declared his Patronage, as faid is, they beand required, and will not defist fra the fupplying of the faidis Clerkes: That there fall be letters given in likewife upon them, declaring them to haue fain in the famin paines, contened in the actis of Parliament, as faid is.

5. *The revocation maid at Scone.*

ITEM, Anent the Proclamation maid at *Scone*: It is ftatute and ordained, that all alienations of landes, heritages, lang-tackes, few-fermes, offices, tailzies, blanch-fermes, creations of new dignities, granted to any perfonnes, quhat eftaite, degree, or condition thar ever they be of, fen the fecond day of *februar* laft by-past, be unquhile our Sovereine Lordis Father, quhom God affoilzie, quhilk micht be prejudicial to our Sovereine Lord, and his Crowne, that now is, be ceassid & annulled, and to be of na foree nor effect in times to cum: Becaufe that fik alienations, gifts and privilegedges were granted, fen the faid time, for the affiftance to the perverfed counfel, that were contrair the common gude of the Realme, and caufe of the slaughter of our Sovereine Lordis Father, and divers uthers his Barronnes and lieges.

6. *That the aires be not hurt be their predeceffours.*

ITEM, It is ftatute and ordained, anent the aires of all Lordes, Barronnes, and uther landed-men, that were with our Sovereine Lord that now is, in the field of *Sirroling*, againft the perverfed Council in the misguiding of unquhile his Father, quhom God affoilzie, and the common gude of the Realme, that na hurt nor prejudice be done to them be any of their predeceffours, in alienation or skait of the heritages,

heritages, that they shuld succede to, sen the time of the said field, or in ony time to cum: And gif ony alienation be maid in prejudice of the said aite, that it be of na strength, force nor effect in time to cum. And decernis and declaris the famin of name avale, gif there be ony done.

F I N I S.

T H E S E C O N D
P A R L I A M E N T
O F
K I N G J A M E S T H E F O U R T H.

Halden the fifteenth day of Februar, the zeir of God, ane thousand, four hundreth, auchtie nine zeirs.

7. Of the freedome of halie Kirke.



IN The first, for the honour of God, libertie and freedome of halie Kirk, and Kirkmen: It is stature and ordained, that all priviledges, freedonies, and immunities of the famin be observed and keiped in time to cum, like as they have bene in the time of our Sovereine Lords Father, and for-bears of maist Noble minde, with this addition: That the takers and intrometers of the lands, teinds obligations, profitres or dewties of halie Kirk, without tacke or asseidation of the Person, Vicar, or their fermorares, be called, and that to be a poynt of dittay in time to cum.

8. Of universal concord amangst his Lieges.

ITEM, As touching the love, amitie and friendshippe to be maid amongst all our Sovereine Lords lieges and his Council: It is thought expedient be the three Estaites, that our Sovereine Lord and his Council fall put his authoritie, be the advise of his said Council, to make all persones and parties to be at friendship and concord, and quhar person or persones that refusis, in his default, to heare ane reasonable and honorable concorde of his partie: That the Kingis Justice put sharpe Justice on the partie, quhilkis ar obstinare, throw the quhilk the Kingis Hienes may cause them to be in heartie amitie, friendship, and quiet with the punition, according to the Lawes of the Realme.

9. For in-bringing of the taxation and un-doing of the Kingis discharge of ony part thereof.

ITEM, Anent the expedition of the haistie in-bringing and getting of the taxt granted in the Parliament for the expenses of ane honorable Embassadour that shuld passe for our Sovereine Lordis mariage, anent the part being in the hands of the Clergie: It is thought expedient, that the Prelates now being in this towne, shuld make a way with the Thesaurar, and schaw him how the said taxt shuld be payed for the part of the said Clergie, or ony of them depart off this Towne. And for the taxt of Barounnes and Temporal persones, that shuld be raised and taken of the Schireffes and Baillies, and uthir officiares of the Kingis: It is advised be the said Lordes, that the saidis Schireffes and Baillies, and uthers Officiares, being so oft-times charged be the Kingis letters, and ar now called to be here, that therefore they be now charged be Officiares of the Kingis, to be before the Chancellor, and Lordes of Council, on Friday thar nixt cummis, in *George Robiesones* Innes, to mak full compt and payment of the said taxt: And in likewise, that all Schireffes, Provestes, and Baillies of Burrowes, and all uthir officiares quhilks come not here, nor is present: That letters incontinent be written to them, chargeing them to raise, in-bring, and pay the said taxt to ane schort day, or els that they be charged to enter their persones in warde within the Castel of *Blacknesse* within fisteene dayes, gif they failzie of the in-bringing and paying of the said taxt, under the paines of Rebellion and putting of them to the horne, confiscation and escheitring of all their proper gudes to the Kingis use. And because the Lordes understandis, that there is some parte of letters granted be the King to Spiritual Lordes and Prelates, and als to Temporal Lordes, and to Barounnes, of discharge of part of the said taxt, the quhilk the saids Lordes considder and understands, the King might not discharge, sen it was granted be the said Estaites to the said Embassadour, and for the cause foresaid: Therefore the saidis letters of discharge to be na defaillance to them. And thar na sik letters have strength, force, nor effect. And thar letters of discharge be maid under the privie seale, and send to the Ordinaries and Schireffes thereupon.

10. *Of the Kingis Revocation and in-bringing of his propertie of his servandes fees.*

ITEM, Touching the Article of the Kingis propertie, for the honorable sustentation and halding of his house, according to his estate and honour, quhilk may not be failized, without great derogation of his Noble Estate: It is considered be the saidis Lordes of Articles, that sen all the Lordes Spitual and Temporal, and utheris his true lieges, fuid abone all singular and particular profite, desire to prefer the Noble Estate of his excellence, like as it was done in the time of his maist Noble Progenitours of gud minde: Herefore it is thought expediente, neidfull and reasonable, and als statute and ordained in this present Parliament, That full derogation, cassation, and annulation be maid of all giftes, donations, infestments, few, fermes, fees, life-rentes, given be his Hienesse to quharsumever person or persones, sen the day of his Coronation: Swa that all landes, rentes, customes, burrow-mailles, fermes, martres, murtion, pultrie, auarage, carriage, and uther dewties, that were in the handes of his Progenitours and Father, quhome God affoilzie, the day of his decease: Norwithstanding quharsumever assignation or gift be maid thereupon under the great seale, privie seale, or others, be alluterly cassed and annulled: Swa that the hail profites and rentes thereof, may cum to our Sovereine Lord, to the honorable sustentation of his house and Noble Estate, as said is: And quhair there is ony fees or dewties to be given to Officiars, Wardens, and utheris sik-like, as had fee in his Farthers and Grandfchits times, that the samin fees be payed to them in money, be the handes of the Receivers, and Comptrollers. And that they take na dewties of the Kingis proper landes for na assignation maid to them. And that all their landes, rentes, fermes abone writen, remaine with the King in this kinde, quhill his age of twentie ane zeir, norwithstanding ony gifts maid of befor in the contrair.

11. *For keeping of the dayes of trefwes.*

AND As tuitching the observacion and keeping of the trefwes taken with the King of ENGLAND, It is thought profitable be the saidis Lordes of the Articles, that our Sovereine Lord cause his wardens and Lieu-tenents, that they observe and keepe dayes of trefwes, als oft as it is neidfull, for the observacion of the said trefwes, induring the time of the famin: Swa that his Hienes and lieges have sik-like observed to them for the part of ENGLAND. And that the wardens hald their courtis, and punish trespassours, for the gude of the cuntrie, and stanching of sik trespassours.

12. *Of the Kingis Councill, and passing of signatoures.*

AND For the mair sickernes, sure suppartation, and acceleration of Justice, it is advised and seene speidfull, that the said Councill now chosen in this present Parliament, be sworne in the Kingis presence and his three Estates, to give his Hienes a trefw and afaid counsel in all maters concerning his Majestie and his Realme. And fall remaine of his Councill, quhill the time of the nixt Parliament. And to be responsal and accusabil to the King and his Estates of their counsel. And our Sovereine Lord hes humbled his Hienes to promit and grant in Parliament to abide and remaine at their counsels, quhill the nixt Parliament, as said is. And till eichew all circumventiones and deceites, that hes bene done to the Kings Hienes be bringing of divers signatoures of infestments, donariones, giftes, conductes, and remissions, and uther sik letters hurtand and tuitchand the King in his casualtie or propertie: For the secluding of the famin, his Hienesse hes granted and consented be authoritic of this present Parliament: That na sik giftes, signatoures, remissions, respertes, conductes, and utheris letters fall passe in time to cum, without advise and consent of the Lordes of the said secrete Councill. And all sik letters to be subscribed be the King, and sa mony of the said Councill, as fall be present for the time, to the number of sex persones at the fewest, sirstand togidder in Councill, the Chancellar beand ane. And gif ony sik letters be given without their consents in utherwaies, That the saidis letters be of nane availle, force, nor effect, and to have na strength. And that the Chancellar, Privie seale, and Secretar, answer to nane uther letters, bot sik as beis subscribed, as said is, with the said Lordes of Councill. And in likewise the King to be ruled and governed be their Counselles in the dispositions and giving of his Treasure, silver veschel, cheinzies, jewelles, and uther abuilziements, pertaining to his maist Noble person. And this maner of doing to be kepted and observed, quhill the time of the nixt Parliament.

13. *Of Gold-smithes.*

AS Touching the article of Gold-smithes, quhilkis layis and makis fals mixture of evil mettel, corruprand the fine mettel of gold and silver in the deceit of our Sovereine Lord and his lieges, thar garris make and worke gold and silver, for the reformation and eschewing of the samin: It is now advised and concluded, that na Gold-smith fall make mixture, nor put fals layis in the said mettelles. And to have knowlege of the fines of their warke, that ilk Gold-smith have ane special marke, signe and taiken, to be put in his said warke, quhill he makis. And thay samin warkes to be of fines of the new warkes of silver of *Bruges*. And that there be ane Deakon of the Craft of Gold-smithes, quhill fall examine the said warke and fines thereof, and see that it be als gude as the said warke of *Bruges*. And thereafter the samin Deakon to put his marke and signe on the said warke, and to answer thereupon, upon his life and gudes. And as touching the warke of gold,

gold, that it be maid als fine, as it is first molten in presence of the awner, like as the touch and assaie given to him, quhen it is first molten. And nawar to be delivered in presence of the Deakon: Swa that the Kingis lieges be not deceived, and that it keipe the said fines, as said is.

14. *Anent the failing of Merchandes: Of Bulzieon.*

ANENT the acte of failing of Merchandes, quhilk hes bene maid of before, and that the samin acte be now in time to cum observed and keiped be the Merchandes, and in likewise anent the inbringing of Bulzieon, that the acte maid thereupon be given and keiped in scharpe execution. And that the Auditours of the Checker, and all uthers in time to cum take compt of the in-bringing of Bulzieon, sen the time of our Sovereine Lorde, like as at mair length is contained in uther actes maid there-upon. And that the said compt be taken after the quantitie of the gudes, that is cumming hame. And anent the failing of the said Merchandes, that the Provest, Aldermen, and Baillies of Burrowes make diligent searching and seeking of the failers in Winter, fra *Alballow-mes*, till *Candil-mes*, and make the paines to be raised on the breakers thereof to the King, under the paine of ten pound to be raised of the Officiares, that beis negligent not punishand in their default.

15. *Anent cruves and fishzaires: Of the mid-streame: The Setterdaies stop: Creilles and nettes: Read fish.*

ITEM, Anent cruves and fishzaires, quhilkis destroyis the fry of fish, and hurtis the commoun profite of the Realme: It is ordained, that the actes and statutes maid of befor, be observed and keiped with this addition: That letters be written to all Schirffes, Baillies and Stewardes, to destroy, cast downe, and put away all the cruves within their bounds incontinent without delay. And that ditray be rane upon them, that hes cruves in the contrair the said acte. And to pay for ilk cruve five pound for amerciament in the Justice aire, to be raised on the maker and up-halder of the samin. And in likewise the Schireffe that failzie, to be in amerciament of twentie pound to the King in the Justice aire, and ro be a poynt of dittay, as said is. And anent the cruves that standis in fresh waters, that they stand not in forbidden time. And let the mid-streame be alway free, be the space of five fute. And that the *Setterdaies* stop be observed and keiped, as the acte and statute maid be King *David* requiris. And that ilk heck of the said cruves be five inchewide, according to the samin statute. And as for millers, that settis creilles and nettes in dammes, milne-landes, and waters, destroyand read fish; and fry of fish, as said is, fall be a poynt of dittay. And the paine baith of causer of creilles, nettes, and of the millers, ilk ane of them that dois in the contrair, to incur the unlaw of read fish, and to be taken of them that dois in the contrair. And that letters be written, as said is, to the Schireffes, Stewardes, and Baillies, to put this act to execution, and fee that the samin be observed and keiped, under the paine of twentie pound, to be raised upon the the officiares that failzie, as said is. And as touching the slaughter of read fish, that it be punished after the forme of the statute, declarand the unlaw thereof, ten pound.

16. *Anent the free tennentes, that haldis of the Duke of Rothsay and Steward of Scotland,*

ITEM, Anent the free tennentes, that haldis of the Prince, the Duke of *Rothsay* and Steward of *Scotland*: The Lordes of the articles thinks it reasonable, that all thay free tennentes fall be halden to compeir and answer in the Parliament and Justice aires, with their suites and presentes, as effeires, ay, and quhill our Sovereine Lorde have ane Sonne, that suld be immediate betwixt the King and them, to answer for them in the said Parliament and Justice aires: And suit-rolles to be maid thereupon, quhilk fall indure, quhill the Prince be borne,

17. *Of the money.*

ITEM, Anent the article of the money: It is thocht expedient be the Lords of the Articles, that there be ane trew substantious man, maister of the cuinzie, quhilk fall forge money, and cuinzie to serve the Kingis lieges. And that cuinzie fall be in this manier, that is for to say, a groate schill have cours and gang for fourteene pennies, and ten of them to wey ane ounce, and to be of the samin fines, as the *EDWARDE* groate of *England*, and that the said cuinzieour fall give & pay for the ounce of brunt silver, eleven shillings, sex pennies, to be given, and for *Paris* silver, and the silver warke of *Bruges* siklike. And as for the silver warke of this Realme, quhilk is brocht to the cuinzie, that is not fa fine, the said cuinzieour fall give and deliver therefore the verry avale to the awner of the said silver. And fa-meikle as it is war then *Paris* warke, or silver warke of *Bruges*, to be default and rebaited of the price of the saide silver. And gif the said cuinzieour and the seller of the said warke cannot agree of the price, that there fall be twa trewe gold-smiths, sworn be their gear aiths to see and examine the said silver warke, and the valour thereof, and to declare quhat it is worth ilke ounce: Of the quhilk modification and price, baith the cuinzieour, awner & seller of the said silver, fall stand content. And to have knowlege that the said cuinzie be keiped in weicht and fines with the said

EDWARD groate, this said cuinzieour fall have a signe and taiken maid in the prenting, haveand difference fra the first cunzie. And gif ony of the new groates be foundin war in weicht and fines, nor the EDWARD groate, the cuinzieour to be punished therefore, and tyme his life and gudes. And thar to be examined and seene at the nixt Parliament, and sooner gif it pleasis the King. And because it is meand to OUR SOVERAINE LORDE, that his gold and silver cupzied in his Realme, is be ignorant personnes refused, quhen the said gold or silver hes cracke or flaw, or be folded: It is ordained, that the said gold and silver fall be received be all his lieges: Sarhatir keip all the wecht, and be gude trefw mettel, suppose it be with cracke or flaw, or folded, as said is, in all times to cum.

18. *Of undoing of Caupes in Galloway.*

ITEM, Because it was meand and complained be our Sovereine Lordis lieges dwelland in the boundes of *Galloway*, that certain Gentlemen, heads of kin in *Galloway* hes used to take Caupes, of the quihilk tacke there, and exaction thereof, our SOVERAINE LORD, and his three Estaites knew na perfire nor reasonable cause, for the quihilk his Hienes be advise of the last Parliament, assigned, warned and charged all the persones that claimed or alleaged to take, raise, or introuer with ony sik action of Caupes, to cum to the nixt Parliament, and there ostend and schaw quhat richt they have to the taking of the same. And now in this present Parliament, the saidis personnes making the said claimes, hes bene oft times in called for the ostention and schawing of their richt, as said is, and nane hes compeired nor schawin na richt, nor title of richtes, to raise and take the said Caupes. Herefore our Sovereine Lord, willing and being of intention, to seclude and put away all sik abusiones, evill use and extorfiones put on his people and lieges, but reasonable cause. Be authoritie of his Parliament hes ordained to be abused, and lest the taking of the said Caupes in all times to cum: And na man ro take them of the Kingis lieges, under the paine to be punished as for riefe, and ay in time to cum to be poynt of ditray in the Justice aire.

19. *Of Caupes in Carriist.*

ITEM, As touching the Caupes in *Carriist*, the Kingis Hienesse and his Estaites foresaidis, thinkis expedient and conclusid, that all they quihilkis claimes Caupes, be warned be open Proclamation to compeir in the nixt Parliament, bringand with them sik evidents and richtes, as thy will use for the taking of the said Caupes, with certification and they do nor, that our Sovereine Lorde, with advise of his three Estaites will annull all sik thing, and will ordaine all sik Caupes to be not taken in time to cum,

20. *The proceffe of recovering of annual-rentes.*

ALSWA It is thoct expedient be the Lordes of the Articles and Estaites, after the information and supplication maid be the Provost, Baillies, Councell and Communitie of *Perth*, desiring of our Sovereine Lord, that the constitution and rule of the said Burgh be conformed to the Kingis Lawes and consuetude of the Burgh of *Edinburgh*, and lawe of Burgh, anent the recuperation and obteneing of annual-rentes in Burgh, in default of solution, and payment of the annualles aucht to the Lords, awters and proprietaries of the said annualles: It is thoct expedient, that the Proces of the recovering of the said annual at the Fourth Court, be observed and kept in the Burgh of *Perth*, and uthers Burrowes in time to cum, as it is used in the Burgh of *Edinburgh*, according to the Law of Burgh, notwithstanding any uther use or consuetude, that they have had in the said Burgh of lang proces and delay in times by-past.

21. *The tennents of the Kingis propertie suld not be troubled.*

ITEM, Because it is understandin to the Lordes of the articles, the heavy complaints that hes oft times bene maid to the King and his Councell be his puir tennents, mailers, and inhabitants, his proper landes in divers partes of his Realme, that they ar greatly hurte and oppressed be Lordes and Gentle-men in the cuntrie dwelling beside them, quihilkis hes na tack of our Sovereine Lord of thay landes, constrinzieis, and compellis them to do service, avarage, cariage, scheiring, leading, labouring, ryding and travelling be their powers and authorities: And for remeid hereof, It is now statute and ordained, thar na Lord, Barronne, Free-holder, Gentle-man, nor uthers compell, ony of the Kingis tennents, mailers, and inhabitants of his proper landes, to do them ony maner of service be coaction, or dread, under the paine to be punished as oppressours of the Kingis lieges. And to be a poynt of ditraie in the Justice aire.

22. *Our Sovereine Lordis revocation.*

ITEM, It is thoct expedient, because there was ane statute maid in our Sovereine Lordis Parliament, that was halden at *Edinburgh* on *Wednes-day*, the aucht daie of *October*, the zeir of GOD, ane thousand, foure hundred, fourescore aucht zeires, declairand all alienations of landes, heritages, lang-tackes, few-fermes, offices, tailzieis, blanch-fetme landes maid of warde, to be of nane availle, after the second day of *Februar* (quihilk was the day of our Sovereine Lords, that now is cumming furth of *Striviling*) unto the coronation

coronation of our Sovereign, that now is, maid be our SOVERAINE LORDIS Father that now is, of gude mind, to be of na force nor effect, for certaine causes conteined in the said acte and statute: That therefore all they, quhilkis gatte pretended giftes of alienations of heritages, lang-tackes, few-fermes, offices, tailzies, blanch-ferme landes, sulde bring their letters and evidentes granted hereupon to our Sovereine Lord, within fourtie daies to be destroyed, certifying them that bringis nor, the King will make them to be speciallie called, and punished for their inobedience.

F I N I S.

T H E T H R I D
P A R L I A M E N T
O F

K I N G J A M E S T H E F O U R T H.

Halden the aughtenth day of Maij, the zeir of God, ane thousand foure hundreth, ninetie ane zeires.

23. *The alliance and confederation of France to be confirmed.*



It is ordained and concluded, that the alliance and confederation maid of before of auld and new, betwixt the Realmes of *Scotland* and *France*, the Kingis and Princes of the samin, be the advise, conclusion, and deliverance of the three Estaites be renewed, reformed, and interpreted in forme of the auld alliance, and confederation maid betwixt them and their Realmes and Lieges of befoir. And atour, to obtaine and procure uthers new franchisees and priviledges, to the honoure and profite of our Sovereine Lord, his Realme and lieges, and to the gude of Merchandes, that our Sovereine Lordis lieges usand thay partes, have, sik freedom within the Realme of *France*, and boundes of the samin, like as the *Frenchmen* hes within our Sovereine Lordis Realme and boundes. And quhair the samin priviledges and freedoms ar not, nor hes not bene observed nor keiped in times bygane, to require reformation of the samin, according to the forme of the said alliance. And commissiouns to be maid in dew forme thereupon.

24. *The forme of the Chancellarie suld not be altered.*

ITEM, It is statute and ordained, that na brievies nor uthers letters be given to na partie, bot after the forme of the brievies of the Chancellarie used in all times of before. And that the forme of the Chancellarie be keiped and observed without innovation or eiking of new termes. And gif onie beis given uthirwaies, that they be of na force nor effect, except the brieve of summondes of errour.

25. *The Wardatar sall not destroy the Landes: he suld susteine the minor.*

ITEM, It is statute and ordained, that quhair onie Land or landes hapenis to fall in Waird to our Sovereine Lord, or onie uthir Barronne of this Realme, Spiritual or Temporal, or landes given in conjunct-festment, or life-rent alsweill to Burgh as to land, that the Schireffe of the Schire or Baillies fall rake sik-like soveritie of the person or persones, that gertis or hes sik wairdes, that they fall not waist nor destroy their bigginges, Orchards, Woodes, stanks, parks, medowes, or dowcates, bot rhat they hald them in sik-like kinde, as they are in the time, that he gertis and receiveis the samin, he tak-and his reasonabill sustentation or using in neidful thinges without destruction or waisting theroof. And ane reasonabill living to be given to the sustentation of the air, after the quantitie of the heritage, gif the said air hes na blanch ferme, nor few-ferme land to susteine him on, alsweil of the wairdlands, that fallis in our Sovereine Lords hands, as onie uthir Barronne, Spiritual, or Temporal.

26. *Of landes falland in waird or uthirwaies altered, that the tenmentes sall remaine therewith, quhill the next Whit-fundaie.*

ITEM, It is statute and ordained, that quhen onie lands fallis in waird or quhen onie Ladie havand terce or conjunct-festment, hapenis to deceis, or quhar land be redeemed or lowfed be reversion, gift, selling, or

or wedsetting, or ony uther-waies landes happenis to be altered. The tennentes, labourers, and inhabi-
tantes onic of the said landes fall remaine unput forth, or removed, quhill the nixt terme of *Whit-funday*
followand, payand to the Lord, that fall enter to the said landes the mailes, and dewties aucht and wont of
the said landes, quhill bruiking fall induce na possession langer, then the said *Whit-funday*.

27. *Anent finding of law-borrowes.*

ITEM, It is adviced, statute, and ordained, for the eschewing of slauchter, fore-thought felonie, and
debait, that fall happen betwixt onic persones in time to cum, be complaint maid to our Sovereine Lord,
his Chancellor, or Justice, that the Chancellor or President beand for the time, with advise of the Coun-
cel, and Justice, with advise of his assesseurs, fall put-quhar paine off summe of money, that they think ex-
pedient, the parties and their actions beand considered, that the partie Complainzieand fall be harmeles
and skaithes in his person or gudes, but fraude or guile utherwaies then law will. And quhar fudge or
Judges that takis this fovertie, that they ayt the samin, or put in remembrance in their buik, that it may be
schawin to our Sovereine Lord and his Council. And sik like paines to be put in slauchter, rebellion,
and uther crimes.

28. *Anent man-slayers taken, or fugitive: And of Demembration.*

ITEM, It is statute, that quhair ony man happenis to be slaine or demembred within the Realm, alf-
weil within regalitie, as within royaltie, and in Burgh, as to land: Then incontinent without delay,
als hastily, as the Schireffe or Steward, Baillie or Officiar of Regalitie can be certified thereof, outhere be
partie compleinzieand, or ony uther way, he fall passe and persew the slayers or dememberers, ane or maa,
and raise the Kingis horne on him, and raise the cuntrie incontinent in support, quhill he be over-tane. And
gif he may be gotten, he fall incontinent bring him to the King or his Justice, or els keip him in sicker suretie,
quhill the King be certified of him, and have answer, quhar he fall do thereto be our Sovereine Lord or his Ju-
stice at his will, or how soone it pleaseth him, notwithstanding the fourtie daies, or the three sunnes contained
in the guld Lawes: The partie followand beand present or warned to be there, gif he will persew the action.
And gif it happenis the saidis trespassors till eschew out of the Schireffedome unarrestit or taken, then the
Schireffe fall write or send one of his Officiars to the Schireffe of the nixt Schireffedome, and certifie him of sik
men that hes done sik fellowie against the King, and ar fugitive fra the Lawes. And then fall he first per-
sew him or them out-throw the Schireffedome in the samin maner, as the other did of before without delay.
And swa fourth fra Schireffe to Schirffe, quhill he be over-tane, or put out of the Realm. And gif he hap-
penis to flie in the Regalitie out of the Royaltie: the Schireffe fall incontinent certifie the Lorde of the Re-
galitie, his Steward or Baillie, the quhill fall persew the trespassours in like manner, as the Schireffe dois,
as is before said. And quhair ever he happenis to be over-tane, that the Schireffe, Seward, or Baillies of
the Regalities fall incontinent sende him to the Schireffe or Baillie of the nixt Schireffedome, quhill fall re-
ceive him, and send him to the nixt Schireffe. And sa fourth fra Schireffe to Schireffe, quhill he be put to the
Schireffe of the Schire, quhair the deed was done. And there fall justice be incontinent done, as is before
said. And gif it be fore-thought-felonie to die therefore. And gif the saidis Schiriffes or Officiars beis
foundin culpable herein, and he have the Office of heretage, he fall tane it for three zeires. And gif he hes
it for termes, to tane it for ever mair. And to abide and underly ane assise, quhider he be culpable or not.

29. *That Justice aires be halden twise in the zeir.*

ITEM, It is statute and ordained for the stanching of cummers, slauchters, rieses, thefts, extorsions
and oppressions of our Sovereine Lordis Lieges: That therefore his aires be set and halden twise in the
zier, that is to say, anis on the corne, & anis on the grasse: Sathat Justice may be univerfally execute
throw the Realm, for the punition of the saidis crimes. And quhair it fall be sene speedeful, that our So-
veraine Lord move his maist Noble person thereto. And quhair it is not necessare, that our Sovereine Lords
person move, that be advise of his Council, he send sik-like persones, as fall be sene speedefull for the time,
and the countrie that they passe to. And thar all our Sovereine Lordis lieges reddellie answer, rise, and
cum to them in fortifying of justice, as they fall be charged be the Justice, under the paine to be punished as
favorers of the said trespassours, and airt and part thereof, and dittay to be tane thereupon, and to be a
poynt of dittay in time to cum.

30. *Of the defender nocht compeirand. The Schireffe and uther Judges suld execute
all decreetes.*

ITEM, It is statute and ordained, that quhair ony partie hes action and summoundes against uthers, and
the defendour compeir not in proper person, or be his procuraoures, he fall pay the coistes and skaithes
of the partie compeirand, and ane unlaw of fourtie shillings to the judge, within twentie daies after
the decreet of the deliverance be given thereupon, or they be heard in judgment: And failzieand
thereof,

thereof, that letters be written to the Schireffe of the Schire, Steward, or Baillie in Burgh, or to land, for the execution of the said decreete, and to have for his office and fees, twelve pennies of ilk pounce recovered, to be taken of the partie the said decreete is given against. And gif it happenis ony of the saidis Schireffes and officiares to failzie in their offices, not makand the parties to be payed, after the forme of the Kingis letters, within twentie daies, of ilk a summe, as beis decreeted and recovered, as said is: Quhat Schireffe or ony uther Officiar that beis negligent, as is foresaid, and makis not dew execution of the saidis decreetes, after the forme of the letters and decreetes, cummand to them thereupon, he that hes the office in charge, fall tyme the famin for three zeires, and he that hes the famin in life-rent, fall tyme it for ever-mair. And the coistes and skaithes of the partie, the Schireffe or Officiar to be debtour therefore, and sife it upon him or them, togidder with the principal summe that is recovered. And in likewise the Provestes and Baillies of Burrowes, to be seclued fra their offices for ever mair, and to be debtour and pay the said summe with coistes and expences, as said is.

31. Of weapon-schawinges.

ITEM, It is statute and ordained, that ilk Schireffe, Steward, or Baillie of the Realme gar weapon-schawinges be maid four times in the zeir in all places convenient within his Baillie, in this wise: That ilk Gentle-man, havand ten pounds woorth of land or mair, be sufficiently harnished and anarmed with basnet, fellar, quhite-hat, gorget, or pissane, haill legge-harnes, sword, speare and dagger: and Gentlemen havand les extent of lands or unlanded, fall be armed at their gudlie power, after the sight and discretion of the Schireffes and Baillies, and ilk persones as our Sovereine Lord fall depute Commissioners thereto, and honest zeamen havand sufficient power, that likis to be men of armes, to be harnished sufficientlie, after the discretion of the saidis Schireffes and Commissioners, and all uther zeamen of the Realme, betuixt sextie and sextene fall have sufficient bowes and schiewes, sword, buckler, knife, speare, or ane gude axe in stead of ane bow. And that all Burgeses and indwellers in Burrowes of the Realme, in like maner be anarmed, and harnished, and mak weapon-schawinges, as said is, four times in the zeir. And that the Aldermen and Baillies be corrected be the Chalmers or his deputies, for the execution of the said thinges. And that all men of the Realme baith to Burgh and to Lande, Spiritual mennis fervandes, and Temporal, be weill purvaied of the said harnes and weapones be the feast of *Midsummer* nixt to cum, quihilk fall be the day of weapon-schawinges, under the paines followand, that is to say, of ilk Gentle-man that defaultis at the first weapon-schawinges, fourtie shillings, and at the second default, uther fourtie, and at the thrid default, ten pound. And alsmeikle als oft-times as he defaultis thereafter. And of ilk bow-man at the first fault ten shillings, at the second ten shillings, and at the thrid, fourtie shillings. And sa fourth als oft-times as he beis foundin falshe thereafter, fourtie shillings. And after the facultie of their landes and gudes, that everie man be furnished & harnished in his bodie with quhit harnes brigantines, or gud jacks, with splentes and glooves of plait and weill horsed correspondand to their landes and gudes, be the discretion of the Schireffe, Commissioner or Officiar foresaid.

32. Fute-ball and Golfe forbidden.

ITEM, It is statute and ordained that in na place of the Realme there be used fute-ball, golfe, or uther ilk unprofitable spottes, for the commoun gude of the Realme and defense thereof. And that bowes and schutting be hanted, and bow-markes maid therefore ordained in ilk parochin, under the paine of fourtie shillings to be raised be the Schireffe and Baillies foresaid. And of ilk Parochin ilk zeir, quhair it beis foundin, that bow-markes beis not maid, nor schutting hanted, as is before said.

33. Of mettes, measures and wechtes.

ITEM, It is statute and ordained, for the commoun gude of the Realme, honour and profite of our Sovereine Lordis Lieges, that the auld statutes and ordinances maid of befor, baith to Burgh and to Land, alswell of mettes and measures, customes and uthers, be observed and keiped, after the tenour and forme of the actis and statutes maid thereupon, and under the paines contained in the famin. And that the Chalmers provide, that this be observed and keiped, and specially of wechtes, alswell of wax and spice, and sextene ounce of the pound.

34. Of convocation and gadding in Burrowes.

ITEM, It is statute and ordained, that within all Burrowes throw-out the Realme, na leagues nor bandes be maid, nor zeir convocation, nor rising of commons in hindring of the commoun Law, bot at the command of their head Officiares: And gif ony dois in the contrair, and knowledge or raint may be gotten thereof, their gudes to be confiscat to the King, and their lives to be at the Kingis will. And that na man dwelland within the Burgh be foundin in man-rent, nor ride in na row in fear of weir with na man, bot with the King or his Officiares, or siklike, under the famin paine. And als that na indweller within Burgh purchase ony out-Lordship, or Maistership to landward, to row nor ride, to play at bar, or ony uther

uther way in the oppreſſion of his Nichtbour, bot ſoberly Nichtbour to Nichtbour, under the ſame paine. And that every man dwelland within Burgh, anſwere and obey to the Officiaries of the ſamin, as ſaid is, quhen, and in quhat wiſe they ſall be charged be the ſaidis Officiaries, in deſenſe of the Realme and Lieges, and for the commoun gude and welfare of the Burgh, in the adminiſtration of Juſtice and Law, under the paine foreſaid. And that the Juſtice Clerke zeirly, in the taking of the dittay, inquire upon the ſaid poyntes, and the breakers thereof to be puniſhed be the Juſtice as uther crimes, after the forme of the ſaid act.

35. *The defender in the ſummondies of errour, ſuld be warned with certification: The perſewer nocht perſeuand may be unlawed.*

ITEM, It is ſtatute and ordained, anent the brieſe of ſummondies of errour, and for the declaration of the ſamin, that quhat perſon obteneid ſummondies of errour upon a judge of inqueſt, or perſones that paſt thereupon: that the partie be called for his intereſt to compeir to an certaine day, with certification, that quhidder they compeir or not, the Lordes will proceede after the forme of the ſummondies, and do juſtice to the partie, not abidand the ſecond nor thrid ſummondies, declaring that all perſones that paſſis upon ſik inqueſts compeir perſonally: Becauſe it may depend upon their inſamies. And quhair only perſon callis uther at his inſtance, and compeiris not to follow his partie, he ſall pay the expenſes of his partie, and ane unlaw of fourtie ſhillings to the Lordes, alſweill in ſummondies of errour, as in uther ſummondies, or he be heard in judgement, to follow his partie thereafter, and to abide the decreete to be given thereupon.

36. *How the commoun gude of Burrowes ſuld be ſpended and ſet till uthers.*

ITEM, It is ſtatute and ordained anent the commoun gude of all our Sovereine Lordis Burrowes within the Realme, that the ſaid commoun gude be obſerved and kepted to the commoun profite of the Towne, and to be ſpended in commoun and neceſſarie thinges of the Burgh, be the adviſe and Councell of the Towne for the time, and Deakons of Craftes quhair they are. And inqueſtion zeirly to be taken in the Chalmerlane aire of expenſes and diſpoſition of the ſamii. And attour, that the rentes of the Burrowes, as landes, fiſhinges, fermes, mailles, milnes, and waters, zeirly revenues be not ſet, bot for three zeires allanerly. And gif any happenis to be ſet utherwaies, that they be of nane availe, force nor effect in time to cum.

37. *Of reſuſing of gold that is cracked.*

ITEM, It is ſtatute and ordained, that becauſe it was ſtatute in the laſt Parliament: That all gold that held wecht and fines ſulde be tane in payment, and notwithstanding the ſtatute foreſaid, they reſuſe to take gold that is cracked: That therefore it is ſtatute and ordained, that all ſik gold be taken without reſuſe, and quha ſa dois in the contrair, ſall tane the availe of the penny be him reſuſed, in this wiſe: That quhair the ſaid gold beis given for debtes, the reſuſer ſall tane the penny be him reſuſed, and that ſall be ane ſufficient acquittance to the profferer of the ſaid debt. And gif it be given for gudes to be bocht, the reſuſer ſall tane the availe of the penny, that he reſuſed for the ſaid gudes.

F I N I S.

THE FOURTH

PARLIAMENT

OF

KING JAMES THE FOURTH.

Halden at Edinburgh, the twentie sext day of June, the zeire of God, one thousand, four hundredeth, ninetie three zeires.

38. *That benefices of auld, used to be disposed within the Realme, be disposed within the samin.*



ITEM, Anent the benefices Religious and Secular, quhilkis passis now to the court of Rome, and were disposed in the Realme be elections, and utherwaies, in the time of King James the First, of maist Noble minde: That all Prelacies, Abbacies, Priories, and uther benefices remaine and be disposed in all times to cum, within the Realm, like as they were in the time of the said King James the First. And thar na persones attempt to doe in the contrair, under the paine of proscrition and banishing, and never to bruik honour, dignities nor benefices within the Realme of Scotland.

39. *Of taxation of Benefices to be maid after the auld taxation.*

ITEM, Because there is ane notable act maid be our Sovereaine Lordis Father, quhom God assöilzie, that name of his Lieges of his Realme, Spiritual nor Temporal, make, nor cause to be maid higher taxation of Prelacies, Abbacies, or uther benefices quhafumever, at the getting of promotions and contentions for promotions in the court of Rome, bot after the auld taxation, as is contained in the buike of *Bagimontis* taxt, and na higher: Therefore conformand to the said acte: It is statute and ordained in this present Parliament, that gif ony Spiritual person labouris or attempts in the contrair of this acte, they beand knawin to our Sovereaine Lord and his Councell, that person Spiritual, fall be unable to bruik that benefice, or ony uther within the Realme of Scotland, and not to be dispented with the bruiking of benefices: And Temporal men that dois in the contrair, to tine their life and gudes.

40. *The trouble of the money and it be cracked.*

ITEM, Anent the trouble and debait, that is amangst our Sovereaine Lordis Lieges, of the refusing of the money, for the crackes and flaws being in the gold, or the silver, quhilk is sufficient of fines, and of our Sovereaine Lordis prent, and for the diversitie of divers cuinzies of silver, stricken be diverse cuinzicours, the said silver and groates beand sufficient of fines, beand prent of our Sovereaine Lordis fraik: IT IS be the advise of the Lordes of the articles charged and commanded be our Sovereaine Lorde, and the Estaites of the Parliament, that all the Kingis Lieges of his Realme, but impediment receive and take the said money, gold and silver, as said is, for ony merchandice or victualles, or uther thing being to sell: Notwithstanding the diversitie of prentes of the straik of findrie cuinzicours, alsweill the straik of *Gilbert Fish*, quhilk the common people callis *Berwick*-groates, as of unquhile *Levingtoun*, and *John Curroure*: And gif ony person or persones refusis the samin, contrair the statutes maid thereupon, in the last Parliament: The haver of the said money, fall cum to the Officiares or Baillies of the Towne, and schaw the said money, quhilk beand gud and sufficient, the said Officiares fall gar him have the merchandice or penny-woorthes fra the person, that refusis the said money: And sa-meikle of gude money as he refusis, the seller fall tine to be the Kingis escheit, and deliver the penny-woorthes to the byer: And gif the money that was offered, gold or silver be false cuinzie and evil stufte, fene and underfandin be the Officiares of the Towne, be the advise of the men, havand knowledge of the money, the saidis Officiares fall clip and breake the said false money and cuinzie of evil stufte, gold and silver: Swa that it make na mair trouble nor dis-friendship amangst the Kings lieges, and deliver the samin clipped money againe to the awner.

41. *That strangers merchandes, that cummis with Schippes, cum to the principal Towne: They suld pay custome, and carry na money away.*

ITEM, It is advise be the Lordes of the Artticles, that for the defraud done to our Sovereaine Lorde in his customes be strangers, and alienares of uther Realmes, quhilkis cummis to this Realme, and takis their

their ludging and Innes in the Towne of *Leith*, and at uthir Portes of the Realme, and chargis their gudes to the Sea, and uthers their merchandice, not payand their customes and dewties to our Sovereaine Lord, in that wise, that their gudes ar un-entred, as effeiris, nor their Merchandice schawen to the customers, and Clerkes of the Cockquet: It is statute and ordained, that in time to cum, quhen ony Schip of alienares, or strangers of uthir Realmes, cummis to the Haven of *Leith*, or ony uthir Porte within the Realme: The maister or merchandes of the saide Schip fall take his ludging and Innes in the principal Towne of the said Porte, and enter their gudes, as effeiris. And to charge na gudes nor Merchandice to the Sea, quhill it be seene be the customers and Clerkes of the Cockquet, quhat gudes and Merchandice they send to the Sea, and the customes and dewties payed therefore: And the hoast of the Innes quhair the said strangers at ludged the said hoast fall give compt to the Kingis Officiares and customers, quhat gudes he hes foorth, effeiring the quantitie of the gudes that he entered: Sa that it fall be clearly understandin, that he have away merchandice, and na money. And gif ony beis foundin breaking this statute, takand the money away, all the said money and his uthir gudes, fall be the Burgeses escheit. And that the Kingis Hieneffe depute searchoures thereto, quhilkis fall searche the famin, as they will stand therefore to his Hieneffe, and his Estaites.

42. *That na Cordoner, nor uthir Craffes-man, take na customes of uthir.*

ITEM, It is thocht expedient, because it is clearly understandin, that the Craffes-men of Burrowes, sik as Cordoners and uthers, takis of men of the famin Craff, cummand to the mercat on *Monday*, a penny of silk man, quhilik is the cause of dearth, and exalting of their penny-worthes, sik as schoone was wont to be sauld for twelfe pennies, or better cheape, and uthir Merchandice, that is exalted for a penny, to sex, or aucht pennies, quhilik is great skaith to the common profit: That therefore na maner of Craffes-man, nor Cordoner, take ony maner of taxation, penny, nor uthir, then was woont to be taken of the auld Lawe. And quha fa dois in the contrair, fall be repute as ane oppressour of the Kingis Lieges, and to be indicted therefore: And the Clerk of the Justice aire, to take dittay there-upon. Sa that he that is breaker thereof, fall bye his life therefore, as for common oppreffion.

43. *Putting downe of Deakons of Craffes, and that na Maisones nor Wrichtes take payment for Halie-daies.*

ITEM, Because it is clearly understandin to the Kingis Hieneffe, and his three Estaites, that the using of Deakons of men of Craffe in Burrowes is rich dangerous, and as they use the famin, may be the cause of great trouble in Burrowes, and convocation and rising of the Kingis Lieges, be statutes making, contrair the common profite, and for their singular profite and availe, quhilik servis great punition, and als belangand Maisons & uthir men of Craff, that conveyis togidder, and makis rule of their Craff, sik as Maisons, and Wrichtes, and uthers, that they fall have their fee alswell on the Halie-day, as for the wark-day, or else they fall not worke: And als that quhat person of them, that would begin ane uthir mannis warke, and he at his pleasure will leave the said warke, and then nane of the said Craff dare not compleit, nor fulfill the famin warke: It is herefore adviced, statute and ordained, that all sik Deakons fall cease for ane zeir, and have nane uthir power, bot allanerly to examine the fines of the stufte and warke, that beis wrocht, with the remanent of his Craff: And als belangand Maisons, Wrichtes, and uthir men of Craff, that statutis, that they fall have fee alswell for the halie-daie, as for the wark-day: That all the makers and users of the said statutes, fall be indicted, as common oppressours of the Kingis Lieges be their statutes. And that the Clerke of the Justiciarie, fall take dittay thereupon, and they to be punished as oppressours: And in likewise, of the makers of the statutes, that quhair ony beginnis ane mannis warke, ane uthir fall not ende it: That all the makers and users thereof, fall be punished as oppressours of the Kingis Lieges, and dittay to be taken there-upon, as is abone writen.

44. *Anent the taking of multure of slowre, that cummis furth of uthir landes.*

ITEM, Anent the complaint maid upon the taking of multure of the slowre, that cummis furth of uthir landes to the Porte and Haven of *Leith*: It is thocht expedient, adviced, and ordained, that all sik statutes fall cease unto the next Parliament: And that there be na multure taken for sik slowre in times to cum, nor of the slowre that cummis to the mercat, bot that it may cum to the mercat, and be sauld with multure, or ony uthir new taxation, that was used to be taken of befor: And that all men be free to bring and sell victual, all the daies of the culke, alswell as on the mercat-day: And this acte to be observed and keiped in all Burrowes of the Realme.

45. *That the Justice-Clerke take foorth all the statutes, that hes paine of dittay.*

ITEM, Because there is mony diverse statutes, quhilkis hes in the end of them the paine of dittay, and hes not bene in time by-gane clearly speared at the indictmentes taking, as they sulde have bene, throw the quhilik diverse persones, that hes broken the said statutes, hes not bene punished: IT IS adviced, statute,

statute, and ordained, that the Clerke of the Justiciarie, take foorth of the Kingis statutes, all thay statutes, that hes paine of dittay in the ende, and make the famin to be inquired at the dittay taking upon everie poynt: Swa that the trespassours and breakers of the statutes, may be punished in everie Schire, according to Justice: And to the effect of the famin statutes broken. And this to be done incontinent, or the Proclamation of ony Justice aires.

46. *That na Customers take na mair taxation then is statute: Of falsche weichtes.*

ITEM, It is statute and ordained, that na Customers within Burgh take na mair taxations, customes, or dewties, then is statute and used in the auld Law: And quha that dois in the contrair, to be punished as an oppressour and breaker of the Kingis Law, and dittay to be tane thereof.

47. *Falsche measures.*

AND In likewise, they that usis falsche measures and weichtes, deceivand the people, to be indicted as falsfares. And dittay to be taken thereof be the Justice Clerke.

48. *Of Mure-burne.*

ITEM, Because it hes bene statute of before, that setters of Mure-burne fuld pay ane unlaw to the King, and because it is clearly understandin, that the puir bodies that dwellis in mailinges, and ar bot servandes to their maisters, that awe the mailinges, and dois it for their command: **T**HAT Therefore it is statute and ordained, that he that awe the mailling, be reason that he commanded that to be done in forbidden time, fall pay ane unlaw to the King of fourtie shillings. And dittay to be taken upon them baith thereupon, and the persones that dois the famin, to pay ane uther unlaw.

49. *Anent the making of Schippes and Busches, in the quhilk all idle men fuld labour.*

ITEM, Anent the greare innumerable riches, that is tinte in fault of Schippes and Busches to be disponed for fishing, ilk-like as utheris Realmes hes, that ar marchand with the Sea, and for the policie and conquest that may be had here-intill, and to cause idle men, Vavengours to labour for their living, for the eschewing of vices and idleness, and for the commoun profite and universall weill of the Realme: **I**T IS thocht expedient be the Lordes of Articles, and als statute and ordained in this present Parliament, that there be Schippes and Busches maid in all Burrowes and Townes within the Realme, and that the leaste of the said Schippes and Busches be of twentie tun. And that the Townes and Burrowes have the said Schippes and Busches, according to the substance of ilk Town, and to the number as after followis, weill abulized with all necessarie graith for the said Schippes and Busches, and with mariners, nettes, and uther graith convenient for their taking of great fish and small. And all the said Schippes and Busches to be reddie maid and furnished to pas to fishing be *Fasfren-even* nixt-to-cum. And in ilk Burgh of the Royaltie, that the Officiars of the Burgh make all the starke idle-men within their boundes to passe with the said Schippes for their wages. And gif the saide idle-men refusis to passe, that they banish them the Burgh. And into Burgh of Barronnes, quhilk ar neare upon the Sea, that the Schireffe of the Schire compell the idle-men within his boundes to passe to the said Schippes for their wages. And gif they refuse, in likewise to banish them his Schire. And gif the officiars of the Burrowes, or Schireffes of the Schires beis foundin negligent, outhir in the putting foorth of the said Schippes and Busches, or compelling the said idle-men to passe in them for their wages, or banishing of them off their Burrowes or Schires: Gif they refuse, as said is, they fall pay to the King ane unlaw of twentie pound ilk one of them, that is to say, the officiar of the Burgh for the time, and the Schireffe of the Schire. For the quhilk they fall be charged in the Checker, and give compt thereupon.

50. *Of giftes and alienations maid be our Sovereine Lordis Father.*

ITEM, It is statute, concluded, and ordained in this present Parliament be the hail three Estaites: That because they have adviced, considered, and understandin, that our Sovereine Lord that last deceased, quhom **G**OD assouzie, beand the time commoved and displeased, throw evil counsel that was about him, in the time a little before his decease, annaled, and put awaie baith of his awin lands and possessions, pertaining to his Hiennesse in propertie, and als against justice and gude conscience, received and tooke resignations, and infestmentes, maid and given be him, fra the second day of *September*, in the zeir of God, ane thousand, foure hundredreth, foure-scoir seven zeires, to the day of his decease, fall be of nane availle, force, nor effect in time to cum, bot that our Sovereine Lordis Hiennesse, that now is, fall be restored and re-integrat to all landes, rentes, possessiones, that was be ony manner of way annaled, and given be his Father, to quhat-
synnever

sum-ever persones within the said time. And in likewise, that all resignations receivd bee him, and infestmentes, that he gave, to the exheredation and disherishing and putting of ony lands and possessiones fra the richtous aires, fall be of nane avails, force, nor effect, in time to cum: Bot that our Sovereine Lord, and all others persones, that was hurte within the said time, fall be, and is be vertew of this acte restored *in integrum*, to all richtes, as they were of before the said daie. And cassis and annullis all donations, gifts and infestmentes, maid after the resignations within the said time, and decernis them to be of nane avails, force, nor effect in judgements, nor without in time to cum.

51. *That aires may revoke at their lauchfull age, and of our Sovereine Lordis Revocation.*

ITEM, Sen it is leaved and permitted be the constitutions and ordinances of lawes civil and Cannon, that persons constitute in zouthhead and tender age, quhilkis ar greatly damaged and skaited in their heritages, be imprudent alienations, donations, venditions, and permutacions of the samin, may at their perfection of age make revocation, and reduction of thinges done prejudicial to them in their minorities and tender age.

THE KINGIS REVOCATION

WHEREFORE We JAMES be the Grace of God King of *Scottes*, clearly understanding that part of alienations, donations, and giftes of our heritages of our Realme, was maid be our Progenitours of gude memorie, quhom God assoltzie: And part in likewise be us in our zouthhead and unperfitte age, in hurte and prejudice of the Crowne of *Scotland*: And in likewise, that in the time of our Coronation & taking of the Scepter of our Realme, We promitted and swore upon the haly Evangelles of our Lord JESUS our Saviour, that we suld observe and keip the richt, honour, preheminance, and priviledges in lands, rentes, possessiones, dewties, and uthier thinges thereto pertaining, as is mair expresly schawin in the Law of halle Kirke: And als sen it is sene richt profitable to the Estaites of our Realme, that we have landes, Lordships, and possessiones, to the honourable sustentation and up-halding of our dignitie royal: And als that we have power, facultie, and substance, to the defence of our lieges and Realme, quhilkis lyes on dry Bordoures to *England*, that hes bene our enemies of auld: And for their considerations and uthiers in the time of this our present Parliament, be the advise and Counsel of the Estaites being in the samin:

The King's annexed proprietie. WE Revoke, reducis, cassis, and annullis, all infestmentes, donations, alienations, and dispositi-
ones be our manner of way, in fee or frank-tenement of the landes, Lordshippes, customes, annuallies, fishinges, and burrow-mailes annexed to the Crowne, or ony parte of them, alswell given be our Father, as be us to ony person or persones to be reduced again to us, and our Crowne, be vertew of the act and statute maid of the annexationes, and after the forme of the samin.

The prince's partie. Alswa, we revoke in likewise all alienations maid of ony heritage annexed to the Prince, second person of the Realme.

The propriety and officers thereof. **I**TEM, in likewise, we revoke, cassis and annullis all donations, alienations, few-fermes, and giftes quhar-sum-ever in life-rent, or uthier-waies, maid in our none-age of the landes, customes, or annuall-rentes, or ony uthier revenues, that our Father had in his possession, the time of his decease, giftes of offices for termes, as Chalmerslanrie, Bailierie, customary, or Clerk of Cockquet, maid for maa zeiris, bot fra the ta checker, to the compt be maid in the nixt Checker following, with assedation, and tackes maid of our landes for lang termes.

Tailzie. **I**N Likewise we revoke, & cassis all tailzies maid fra the aires general, to the aires mail of ony landes in our Realme.

Possessions pertaining to the King or his predecessors. **I**TEM, We revoke all pretended entreffe, saisinges, and possessiones obtained and used be ony person of our Realme, of the landes, Lord-shippes, or possessiones, that were in our Grand-schirs, or in our Fathers handes, and obtained and taken out of our Fathers handes, or our awin handes: Our Father or our selfe being within age, quhilkis micht not be perfewed, quhill our compleit age, be strength of acte of Parliament maid thereupon.

Blanch-fermes. **A**ND Attour, we revoke all new infestmentes of landes given in blanch-ferme, that were halden of us in waerd and reliefe of before.

Regalities. Mair-attour, we revoke all Regalities, or confirmation of Regalitie, that had na possession of Regalitie of auld, and all offices given be us in heritage, or be our Father, sen the actes and statutes maid, that na Regalitie nor office suld be given in heritage, without advise and deliberation of the hail Parliament.

Bastardrie. **I**TEM, We revoke all alienations maid of ony heritage in our none-age, that were lauchfully cummin in our handes be bastardrie, or ony uthier waies sik-like, and life-rentes given be us in our minoritie, and none-age, as said is.

Unions of Baronnies. Service of courses. **I**TEM, We revoke all the new creations of landes in Baronnies, and annexations, and unions of divers landes into a fee, in prejudice of our dew service zucht to us, and our Progenitours of before. And in likewise, the discharges of service and suits of courts, aucht of auld to our Progenitours.

ITEM,

ITEM, We revoke all new infeftmentes, given of creationes of Barroonies, in the Landes and Lord-shippes annexed to the Crowne.

ITEM, We revoke, reducis, cassis, and annullis all giftes of Patronages and advocations of Kirkes and benefices, that pertainis to the Crown.

ITEM, We revoke and cassis all thinges, that the common Lawe leavis us to revoke and reduce.

AND Generally, we revoke, reducis, cassis, and annullis, all & quharsumever thinges done in detriment and harme of our saule and conscience, hurting of the priviledge and freedome of our Crowne, pre-judicial, and in damage of our heritage, to us, our aires, or Successeures, with this addition and protestation: THAT Suppose wee of our favoures and benevolence, suffer any person or persones, to use or possede any priviledge or possession, to the users and halders of the samin, bot it fall be leiffull to us to put our handes thereto, quhen ever it fall please us but ony contradiction, be vertew and strength of this our Revocation.

ITEM, Wee revoke in maner foresaide, all confirmations given, quhair the hail landes, or the mair part of them were annaied of before the giving of the said confirmation, and the samin obtained under colour, we not knowing the alienations, that the said landes were fallen to us, be reason of alienation, as fore-faltour.

Vicesimo Sexto Junij, Anno Domini 1493. Indictione Pontificatus, Alexandri Papæ sexti Anno Primo, dictus supremus Dominus noster Rex in Pratorio de Edinburgh, Sc. Concessit, quod terræ datæ Comiti de Both-well & Johanni Ros militi, non caderent sub revocatione antedicta.

52. Of the binde of Salmond.

ITEM, It is statute and ordained, that the auld statute maid anent the barrelling of Salmonde of the auld binde of *Aberdene* be observed and keiped, after the forme of the same, with this addition: That quhair any Cowper or Craftes-man makis ony Barrelles of les binde, then the said auld binde, and beis convict thereof, fall pay ten shillings for ane unlaw, and dittay to be tane thereupon.

ITEM, That the act and statute maid of before. anent the Schippes, and making of fish at the West coast, be observed and keiped in all thing after the forme of the said act.

F I N I S.

T H E F I F T H

P A R L I A M E N T O F

KING JAMES THE FOURTH.

Halden at Edinburgh, the thretteenth daye of June, the zeire of God, ane thousand, foure hundredreth, ninetie foure zeires.

53. That na persones passe forth of the Realme to purchase any benefices without leave of our Sovereine Lord.



ITEM, It is statute and ordained, for the weill and honour of our Sovereine Lord, the common gude and profite universal of his Realme and lieges, and for the eschewing of innumerable skaith and damage, that his Hiennesse, Realme, and Lieges dailie incurris and susteinis, throw the exorbitant coastes and expenses dailie done be Kirke-men, upon the impetration and purchasing at the court of *Rome* benefices electife, and divers uthers that micht be given and provided within the Realme, contrair the actes of Parliament maid thereupon, and contrair divers faculties and priviledges, that our Sovereine Lord and his Progenitours, of gude mind, hes had, and hes of the Kirk of *Rome*, and als in purchasing and in-bringing of Novelities, and Innovations in the Kirk, without the adviement of our Sovereine

Lord, in utter heirship and destituting of the Realme of all money, and putting of our Sovereine Lord and divers uthers Patrons fra their possession and use of their saidis faculties, priviledges, and richtes of disposition

of

of benefices: THAT For the remed hereof in time to cum, that nane of our Sovereine Lordis Lieges, Spiritual nor Temporal, passe forth of his Realme, unto the time the Spiritual persones intimate the cause of their passage to their Ordinares, and that baith Spiritual and Temporal, cum to his Hieneffe, or his Chancellor, and schaw the cause of their passage: That they may have licence of him, and get their testimonialles thereupon. And that they do, nor attempt to doe nathing utherwaies, then is contained in their said licence, contrair the commoun profite of the Realme, actes and statutes maid thereupon. And that they schaw and warne, quhairin they make finance, and with quhat person, that it may be understandin, that they have na money forth of the Realme: And quha sa dois contrair the premises, till in-cur the paines of proscriptioun, rebellion, banishing, and putting of them to our Sovereine Lordis horne, and never to bruik nor use worship within his Realme, bot to be demained as traitour and traitoures, and their benefices, gif they only have, to be vacant, at the disposition of their Ordinares; but gif they be laick Patronages, and then the patrone fall dispoine thereupon. And all uther actes maid upon this mater of before, containand ony restriction for the commoun profite, to be never theles observed and keiped.

54. *That all Barronnes and Free-halders, that ar of substance, put their eldest Sonnes and aires to the schules.*

ITEM, It is statute and ordained throw all the Realme, that all Barronnes and Free-halders, that ar of substance, put their eldest Sonnes and aires to the schules, fra they be sex or nine zeires of age, and till remaine at the Grammar-schules, quhill they be competentlie founded, and have perfite *Latine*. And thereafter to remaine three zeirs at the Schules of Art and jure, swa that they may have knowledge and understanding of the Lawes: Throw the quhilks justice may remaine univerfally throw all the Realme: Swa that they that ar Schiresses or Judges Ordinares, under the Kingis Hieneffe, may have knowledge to doe Justice, that the puir people sulde have na neede to seek our Sovereine Lordis principal Auditour, for ilk small injurie: And quhat Barronne or Free-halter of substance, that haldis nor his Sonne at the schules, as said is, havand na lauchfull effoinzie, bot failzies herein, fra knowledge may be gotten thereof, he fall pay to the King, the summe of twentie pound.

55. *Of the money and bulzieon.*

ITEM, It is statute and ordained, that our Sovereine Lord, with advise of his Councell, ordaine and be maister of the money, and anent the striking thereof, the fines, and the cours, and anent the inbringing of bulzieon, and searchoing to be maid of the famin, and of the out-passing thereof off the Realme: That the statutes and actes maid thereupon of before be keiped: And that this maister of money and searchoours, have upon them the charge of causing and solisting of the saidis acts, to be put to execution. And gif they be noted of in-diligence or sleuth therein, that they be punished be the Kingis gude grace, and his Lordes of Councell, according to their trespassse, and to be deprived of their Offices, and uthers put in their places. And that the Customers of Burrowes, make compt at this present Checker, and in all times to cum, and of the in-bringing of bulzieon, according to the quantitie of their merchandice, past furth of the Realme, after the forme of the saide actes. And that the maister of the money, and cuinzieoures under him, pay to the merchandes for the said bulzieon, or to ony uther persones, that will sell them fine stuffe to cuinzie, the prices contained in the said actes, and na lesse, under the paine of prisoning of their persones, and deprivation of their offices.

56. *Of the price, gudnes, and fines of victualles, and all uther maner of stuffe wrocht.*

ITEM, It is statute and ordained, for the remeid of the great hurte and oppressioun done to our Sovereine Lordis lieges, throw dis-proportion of prices maid be Craftes-men, and warke-men, upon all maner of stuffe, that they woork, and sellis, far exceedand the price of the stuffe, they bye: That therefore all Barronnes, Provestes and Baillies of Burrowes, and uthers, that hes the rule and direction of throch-faires, and hostellares, throw all the Realme, make diligent inquisition, and take knowledge of the price of victualles, and all uther stuffe, wrocht be ony maner of work-man, according to the price of the saide victualles and stuffe: That they set and ordaine certaine price, gudnes, and fines upon bread, aile, and all uther necessaie thinges that is wrocht, and dailie bocht, and used be the Kingis lieges. And that they make certaine prievars and examinatoire, to waite dailie upon the keeping thereof. And quhair ony warke-man beis noted, takand exorbitant prices for his stuffe, abone the price, and over-far dis-proportionate of the stuffe he byes, that he be punished be the saidis Barronnes, Provestes, and Baillies, and uthers havand the direction and rule of the saide throch-faires, and hostellares, be the taking of ane unlaw of the courte, that he is under, for the first time. And ane unlaw, and escheiting of the stuffe, that beis exorbitantly sauld, the second time. And the thrid time depriving and suspending of them fra their Craft, and escheiting of the said stuffe, sauld over-deare, as said is.

57. *That all summoundes of errour be raised and persewed within the space of three zeires.*

ITEM, It is statute and ordained, that all summoundes of errour, or inordinate Proces, that ar to be raised be ony persones, that thinkis them hurte be the determination of inquestes, or be proces of Schireffes led in the serving of Brieves in time to cum, be raised and persewed within the space of three zeires, after the saide proces, and making of retoures: The parties that alleagis them hurte, being of lauchfull age, and within the Realme: Swa that the erreure and in-ordinate processe, michte cum to their eares: And gif onie persones omittis to raise sik summoundes, and persewis them not within the said termes. The said termes being paste, they fall never be heard in judgement upon that action thereafter: Bot fall time their priviledge of reduction of the said Proces and errour, for all time to cum: Neverthelesse the summoundes, that ar now dependand and hingand betuixt ony parties, to be proceeded, as they were wont: And quhair that ony persones thinkis them hurte, be retoures or proces, that ar else led and maid in time by-gane: That they raise summoundes thereupon, within the space of three zeires, and persew the samin. And failzieing thereof, that they be never heard in judgement, as said is, bot to tunc their priviledge of reduction, in all times to cum.]

F I N I S.

T H E S E X T

P A R L I A M E N T

O F

K I N G J A M E S T H E F O U R T H.

Halden at Edinburgh, the elleventh daye of March, the zeire of God, ane thousand, five hundred, and three zeires.

58. *Of the dailie Councell.*



ITEM, It is adviced, statute, and concluded in this present Parliament, because there hes bene greate confusion of summoundes, at ilk Session: sa that leasure nor space at a time of the zeir, micht not have bene had for the ending of them: And therefore, puir folkes hes bene delayed, & deferred, fra zeir to zeir, throw the quhilk they wanted justice: Therefore, for eschewing of the said confusion, that there be ane Councell chosen be the Kings Hiennesse, quhilk fall sit continually in *Edinburgh*, or quhair the King makis residence, or quhair it pleasis him, to decide all maner of summoundes in civil maters, complaints, and causes dailie, as they fall happen to occurre: And fall have the samin power, as the Lordes of Session. And quhen they fall beginne, and in quhat place, fall be notified to the people, be open Proclamation, at the Kingis pleasure.

59. *That Justice and Schireffes be maid for the Iles.*

ITEM, Because there hes bene greate abusyon of Justice in the North partes and Weste partes of the Realme, sik as the North *Iles*, and South *Iles*, for lacke and fault of Justice aires, Justices and Schireffes, and there-throw the people ar almost gane wilde: It is therefore statute and ordained, for the acquieting of the people be justice, that there be in time to cum, Justices and Schireffes depute in thay parts, as after followis: That is to say, that the Justices and Schireffes of the North *Iles*, have their feate and place, for administration of Justice, in *Inverness* or *Ding-well*, as the maters occurris, to be decerned be the said officiares. And that the Justice and Schireffe, be maid and depute for the South *Iles*, and thay parts, and to have his place Spiegate for administration of Justice, in the *Tarbar* of *Loch-kinkerane*, at the will and pleasure of the saidis officiares, as the maters occurris.

60. *Of the Justice aires of Ergyle, Lorne, Bute, and thay parts.*

ITEM, It is statute and ordained, because there hes bene ane parte of the *Hie-landes*, quhilk at the landes betuixt *Badziencob* and *Lorne*, and ar called *Dowart*, *Glentowart*, and als the Lordshippe of *Lorne*, quhilk is hes bene out of use to cum to Justice aires, And likewise *Mawmor*, *Loch-Aber*, and *Ergyle*: There-

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Therefore in time to cum, that the said landes betuixt *Badzienscb* and *Lorne*, called *Dowart*, and *Glen-towart*, and als the Lordshippe of *Lorne*, cum and anfwere, and underly the Law in the Justice aire of *Perth*: *Mawmor*, *Loch-Aber* foresaid, to cum to the aire of *Invernes*: *Ergyle*, quhen it pleasis the Kingis Hieneffe, fall cum to *Perth*, and the Justice aire thereof, quhair ever-ilk Hieland man, and Law-lande man, may cum, and aske Justice without perill or danger. And that the Justice of the said Lordship of *Ergyle*, with the boundes thereof, have his place and seate in *Perth*, at the Kingis pleasure, as said is. And that that part of *Cowale*, that is not within the boundes, nor Lordship of *Ergyle*, and all the inhabitants thereof, cum to the aire of *Dunbartane*. Item, that the aire of *Bute*, *Arran*, *Knapdale*, *Kintyre*, and mekill *Cumray*, be holden at the Burgh of *Air*, or *Rothfey*, and the inhabitants thereof, to cum there, at the Kingis pleasure.

61. *Of Schireffes to be maid in Rosse and Caithness.*

ITEM, Because there hes bene greate lack and fault of Justice in the North Parts, as *Caithness* and *Rosse*, for fault of division of the Schireffedome of *Invernes*, quhilkis over-great, and thay parts ar fa far distant fra the said Burgh of *Invernes*, throw the quhilk they may not be brocht hastily thereto, without great expensis, laboures and travelles, quhair throw great enormitie and trespassse hes grown in thay partes, in default of officers within themselfe, that had power to put gude rule among the people: Therefore it is statute and ordained in this present Parliament, that there be ane Schireffe maid of *Rosse*, quhilk fall have full power and jurisdiction, and Schireffe-ship within the boundes of *Rosse*, and to sit and have his place for administration of justice in *Thane*, or *Dingwell*, as the said Schireffe thinks expedient, for the decison of causes, breves, or ony uther sik thinges belangand to his office, as the cause requiris. And in likewise, that there be ane Schireffe maid, quhilk fall be called the Schireffe of *Caithness*, quhilk fall have full jurisdiction of Schireffe-ship, of all the hail diocese of *Caithness*, and fall sit and have place for administration of his Office, in *Dornock* or *Vik*, as he thinkis maist expedient, for the causes occurrand. And all the Schireffedomes of *Invernes*, *Rosse* and *Caithness*, and the inhabitants thereof, compeir to the Justice aire of *Invernes*, quhen it beis cryed and ordained.

62. *That the greatest crime be specified in the remission.*

ITEM, Because that there hes bene in times by-gane, abuson in the giving and granting of remissiones to persones, that hes needed the famin, and hes put ane licht cause, for the special cause, in the saide remission, and under the general clause, hes comprehended greater crimes then the special cause, quhilk was expressed, quhilk is contrair to equitie and justice: Therefore it is statute and ordained, that quhair ony person or persones, desiris to have remissiones in time to cum, and wald that remission sufficed to him, fall expone and declare in the said remission the greatest cause, that he desiris to have the remission for. And in that case, the general clause fall suffice him to comprehend crimes of les gravitie, then the special cause. And gif he expreemis not the greatest crime in special, the general clause, fall not save him fra ane greater crime, nor the special is.

63. *That na remission fall be given for slaughter, upon fore-thought-fellonie.*

ITEM, Because the Kingis Hieneffe hes considered, and understandin the great slaughters that hes bene in his Realme, and the occasion thereof in traist and beliefe, to get remissiones hastily, quhair throw the great inconveniens of slaughter, moved and happened, ever-ilk daye mair and mair: Therefore of his awin free minde and motive, hes desired, that his three Estaites in this present Parliament, wald set sharpe rule therefore, and for importunitie of askers in time to cum, is content of the ordinance and deliverance to be maid be them: Therefore bee his awin advise, and the said three Estaites: It is statute, devised, and concluded, that there be na remission given fra thine furth for slaughter, to be committed upon fore-thought-fellonie, in ony time to cum. And this statute to indure unto the time our said Sovereine Lord make special revocation of the famin.

64. *Of the correction and examination of Notares.*

ITEM, Anent the article of Notares, because there hes bene divers and great complaints maid be our Sovereine Lordis lieges, that there is fa mony fals Notares in the Realme, that it is dredd throw their falsed, that trew men fall not be sicker of their heritage, nor Clerkes of their benefices, and in uther civil actions, quhilk may cause ane great division among our Sovereine Lordis Lieges: Therefore it is statute and ordained in this present Parliament, that all Bishoppes and Ordinares, make all the Notares within their diocese, to be called at a convenient day and place before them, and make them be examined under their sufficiency and knowledge. And als tak inquisition, how they have demeaned them, and of the same. And the persons, that they finde culpable, that they deprive them of their offices, and punish them for their faults, according to their demerits: And the persons that they finde acceptable, that they send them with their writings to the Kingis Hieneffe, quhilk fall depute certaine persons to examine them. And gif they be gainand, to make them Regal, if they be not maid Regal of before. And als, that the said Ordinares take inquisition of all them that utis fals instruments: And in fa far as belangs his

his office ordinar, to punish them. And quhair it belangs not to his Office Ordinar, to send them to the King, to be punished as effairs.

65. *Summonds upon recent spuilzie, may be execute upon fyftee daies.*

ITEM, Anent recent spuilzie, it is statute and ordained, that it fall be leiffull to the partie quhilk is spuilzied, to summonde the spuilziers upon fyftee daies before the Lordes, sa that he make his summonds within fyftee daies, nixt after the committing of the said spuilzie, notwithstanding the act maid of before, that all summonds fuld be maid upon twentie ane daies: And richtswa, to have power to call the said spuilzier before the Schireffe, and that there fall be na exception dilatour admitted against that summonds, it beand lauchfully indorfate.

66. *Anent the expenses of Schireffes for their office.*

ITEM, Anent the expenses of Schireffes, baith Ordinar, and Schireffes in that part, to be taken for the execution of their office in the distreinzieing of persons for summes recovered: It is statute, advifed, and ordained, that the said Schireffe, quhilk fall execute his said office, fall have twelve pennies for ilk pound, for the execution of his office: And that to be taken of the person or persones, that the summes or debtes be recovered on.

67. *Of expenses of proces.*

ITEM, Because in time by-gane, the Kingis lieges hes bene greatly hurt, be the partial Schireffe and Officiars, for the denyng of their proces to be given to the partie, quhair-throw the partie injured, nicht have followed his action, and founded his intent, and the said Schireffes hes halden their proces at so great summes, that the partie nicht not pay therefore, and for that cause, the partie injured, hes lost the prosecution of his action, and tint the same for verry poverty, that he nicht not louse the said proces: It is therefore advifed, statute and ordained, that in time to cum, ilk sik Schireffes and officiares, that hes proces led before them, outhet be action of debt, or brieves, that they give the said Proces to the partie, upon his expenses, and that the partie fall pay therefore, for ilk acte four pennies allanerlie.

68. *For keeping of money within the Realme.*

ITEM, As to the taking of gold or silver foorth of the Realme: It is advifed, statute, and ordained, that the actes and statutes maid of before, for the halding of money within the Realme, be put to dew execution, with this addition: That it fall be ane poynt of dritay upon the takers foorth of the famin. And als, that the Kingis Hieneffe, depure certaine searchores in ever-ilk towne quhilk hes ane Port: The quhilks searchores fall have power to searce the faillers and passers foorth of the Realme, for having foorth of money, quhat-sum-ever person he be, Spiritual or Temporal. And he fall have of his fees, the fourth part of the money that is taken be him, he bringand th'other three partes to the King. And that na persones, nouthet Spiritual nor Temporal, have mair money foorth of the Realme, bet fourtie shillings, of the quhilks he hes licence be uthet actes of before, under the paine of escheit.

69. *Anent stealers of Pykes, breakers of zairds and dowcattes.*

ITEM, Anent stealers of Pykes out of stancks, breakers of Dowcattes, Orchardes or zairds, or stealers of hives, and destroyers thereof: And als anent them, that slayis Parked Deare, Raes, or Rae-bucks, of Lordes proper wooddes, that that be a poynt of dritay in time to cum. And that the unlaw thereof, beten pound, togidder with ane amendis to the partie, according to the skaith. And gif ony Children within age, commit ony of thir thinges foresaid, because they may not be punished for none-age, their Fathers or maisters fall pay for ilk ane of them, ilk time committing ony of the said trespasses foresaid, threttene shillings four pennies, or else deliver the said Child to the Judge, to be leished, scourged, and dung, according to the fault.

70. *Anent Beggars and their qualities.*

ITEM, Anent Beggars, that the statute of King James the First, maid upon starke beggars, be observed and kepted. And that the Schireffes, Provestes, Baillies within Burrowes, baith of Royaltie and Regalitie, Spiritualitie and Temporalitie, see that this act be execute and kepted: And that they thoil nane to beg within them, except cruiked-folk, feik-folk, impotent-folk, and weak-folk, under the paine of payment of ane mark, for ilk uthet begger, that beis foundin.

71. *Of the unlaw of greene-wood and Mure-burne.*

ITEM, Anent the article of greene-wood, because that the Wood of Scotland is utterly destroyed, the unlaw theirof, beand sa little: Therefore it is statute and ordained, that the unlaw of greene-woodde, to

ony man, be felling or burning in time to-cum, be five pound: And that baith of Regalitie and Royaltie, the auld unlaw of greene-woode to the destroyers of it, utherwaies standand in effect, as of before. And that the unlaw of Mure-burne, after the Moueth of *March* be in likewise five pound in all times to cum.

72. *Of slaughter of redde fishe, or Kipper.*

ITEM, Anent the slaughter of redde fishe in fore-bidden time, because the littill unlaw thereof hes bene the cause, and occasion, that the redde fish hes bene slaine in great number, to the great heir-ship of the cuntrie, and the destruction of the commoun weill: And als anent the slayers of Smoltes in milne-dames, clowfes, and be nettes, thornes, and cruves: It is statute and ordained, that the unlaw thereof in time to-cum be ten pounce for the first time: The second time, twentie pounce: And the third time, tinsel of life to the committer. And als it sall be leiffull to the Barronne, baith Spiritual and Temporal, baith in the Royaltie, and Regalitie, to proceed and sit hereupon in their courtes, and to have ane unlaw of ilk one that beis convict of ony poynt foresaid, of thertie shillings. And gif ony person or persones claimis to have sik privileges to slae sik fish in forbidden time, be ony of the waies foresaid, that all sik privileges cease, unro the time, that they cum before the King and Lords and schaw their said privilege, that they may be considered, quhadder sik privileges be for the commoun weill, or not.

73. *Of the division of Schireffdomes.*

ITEM, Because there hes bene wanting of Justice in sindrie Schireffdomes, throw the greatnesse of the famin: Therefore it is statute and ordained, that there be division maid thereof in this wise: That *Culrossie*, and *Tullialloun*, *Clack-mannan*, and all the landes betuixt it and *Strivling*, quhilk come to the aires of *Fife* and *Perth* of before, that all thay lands in time to cum, cum to the aires of *Strivling*. And that *Tullialloun* and *Culrossie*, cum to the Schireffe court of *Strivling* on this wise, that all the persones put now to the Justice aire, and Schireffe court of *Strivling*, pay their unlaw, baith in Schireffe court, and Justice aire, sik-like as they payed before this union, without prejudice to them there-intil.

ITEM, That the *Leinzie*, *Loch-bard*, *Brimmage*, *Skaith-moir*, *Kyppane*, *Garden* and *Sea-Begges*, quhilk was of the Schireffedome of *Dumbartane*, *Perth*, and *Edinburgh* of before, be fra this time fourth, baith of Justice aire, and Schireffe court of *Strivling*. Item, that the landes of *Buchanane*, *Fintrie*, *Campsie*, *Strablane*, *Buthvane*, *Drymme*, *Inchbalzeach*, and fra thine Weste, to be of the Schiriffedome of *Dumbartane*, and compeit there, baith at the Justice aire, and Schireffe court, in all times to cum, with the like condition, that the in-habitants thereof, paye their unlaw, baith in Justice aire, and Schireffe court, as they did before this union, without ony prejudice there-intil, as said is.

74. *That hedges, Parkes, and Dowcattes, and Cuningares be maid.*

ITEM, It is statute and ordained, anent policie to be halden in the cuntrie, that everilk Lord and Laird, make them to have Parkes with Deare, stankes, cuningares, dowcattes, Orchardes, hedges, and plant, at the least, ane aicker of Woode, quhair there is na greate Wooddes nor Forrestes.

75. *Of zeirly weapon-shawinges to be maid.*

ITEM, It is statute and ordained, for the keiping of armour and harnes, that it be not spilt nor destroyed in time of peace, that all *Scotland* mak their weapon-schawinges upon *Thurs-day* in *Whit-sunday* oulk. And that ilk officiar, as Schireffe, Baillie, Steward, or uthers, see that this acte and statute be execute and keiped.

76. *The heretoures and aires may be followed at the zeiris end, after the decease of their fore-bears: Caution suld be found be the executors, to the aire.*

ITEM, Anent the execeptions proponed be heretoures, quhen they ar persewed for debtes of their Fathers, or forebears, to quhome they succede, allegeand that their Fathers movable gudes suld pay their debtes, and that the executours suld be called before them: It is advysed, statute, and ordained, that it sall be leiffull to the creditor to follow the aire, after the by-passing of ane zeir. Because the executors suld be responsal for ane zeir: at the ende of the quhilk, he suld give his compt. And gif it pleasis the aire, he may, and suld be diligent, and require the Ordinar within the said zeir, to aske compt, and he to see the compt, and quhair beis found in remanent, over the things pertainand to their office, that he suld require the Ordinar, that he micht have caution and sovertie for the relieving of his heretage, in fa far as the gudes restis attour the compt. And that the Ordinar sall cause him to have sufficient caution thereof. And sa at the end of the zeir, the aire sall answer to everilk creditor.

77. *Anent the exceptions proponed anent Widowes, in hindring of them of their teirces.*

ITEM, It is statute and ordained, anent the exceptions proponed against Widowes, perfewand and followand their brieves of teirce, or the profite of their teirce, quhilk is oft-times proponed against thay Widowes, that they were not lauchfull wives to the persones their husbannes, be quhome they follow their said teirce: That therefore, quhair the matrimonie was not accusid in their life-times, and that the woman askand this teirce, beand repute and halden, as his lauchfull wife in his life-time, fall be teirced; and bruike her teirce, but ony impediment or exceptions to be proponed against her, ay and quhill it be clearely decerned, and sentence given, that scho was not his lauchfull wife, and that scho suld not have ane lauchfull teirce therefore.

78. *That all Free-balders, within ane hundreth markes of extent send their Procuratours to the Parliament.*

ITEM, It is statute and ordained, that fra thine-soorth, na Barronne, Free-halder, nor Vassal, quhilk ar within ane hundreth markes of this extent, that now is, be compelled to cum personally to the Parliamente, bot gif it be that our Sovereine Lorde write specially for them: And sa not to be unlawed for their preference, and they send their procuratours to answer for them, with the Barronnes of the Schire, or the maist famous personis. And all that ar abone the extent of ane hundreth markes, to cum to the Parliament, under the paine of the auld unlaw.

79. *That all our Sovereine Lordis Lieges be ruled be his Lawes.*

ITEM, It is statute and ordained, that all our Sovereine Lordis Lieges beand under his obeyfance, and in special the *Iles*, be ruled be our Sovereine Lordis awin Lawes, and the common lawes of the Realme, and be nane uther Lawes.

80. *That all officiares within Burgh be changed zeirly.*

ITEM, That all Officiares, Provestes, Baillies, and uthers havand office of jurisdiction within Burrowes, be changed zeirly, and that nane have jurisdiction within Burgh, bot gif they use merchandice within the said Burgh.

81. *That na Merchandes persew ane uther in partes bezond Sea, before ony Judge, bot the Conservatour.*

ITEM, It is statute and ordained, for the weill of Merchandice, and for the greate exorbitant expenses, maid be them upon playes in the partes bezond Sea: That therefore the Conservatour of this Realme have jurisdiction to do justice among the saidis Merchandes, **OUR SOVERAINE LORDIS** lieges, that is to say, betuixt merchande and merchande in thay partes bezond Sea. And that the said Conservatour proceed not upon ony maters, bot gif they be vj. of the best and honestest merchandes of maist knowledge of the Realme, that fall sit and have power with him, gif sa mony may be gotten. And gif there be not to the number of vj. that there sit iij. Merchandes with him at the least, that fall have sikklike power with him to minister justice, and that na Merchand persew ane uther before ane uther judge bezond the Sea, nor do in contrair this acte, under the paine of five pound, to be payed to the King of the persewer, and payment of the expenses, to the partie persewed.

82. *That the Conservatour of Scotland, cum hame zeirly, or send ane Procuratour.*

ITEM, It is statute and ordained, that the Conservatour of Scotland, cum zeirly hame, or sende ane responsal procuratour for him zeirly, that fall answer to everie ilk man upon all thinges, that they have to say to him for all maters, and make certification to the King or his Counsel, of the sending of the said procuratours, and that under the paine of tinsel of his office, and payment of twennie pound great to the King.

83. *That na mercat nor Fawres be halden upon Halie-daies, nor in Kirk, nor in Kirk-zairdes.*

ITEM, It is statute and ordained, there be na mercat, nor Faires halden upon Halie-daies, nor zit within Kirkes, nor Kirk-zairdes, upon Halie-daies, nor uther daies, under the paine of escheit of the gudes,

84. *That Merchandes and Burrowes bruike their auld privilegedes.*

ITEM, It is statute and ordained, that all the merchandes of the Realme and the Burrowes, bruike, and have their auld privilegedes and freedoms, granted, and given to them be our Sovereine Lordis Progenitours of maist Noble minde, be observed and kept to them, and that na persones dwelland out-

with Burrowes, use ony Merchandice, nor zit tap nor sell wine, walxe, filkes, spicerie, wadde, nor siklike stuffe, nor zit Staple gudes: And that nane packe nor pile in *Leith*, nor uthers places, without the Kingis Burrowes, under the paine of the escheitring of the gudes to the Kingis use, that beistapped, fauld, packed, or piled, against this statute.

85. *That Commissaires and Heades-men of Burrowes be warned to taxations of the Realme.*

ITEM, It is statute and ordained, that the Commissaires and Heades-men of Burrowes, be warned quhen taxes or contributions ar given, to have their advise there-intill, as ane of the three Estaites of the Realme.

86. *That na Burges be maid without consent of the great Councell of the Towne.*

ITEM, It is statute and ordained, that in time to cum, na Proveest, Baillie, nor Alderman of ony townes, make Burgeses, nor Gild-brether, without the consent of the great Councell of the Towne, and that the profite that is tane, for the making of ilk Burgesse or Gilde, be put to the common gud, and wared on the common warkes.

87. *That na Nichtbour usurpe against the officiares in Burgh.*

ITEM, It is statute and ordained, that na Nichtbours, Crafte-men, Gentle-men, Burgeses, nor indwellers in the Burgh, usurpe against the autoritie of the Kingis Officiares, chosen in the Burgh, nor make leagues nor bandes in contrair the samin, under the paines conteneid in the Lawes and statutes of the Burgh.

88. *That nane house wooll, skin, nor hides in Leith.*

ITEM, It is statute and ordained, for causing of the Kingis customes to cum in hail to him, as accordis, and to eschew the defrauding, that hes bene done thereof in times by-gane, that na man house wooll, hides, nor skinnes in *Leith*, nor uther places, out-with free Burrowes, under the paine of escheir.

89. *That all Schireffes and Officiares write the day that they give saising to ony man in their court buik, and bring the samin to the Checker.*

ITEM, Because the vassalles ar greatumlie hurt, throw out-lying of their over-Lordes, and for the none entring to the superioritie of their landes, after that they raise their precept of saising out of the Chancellerie: It is statute and ordained, that in time to cum, all Schireffes, Stewardes, or Baillies, that givis saising be preceptes of our Sovereine Lordis Chappel to ony persones, that they write the day and zeir, that they gave the saising, and bring the samin in their court buike to the Checker.

90. *That it be leiffull to our Sovereine Lord to set all his landes in few.*

Disposi-
tion.

ITEM, It is statute and ordained be our Sovereine Lord, and his three Estaites in this present Parliament, that it fall be leiffull to his hiennesse to set all his proper landes, baith annexed, and un-annexed in few-ferme, to ony person or persones, as he pleasit: Swa that it be not in diminution of his rental, gresssumes, nor uther dewties, and to set them with sik clauses, as he thinks expedient, according to the condition foresaid. And that the landes that he settis in his time, as saidis, stande perpetually to the aires, after the forme of their condition: And that this statute indure for the life time of the King our Sovereine Lord, that now is, allanerly: Swa that the landes that he settis in his time, with the condition foresaid, fall stande perpetually: And after his decease, the annexations, quhilkis ar maid of before, fall retorne againe to the awin nature: Swa that his Successours fall not have power to annalie, nor set in few, mair then they had before the making of this statute.

91. *That it fall be leiffull to everie man, baith Spiritual and Temporal to set their lands in few.*

ITEM, It is statute and ordained, because the Kingis Hiennesse is of will and minde, for policie of his Realme, to set his proper landes, baith annexed, and unannexed, in few-ferme: Therefore, he hes granted to all his Estaites, with their advise, that ever-ilk Lord, Baronne, Free-halder quhat sum-ever, Spiritual or Temporal, fall have power induring the daies of his life, to set all their landes in few-ferme, or annual-rent, to ony person or persones: Swa that it be not in diminution of their rental, swa that the alienation swa maid of the maist part of all their lands, fall be na cause of fore-faltour, nouthir to the fetter, nor to the taker: norwithstanding, ony statute or lawes maid in the contrair.

92. *That the Malt-makers present their Malt to the mercat.*

ITEM, It is statute and ordained, that all the Malt-makers of *Leith, Edinburgh*, and uther places about *Edinburgh*, and uther Burrowe Townies within the Realme, present their malt to the mercat in time to-cum. And that ilk day be ane mercat day for victualles, except the halie-day: And that they sell not the said Malte, quhill nine houres, under the paine of escheit of all Malte, that is sauld utherwaies: And that the Provest and Baillies of ilk ane Towne, see that this statute be keiped. And that they have power to escheit the famin, and answere to our Sovereine Lorde zeirly therefore in his Checker, quhais handes that ever it be foundin in: And that the Malt-makers take na mair for the making of ane Chalder of Malt, bot ane boll of Beare: And quha dois in the contrair, fall be reputie oppreffours of the Kingis lieges, and dittayne thereupon to the justice aire.

93. *That the inhabitants of annexed and unite landes to uther Barronages fall answere to the Justice aires, Schireffe courtis, quhair the landes lyeis.*

ITEM, Because it hes bene ane defrauding in execution of justice, that quhair landes hes bene annexed and unite in ane Barronnie, quihills lands lyeis in findrie Schireffdoms, throw the quhilk the inhabitants of the saidis lands sa annexed, hes never answered in Schireffe court, nor justice aire, in the Schireffedome, in the quhilk they lye, because the Lordship, that they were annexed to, lyeis in ane uther Schireffedome: Therefore it is statute and ordained in time to cum, that ever ilk Barronnie, and the inhabitantes thereof, fall answere in Schireffe court and Justice aire, quhair the said Barronnie lyeis, and there be halden to compeir, baith be arrestit of his Schireffe, Officiar and Crouner, notwithstanding the said annexations: And the annexation fall suffice allanerly for the Lord, that hes the said landes annexed, to give their presence, and service in the place, quhair they ar ordained be the said annexation.

94. *Of exceptions to be proponed against the brieve of inquest: Smmmondes of assisors: Proclamation of brieves.*

ITEM, it statute and ordained, that because there hes bene in time by-gane, great abuson in the proponing of exceptions frivoll, against the brieve of inquest, and perverted the ordoure and nature of it, as it were ane brieve of pley: Therefore for the eschewing of ilk frivoll exceptions in time to-cum: It is statute and ordained, that na exception availe against the said brieve of inquest, it beand cryed openly upon fiftene daies, with the indorsing of the Officiar that cryed it, containd twa witnesses, and his seale or signet, bot the exceptions followand allanerly: That is to say, against the judge, against the inquest, and the exceptions of bastardrie, and that to be proponed in the forme of the auld Law: And as anent the exception maid anent the summonding of inquest, upon fiftene dayes before, after the forme of the statute of King *Robert*, quihills maks mention, that the inquest suld be summond upon fiftene daies before: It fall be leiffull notwithstanding the said statute to the Schireffe, or ony uther Officiar, that is judge to the brieve of inquest, to summond the said inquest upon quhar daies he pleas, or upon schort time, notwithstanding the saide statute: And gif they be present in the Tol-buith un-summounded, sa that there be nane uther lauchful exception against them, it fall be leiffull to the Schireffe or Officiar, to compell them to passe upon the said inquest. And attour, because there hes bene ane abuson in the crying of the Kingis brieves in Stewartries and Bailleries, quhair they were cryed at ane Hill, na confluence of people being there, throw the quhilk na knowledge thereof micht cum to the partie: Herefore it is statute and ordained, that all manner of brieves of inquest, fall be cryed at the mercat croce of of the burgh openly in plaine mercat, quhen maist confluence of people is gaddered. Swa that the crying thereof, may cum to the knowledge of the partie defender, quhair it suld be served, and quhair day. And that the said brieve be thrife cryed plainly togidder, and betwix ilk crying the space of all the three cryinges. And that all Officiares of the Towne be warned to compeir at the said proclamation to beare witness: And gif it fall happen, that the Antecessor of ony clamand richt, decease sa nere the terme of *Whit-sunday* and *Martin-mes*, that the perswer may not get it upon ane mercate day, for nearnes of the terme of *Whit-sunday* or *Martin-mes*, in that case, it fall be leiffull to him to gar cry his brieve upon ony oulke day: Swa that he have the Officiares of the Towne, and part of the honest persones to the number of sex persones, saifand to our Sovereine Lord, his warning upon fourtie daies, after auld use and consuetude.

95. *Of the proces of falsing of doome.*

ITEM, It is statute and ordained, because there hes bene great abuson of justice, and greate expenses to the partie persewand their lande and heretage be the brieve of richt, and uther brieves pleidable be the proponing of exceptions frivoll and borghes and recounters, and falsing of doomes, throw presuming of delays: That therefore in time to cum, quhair ony doome is falsed, uther upon dilator or peremptour exception, or utherwaies in the persute of the brieve of richt, the partie that falsis the said doome before the Schireffe, Stewart, Bailie, or ony uther Officiar, or their deputes, fall cum within the space of fiftene daies

daies to the Justice Clerk, and present his proces, of the falsing of the said doome. And with advise of our Sovereine Lord, or his Justice there, fall incontinent thereafter, be set, ane Justice aire, for the discussing and ending of the said doome falsed, upon fourtie daies: And the Justice be his precepts or summondes, direct to the Schireffe, fall warne baith the parties of the said day, limit for the discussing of the said doome. And the Free-holders and suitours fall cum to the said Justice aire, within the Schireffedome or Stewattie, quhair the said doome fall be discussid, and warde thereupon, under the paine of the unlaw of the court. And gif the said doome be falsed in the Justice aire, anent the said brieve, or gif there be ony uther brieves, plicable presented to the Justice, and in the persute of them happenis the doome to be falsed: In likewise, after the falsing of that doome, within fiftene daies thereafter, the partie that falsis the doome, fall cum to the Clerk of Register, and of our Sovereine Lordis Councill, and present this proces of falsing of doome. And thereafter the said Clerk of Councill, fall schaw the samin to our Sovereine Lord, quihilk fall depute threitie or fourtie perones, or maa or fewer, as pleasis his Hieneffe, quihilk fall have power as it were in ane Parliament, to decide and discuss the said doome, and the parties be warned be our Sovereine Lordis letters, of the day affixed for the discussing of the said doome: quihilk fall be set upon fourtie daies, within the quihilk time, it fall be leiffull to ony of the parties, to give in their reafones. And gif there be ane doome falsed before the Proveft, Baillies within Burgh, or before ane Baronne or uther Free-holders: The partie falsar of the said doome fall cum in likewise, gif it be falsed, within the Burgh to the Chalmerlane, and present him the proces of the falsing of the said doome, quihilk fall set ane court of the iiij. Burrowes, upon fiftene daies, and make the said doome to be discussid: In likewise, quhair the doome is falsed before the Baronne or Free-halter in their courts, then the falsar of the said doome fall cum to the Schireffe, or uther immediate superiour of that Court, quihilk fall set his Court upon fiftene daies, and make the said doome to be discussid, and warne the parties thereto, and gar the suitours of the Schireffedome warde thereupon. And gif it be falsed in the said court of foure Burrowes, or in the Schireffe court, to have sik-like proces to the courts immediat superiour, as is abone written: And the parties to have priviledge to give in their reafons ony time, within the day limited, for the discussing of the said doomes. And this to have proces in all maner of doomes falsing, alswell brieves, as uther civil maters.

96. *That all measures and weichtes be of ane quantitie, quihilk fall be statute in Edinburgh, be the Chalmerlane.*

ITEM, It is statute and ordained, that all measures and weichtes, baith pynt, quart, firloft, peck, elvand, stane and pound, be of ane quantitie and measure, quihilk fall be ordained in *Edinburgh*, be our Sovereine Lord, and his Chalmerlane and Councill. And that ever-silk Burgh cum and fetch their measure forth of *Edinburgh* sealed and maid, and keep the samin. And quhair there is ony fermes aucht in heritage of the auld mette, that the said fermes be proportionate to the quantitie of the auld mette, and payed with the new mette, to the avails of the auld mette proportionally. And gif ony perones use ony uther measures, or weichtes in time to cum, bot the measures and weichtes now to be maid, as said is: It fall be ane poynnt of dittay, and they to be indicted thereof, fra thine forth.

97. *That all money have cours in the Realme, it being cracked or flawed.*

ITEM, It is statute and ordained, because there is and hes bene great difference and refuse in the taking of money, havand cours in the Realme, it beand uther cracked or flawed: Therefore that in time to cum, na maner of person or perones, refuse to take for their Merchandice ony money, silver or gold, it havand cours in this Realme: Notwithstanding it beand uther cracked or flawed, with certification, that quha dois in the contrair, fall fine the silver that they refuse, to be escheit to the King, and the byer to have the stuffe, that he suld have cost with the said money.

98. *That na Schireffe nor Officiar distreinzie or poynd ony thing belangand to the pleuch, in time of teilling.*

ITEM, It is statute and ordained, that in time to cum, na maner of Schireffe nor Officiar poynd nor distreinzie, the oxen, horse, nor uther gudes perteininc to the pleuch, and that labouris the ground, the time of the labouring of the samin, quhair ony uther gudes or lande ar to be apprifed or poynded, according to the common law.

99. *That the wordes of falsing of doomes be changed.*

ITEM, It is statute and ordained, that the wordes of falsing of doomes be changed, in this maner, that quhair ony partie thinkis him hurte, he fall use thir wordes: **I AM GREATUMLIE HURT AND INJURED BE THE SAIDE DOOME**, Therefore, I appeale and findis ane borch in the Officiars handes of the Court, to persue the said appellation, conformand to the Law maid of before, and within the time, sik-like as is contened in the said Lawe of the Realme.

100. THE KINGIS REVOCATION.



VO Die excellentissimus supremusque Dominus noster Rex, in prasato suo Parlamento, cum consensu & assensu trium Regni sui statum, ipsis, ut supra, presentibus, revocavit, cassavit, annullavit, omnes & singulas donationes, Concessionis terrarum, prædiorum, possessionum, aut aliarum rerum, acta, statuta Parliamenti seu Generalis Concilii, & quæcunque alia per eundem supremum Dominum nostrum Regem, ac nomine suo, temporibus retroactis præjudicialia, ac damnum, detrimentum seu lesionem Ecclesie Catholice, animæ suæ, aut Coronæ generantia. Et prædictas donationes, concessiones, acta, statuta, & quæcunque alia, sic ut præmittitur, revocata, pro non factis haberi vult in futurum, & eadem de libris & scriptis cancellari & deleri mandavit.

F I N I S.

T H E S E V E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E F O U R T H.

Halden at Edinburgh, the aucht daye of May, the zeire of God, ane thousand, five hundreth, and nine zeires.

101. Anent the divison of Schireffedomes.



T E M, Anent the Artickle of the divison of Schireffedomes, quhilk was ordained be ane acte of Parliament, maid in the Parliament, halden at *Edinburgh*, in the zeir of God, ane thousand, five hundreth, and three zeires: It is now statute and ordained, that fra thine foorth, the said acte of Parliament, have strength allanerly, anent the courts of Justice aires, baith for suitt, presence, and all thinges concerning the Justice aires. And as for the Schireffe courtes, and all uther courtes and doinges, that they cum to the Townes and Schireffedomes, that they come to, and were, of before the making of the said acte of Parliament, and there to ansvere, and give suitt and presence, and thole law, as they were woont to doe, exceptand the landes pertaining to Schir *Duncane Forrester*, that is to say, the landes of

Garden, Discher, Kippane, Eon, and Gibbine easter, to remaine at the Justice aires, and Schireffe courts of *Striveling*, as they were of before the making of this present act.

102. *Ane act maid be our Sovereaine Lord, King James the Fourth, anent the waird, reliefe, and mariage of the aires of them that deceasis in the armie.*

A T Twesil-bauch in North-Humberland the xxiv. day of *August*, the zeir of God, ane thousand, five hundreth, threttene zeires: It is statute and ordained be the Kingis Hienes, with advise of all his Lordes being there for the time in his hoist in this forme, as followis, that is to saye, 'gif ony man beis slaine or hurt to death in the Kings armye, and hoist be *English-men*, or dies in the armye, induring the time of his hoist, his aires fall have his waird, reliefe, and mariage of the King free, dispensand with his age, quhat cild that ever he be of. And ordainis the Kingis letters to be direct hereupon to the effect foresaid, necessair, as effeiris.

F I N I S.

A N E T A B L E

Of the

PARTICULAR and uthir ACTS, maid be KING JAMES the Fourth, quibikis ar not prented.

First Parliament, Sexr day of October, the zeir of God, anethousand, four hundredeth, auchtie, aucht zeires.

OUR Sovereaine Lordis mariage.
 Of landes and gudes taken before the Field of Striviling.
 That restitution be maid to Burgeses and un-landed men, of gudes taken fra them.
 That all Officiares being in the Field of Striviling, be suspended fra their offices.
 Anent the entreffe of the aires of them quha deceased in the fielede of Striviling.
 The farth-putting of Justice.
 Commission anent the slanching of thieft and uthir enormities.
 Of Clerkes that purchasis benefices at the Court of Rome.
 The proposition of the debaite of the field of Striviling.
 Anent Cruves.
 Anent the keiping of the Castell of Edinburgh, and destruction of the Castell of Dumbar.

Second Parliament. xv. of Februar. 1489.

Of Justice aires.
 Ane Embassadour to France.
 Ane Embassadour to Denmarke.
 Provision for the Duke of Rossie and Erle of Marre.
 Commissions for the in-bringing of the Kingis rentes.
 Auditours for the Kingis Compts.
 Anent Ferriers that takis double fraucht.
 Of Halcartoun to be called the Temple.
 Remissiones of them quha was in Dumbartane with the Lord Lile.

Thrid Parliament. xviii. of Majj. 1491.

Embassadour for our Sovereaine Lordis mariage.
 Ane Embassadour to Denmarke.
 The keiping of the daies of trewes.
 The siting of the Sesson.

Fourth Parliament. xxvi. of June. 1493.

The disposition of benefices, the Sege vacant.
 The Bull anent Benefices elective to be observed.
 That na Legate be received within this Realme.
 Of the Indult granted to Saint-Andrewes, and Glasgow.
 Of the pleyes betwixt the Bisshope of Saint-Andrewes, and Glasgow.
 The Kingis Embassadour suld charge all persones to cease their pleyes.
 Embassadour for the Kingis mariage.
 That nane destroy Herone sewes for three zeir.

Sext Parliament. xi. of March. 1503.

Anent the making of Schippes for fishing.
 That the auld alte anent Sailers be put to execution.
 Anent the in-bringing of bulzieon.
 That money cracked or flawed, have course within the Realme.

F I N I S,

R A R:



FIGURE 2



IACOBVS. V. REX. SCOTORVM,



PARLIAMENTUM PRIMUM J A C O B I Q U I N T I,

Dei Gratia Scotorum Regis Illustrissimi, tentum & inchoatum apud Edinburgh, die Jovis, duodecimo die Mensis Julii, Anno Domini, Millesimo Quingentesimo, decimo-quinto, per illustrem & magnificum principem, Johannem Ducem Albanie &c. Prædicti Domini nostri Regis & Regni tutorem & gubernatorem, una cum Prælati, Baronibus, Proceribus, & Burgerum Commissariis in speciali Commissione contentis, & ibidem perlectis, in dicto Parlamento congregatis, tres Regni status representantibus &c. Quo die sessus vocatus, curia affirmata absentes patentes in Rotulis.

1. Of the freedome of halie Kirk.



N The first it is statute, that the freedomes, priviledges, and immunities of halie Kirk, and uthers Spiritual persones, be observed and keiped in honour and worship, in the time of our Sovereine Lord, and my Lord Governour, that now is, as it hes bene in times by-gane.

2. The maister or maintainer of ane thief, shuld deliver him to the partie, or exhibite him before the Judge. Of thief-bute. The wrangeous accuser, payis ten poundes.

ITEM, Because the crime of theft and stouth-rieße, is sa commounlie used among the Kings Lieges, and for stanching of the samin, It is statute and ordained in this present Parliament: That quhair ony of the Kings Lieges is plainteous, or compleenis upon a thiefe that hes rest or stollen his geare, or his mennis, and is in service or obeyfance of onie man, and schawis the samin to the man, that he is in service with, and wauld attach him to the Law for the same: this man, that this thief or riever is in service with, or finds him with him, or under his obeyfance, sall be halden and oblished, to produce and bring him to the Law, before the Justice, Schireffes, or ony uthers, that hes cognition to do Justice upon sik persons, committers of sik crimes, at dates and places affixed to them to underly the samin: or else sall deliver the said thiefe or riever, to the compleener, to be brocht to the Law, and Justified, as said is. And gif his maister or sustainer of this thiefe or riever, refusis to do the samin, he sall be halden airr and partaker of his evill deedes, and sall be accused therefore, as the principall thiefe or riever, and als sall restore, and satisfie to the compleener the gudes rest or stollen fra him: And gif this compleener, after that he have attached this thiefe, or delivered him, as said is, wald concord with the said thief, and take thief-bute, and put him fra the Law: In that case, he sall underly the Law, and be accused therefore, as principall thiefe or riever. And gif he attachis and accusis him of the saide theft or rieße, and beis foundin innocent thereof: The said compleener sall be halden and oblished to give to the said man, that he selanders innocently, ten pound for amendis of the said selander.

F I N I S.

T H E S E C O N D
P A R L I A M E N T
O F
K I N G J A M E S T H E F I F T H.

Halden at Edinburgh, the twentie fourth day of Julij, the zeir of God, ane thousand, five hundredeth, twentie two zeires.

3. *Anent the waird, reliefe, and mariage of the aires of them that decease in the hoast moved contrair English-men, or the traitours of the Realme.*



THE Quhilk day my Lord Governour, with advise of the three Estaites of the Realme, hes stature and ordained in this present Parliament: That gif ony man be slaine or hurt to death, in hoast or army, against our auld enemies of *England*, or traitours of *Scotland*, in perfewing or defending now in time of weir moved, or to be moved, betuixt this Realme, and the Realme of *England*: In that case, the aires of them that ar slaine, fall have the waird, reliefes, and mariages of the Kingis grace, and my Lord Governour free, dispensand with their age, quhat eild that ever they be of: To be applyed to the utilitie of the wives, aires, and bairnes of them that ar slaine, for the up-hald and sustentation of the saidis wives, aires, and bairnes: Swa that throw the decease of their husbannes, they remaine not alluterlie in povertie and dissolusion. And in likewise, all the Lordes, Spiritual and Temporal, hes consented, and consentis, that all persones that haldis lands of them, that beis slaine or hurt to death, as said is, fall have, and bruike the priviledge of the Acte: And als wa, all vassalies, and sub-vassalles, that haldis landes of Barronnes, or uther their Over-lordes, and happenis to be slaine or hurt to the death, in the said hoist or armie, their wives, aires and bairnes, to bruike the effect and priviledge of the said Acte, as is before written. And that letters be direct thereupon in dew fornie, as effeiris.

4. *Anent the tackes and steadinges of them that ar slaine, as said is.*

ITEM, It is statute and ordained, be the hail three Estaites of Parliament, that quhat-sum-ever tennent, Gentle-man unlanded, or zeaman, havand tackes or steadinges, of ony Lordes or Lairdes, Spiritual or Temporal, that happenis to be slaine be *English-men*, in our Sovereine Lordis armie or service, or gettis deathis woundes, in the famin: The wives and bairnes of them that fall happen to be slaine or wounded to the death, as said is, fall bruike their tackes, maillinges, or steadinges, for their sustentation, during the space of five zeires, nixt after the slauchter or wounding to death, of the saidis tennents, gresfoume free: Payand allawerly but mailles, dewties, and service aucht and woont.

F I N I S.

T H E T H R I D.

P A R L I A M E N T

O F

K I N G J A M E S T H E F I E T H.

Halden at Edinburgh, the twentie twa day of Januar, the zeir of God, ane thousand, five hundreth, twentie aucht zeires.

5. *The maner of arreistments to be maid be the Crowner.*



ITEM, It is statute and ordained, that Crowners in making of their arreistments, suld passe to the habitation and dwelling place of perones, given them in portuous, indicted to the aires, and thereafter make open proclamation at their Paroch Kirks, upon Festival daies, quhill suld stande for sufficient arreistment, howbeit it maid na mention in the said acte, gif the saidis perones were streinzieable for the unlaw, or not: Quhair-throw, our Sovereine Lorde, hes bene greatly defrauded be the Crowners, in halding of his laste justice aires, and giving of all vagaboundes and divours, not being distreinzieable for the unlaw: Therefore it is statute and ordained, that in all times cumming, that quhair the Crowners makis ony sik arreistments upon perones at their dwelling places: And thereafter at their Paroch Kirkes, that they take sicker sovertie of them, sik as they will stand for, to the Kingis Grace: And gif that the saidis perones swa arreistid, be not streinzieable, that the Crowner arreist their gudes, and put the samin in sure keeping, to the Kingis use, quhill the said sovertie be foundin: Or else take their perones, and put them in the Kingis Castel, if ony be with-in the Schire: And gif there be na Castel to the Schireffe of the Schire, according to the actes of Parliament maid thereupon of before: And sailzieing thereof, the Crowners to answer to our Sovereign Lord, for their unlaw.

6. *The maister suld answer for his man in the Justice aires.*

ITEM, It is statute and ordained, that everie Lorde, Barronie, and Free-halder, ansvere in our Sovereine Lordis Justice aires, for his awin men, dwelling upon his awin proper landes, rackes, steadinges, rowmes and Baronnies within the Schire quhair he dwellis, and fall be halden to enter them to the Law, or else to ansvere to the Kingis Grace for their unlaw, in all times cumming.

7. *The sovertie may be called for affyithment to be maid to the partie.*

ITEM, It is statute & ordained, that quhair ony person or perones happenis to take them to our Sovereine Lordis remissiones, respet, or composition in the justice aires, or justice courts, for ony action, except slaughters, or mutilations, and finds sovertie to affyith the partie: It fall be lesum to the partie to call the saidis soverties, quhen they please, before the Lordes of Council therefore: Quhillk actions fall be privileged to be called in all times, baith in the Session, and out-with the Session: Sick-like as recent spulzies. And as for slaughter and mutilation, to keep the ordour of the act maid thereupon of before.

8. *All Burning and fire-raising is treason.*

ITEM, Anent the artickles of slaughters, murthers, burninges: It is statute and ordained, that the actes maid there-upon of before, and the auld lawes be kept, with this addition, that quha cumimis and burnis folkes in their houses, and all burninges of houses and cornes, and wilfull fire-raisinges, be treason, and crime of lese-majestie: Because sik deeds ar exorbitant, and mair against the commoun weill, then many uther crimes: And that particular Justice courtes, or general Justice aires, be set thereto, as fall please the Kingis Grace, his Council, and the justice for the time, with there consent: Providing that it fall be leifull to ony man to persew and follow commoun thieves and rebelles to take them: And gif they enter in ony house, that it fall be leifull to invade, breake, and destroy the saidis houses, be fire, or uther waies, to the intent and effect of taking or slaying of the said commoun thieves or rebelles, for quhillk, there sal follow upon the doers, na paine of accusation, crime, nor offence, bot to be free thereof in all times.

F I N I S.

T H E F O U R T H
P A R L I A M E N T
O F
K I N G J A M E S T H E F I F T H.

Halden at Edinburgh, the seventh daye of June, the zeire of God, one thousand, five hundredeth, threttie five zeires.

9. *Against them that susteinis the protes of cursing, abone the space of fourtie daies.*



LSWA, Because the damnable persuasions of Heretickes, and their perverted doctrine, gives occasion to lichtlie the proceffe of cursing, and uthers Censures of Halie Kirk: For remeid hereof, our Sovereaine Lorde, in this present Parliament, hes ratified and apprievied, and of the new, makis, constitutis, and ordainis, the acte maid of before be his grace, with the advise of the three Estaites of his Realme, in his foresaid Parliament, against them that susteinis contemnandly the proces of cursing, with new addition thereto, of the quihilk acte and addition the tenour followis.

ITEM, It is statute and ordained, that because mony and diverse of the Kingis Lieges of this Realme, lye under the horrible sentence of cursing, separate fra the Prayer of the Kirk, and merite of the bloude of Christ, to the damnation of their saules, evil example, perrell and danger of the uther gude subjectes of the Realme: Therefore quhen ony of our Sovereaine Lords Lieges susteinis damnable the said horrible sentence of cursing, for the space of fourtie daies, quhereupon Caption aucht to be given be the Law: The partie, at quihais instance the persons ar cursed, fall have our Sovereaine Lordis letters to poynd, apprise, and distreinzie their gudes moveable and un-moveable, for paymente of the summes, for quihilis they lay under the said sentence, and gif the saidis persones lye under cursing be the said space, for none-doing or fulfilling of ony acte or deede: in that case the persones their creditoures fall have letters in the first, second, thrid, and fourth formes, according to the Ordinares letters of cursing. And this acte alwaies to be na prejudice to them that likis to take captions: And albeit ane persone may be under appellation, that may stop the giving of sik letters, in maner abone written: It is declared and ordained, that na appellation fra sentence of detortion of appellationes before interponed, fall stoppe the giving of sik letters.

10. *For planting of wooddes, Forrestes, and Orchardes.*

ITEM, For policie to be had within the Realme, in planting of wooddes, making of Hedges, Orchardes, zairdes, and sawing of broome: It is statute and ordained be the Kingis grace, and his three Estaites of Parliament, that the actes maid there-upon of before, be King James the First, and uthers our Sovereaine Lordis Progenitoures, be observed, kept, and put to sharpe execution in all poyntes, with this addition: That everie man Spiritual and Temporal, within this Realms, havand ane hunreth pounce land of new extent be zeir, and may expend sameikle, quhair there is na wooddes nor Forrestes, plant woodde and Forrest, and make hedges, and haring for himselve, extending to three ackers of land, and abone or under, as his heritage is mair or les, in places maist convenient: And that they cause everie tennent of their landes, that hes the same in tack or assedation, to plant upon their on-fer zeirly, for everie marke land, ane tree. Ilk Laird of ane hundreth pound lande, under the paine of ten pound, and lesse or mair, after the rate & quantitie of their landes. And that inquisition be maid zeirly hereupon, as the Kingis Grace fall thinke it maist expedient: And that everie man begin and cause planting to be maid the nixt season hereafter following, under the paines foresaids, to be raised and in-brocht to the Kingis Grace use, be the Schireffe of the Schire, or quhom it pleasis his Grace to direct his Commission to in that parte, and that cognition be tane zeirle of the breakers of this statute, be everie Schireffe in his awin Schire, zeirly at his head court after *Pasche*.

11. *The painis of the destroyers of Wooddes, and makers of Mure-burne in forbidden time.*

ITEM, For the punisshing of them that destroyis greene Woodde, in contrair the tenour of the acte abone written: It is statute and ordained for keeping of the famin: That all destroyers of greene Woodde, be cutting, pealing, burning or felling, and sik-like of all new haninges, fall be accused therefore conforme to the

the actes and statutes maid thereupon of before, and the paine thereof, fall be in times cumming, for the first time ten pounde, the seconde time twentie pounde, and the thrid time deare. And sikelike the unlaw of Mure-burne, after the Moneth of March, in contrair the auld actes and statutes, fall be in time cumming for the first time, five pound, the second time, ten pound, and the thrid time twentie pound: And swa fourth at ilk time, als off as they be foundin culpable, twentie pound. And gif they be not responsal in landes or gudes for the said unlaw, their persones to be put in the Kingis Grace prison, to be punished for their fault, induring his Grace will: And to be called heirefore at particular diettes, or general Justice aires, as the Kings Grace fall thinke maist expedient. And it fall not be lesurn to the Thesaurers, or Compositours in times cumming, to compone or fine with the breakers of this acte, for lesse then the paine and unlaw contained in the samin.

12. *Cattle or gudes found within Forrestes, may be escheitted.*

ITEM, For keiping of all Forrestes, Wooddes and Parkes, within the Realme, for wilde beastes and hunting: It is devised, statute and ordained, that all maner of persones, claimand them to have offices of heritage, or rakes of the Kingis Grace Forrestes, fall be called at sik day and place, as pleasis the Kingis Grace for production and schawing of their richtes and infestmentes, be the quhilkis they claime the saidis offices to pertaine to them, to be seene and considered be the Lords of Councell, and quhar claue they contene: swa that gude rule and ordour may be put to them, for keiping of the saidis Forrestes in time cumming, with certification, that quhiddir they compeir or not, the Kingis Grace with advise of his Lordes, will dispone upon the saidis offices, and make sik constitutions, as pleasis his Hienselle, for the gude keiping of the same, pasturing of wilde beastes, and hunting there-intil in times cumming. And als ordainis letters to be direct, to command and charge all maner of persones claimand the saidis offices, to pertaine to them in heritage or rakes, that they let na maner of gudes, nolt, scheepe, horle, meires, or uther cattle to be pastured within the Kingis Grace Forrestes, under the paine of tinsel of their offices, and escheitting of their moveable gudes. And gif ony maner of person be foundin putting their gudes in pasturing in the saidis Forrestes, that they be taken and brocht to the Kingis Grace prison, and their gudes foundin in the saidis Forrestes, to be escheit to the Keepers thereof, and in-brocht, the twa part to the Kingis Grace use, and the thrid part to the keepers of the saidis Forrestes. And gif they be negligent and foundin culpable, to be called and punished therefore in their persones and gudes, and tinsel of their offices. And gif there be ony Baronne or uther Landed man, uther Spiritual or Temporal, that hes haned wooddes or Forrestes of their awin: It fall be leiffull to them, and the keepers thereof, to escheit all sik gudes, that beis foundin in maner foresaid, within their Forrestes, to their use.

13. *For breakers of dowcattes, cunningaires, parkes and stanckes,*

ITEM, It is statute and ordained, that all they that breakis dowcattes, Cunningaires, Parkes, stanckes, landakis or stealis fourth of the samin, Daes, Raes, Cunnings, Dowes, Pykes, fish, Hives and Bees, without special licence of the awner thereof, fall be called and punished therefore, as for thief at particular diettes: And this acte to extend to them that ar airt, part, or gives assistance to sik misdoers.

14. *Of slaying of Hares.*

ITEM, It is ordained, that the act maid of before, for slaying of Hares, be observed and kept in all poyntes.

15. *The life-renters, and the Wardatours, suld finde caution to the proprietares and minors.*

ITEM, Because it is un-profitable & inutile, to make lawes and statutes for policie to be had, without the same be kept: And because sik ordour and provision, as is devised for policie, may failzie be falling oilandes in warde, or giving of the samin in conjunct-fee or life-rente: Therefore the Kingis Grace, with advise of his three Estaites, ordainis the acte maid thereupon, be the maist excellent Prince, King James the fourth, his Father of maist noble mind, to be observed and kept in all poyntes, ratifies and apprievis the samin. And that all Schireffes, Stewardes, Baillies, and uther officiares, baith in Regalie and Royaltie, and sik-like Spiritual men within their landes, and to Burgh, put the samin to execution in all poyntes: That is to say, All Officiares within the Royaltie, and Lordes of Regalities, under the paine, of re-founding to the heritours of sik landes fallen in warde, at their perseite age, of all damage and skaith, that in they fall happen to susteine throw their negligence (they being required thereto be the persone, that is in thair warde or his friends.) And if the wardatours, Ladies of conjunct-fee, or life-renter of sik landes, refusis to finde sovertie conforme to the said act (they being required thereto) be the Schireffe, Baillie, Stewart, Provost, or Alderman in Burgh: That the said Schireffe and Officiares, ilk man within his awin boundes, charge them to finde the said sovertie, conforme to the said acte personally, or be open proclamation at the head Burgh of the Schire, quhair the saids landes lyes, within twentie ane daies, nixt after they be charged thereto, under the paine of wanting of the profite of all sik warde-landes, conjunct-fee, and life-rentes, to be

be in-brocht to the Kingis use, ay and quhill the said caution be sufficiently foundin. And that the Lordes Auditoures of the Checker, and Thefaurer for the time, inquire diligently in everie Checker, that all Schirreffes and uthers Officiares fore-said, at the making of their compts, gif the said caution be sufficientlie foundin, and get certification thereof.

16. *Of read-fish, Smoltes, and of slaying of Salmond in forbidden time.*

ITEM, Our Sovereine Lorde, ordainis the actes maid upon them that slayis reade fish, Smoltes, and Salmonde in forbidden time, and the paines contained in the same, to be put to sharp execution, with this addition following: that is to say, it fall not be lesum to the thefaurer and composituores in times cumming, to compone or fine in Judgement, or out of Judgement, with the breakers of the saidis actes, for lesse then the paine and unlaw contained in the same. And that ditty be tane upon all them that ar air and pairt, causers or receipters of the slaying of the said reade fish, Smoltes and Salmonde in forbidden time, sik-like as upon the principall slayers thereof. And because the lang delay of Justice aires, gives greate occasion of the breaking of the saidis actes: Therefore the Kingis Grace fall send ane Commission generally, with the Justice Clerke, and sik uthir perones, as fall please his Grace to depute thereto, for halding of particuar diettes zeirly in the places quhair the said fish ar slaine, & ordainis all sik perones to be arrcited to the first aire, to compeir under the paine of rebelloun and putting of them to the horne, and gif they compeir not, to put them to the horne, and denunce them our Sovrain Lordis rebelles: And that sik ordour of arrcistment of sik perons be keiped, as it were in a general aire.

17. *Of Cruves and zaires.*

ITEM, That the acte maid be our Sovereine Lordis Father, quhome God assoilzie, and uthers his Progenitoures, anent the halding of cruves and fish zaires, be observed, keiped, and put to execution in all poyntes, with this addition: that the receipters and assisters to sik perones, incur sik-like paine as the principalles. And that sik-like proces be had against them, as is devised and statute against the slayers of read-fish, Salmond and Smoltes.

18. *For hostellares and travellers in the Cuntrie.*

ITEM, It is statute and ordained, that the Actes maid of before, be King James the First, and uthers our Sovereine Lordis Predecessores be observed, keiped, and put to execution in all poyntes. And for eschewing of exorbitant prices tane of the Kingis lieges, travelland throw the Realme, and of the prices of victualles, flesh and fish: It is ordained, that letters be direct, to commande and charge all Provostes, Aldermen, Baillies and Officiares of Burrowes, baith to Regalitie and Royaltie, and als Lordes and uthers Barronnes, that hes Burgh in Barronie, aub hostellares on their landes: that they cause hostellares baith to Burgh and to lande, ilk man within himselfe, and boundes of his Office: To have honest chalmers and bedding, for receiving of all passengers and strangers, passand and travelland throw the Realme, weill and honestlie accuterred, with gude and sufficiente stables, with heck and manger, corne, haye, and straa, for their horse, flethe, fish, breade and aile, with uthir furnishing for travelloures, to be saule upon ane competent price, and sik-like stuffe, as is sauld commounly in the cuntrie about, quhair sik hostellares dwellis. And that they set zeirly prices thereupon, as the said hostellares may live and susteine their ludgeinges, under the paine to be called, and punished therefore, at the Kingis Grace will. And that ditty be rane hereupon, upon the breakers of this statute, to be called at general Justice aires, or uthir particular diettes, quhen the Kingis Grace pleasis.

19. *Of studes and stude places.*

ITEM, It is statute and ordained, for the commoun weill of the realme, that all manner of perones haveand studes and stude places, within this Realme, make the same to be plenished with stude meires, and greate stallounes, for furnishing of Horse to all manner of perones within the Realme.

20. *That no man sell Nolt nor sheep to English-men, nor send victualles, fish, nor salt in England.*

ITEM, Because ane greate part of the Realme, and specially neare the Bordoures, hes bene thir mony zeires by-gane, in our Sovereine Lordis lesse age unplenished, and ane great part of the In-land spuilzied of their gudes, and the same had and sauld in England, be the thieves and traitoures, quhair throw all maner of stuffe hes grown to ane great price and dearth: And now our Sovereine Lorde, putting ordour of justice, rest, and tranquillitie amangst his Lieges, and that plentie of gudes may grow amangst them: Hes ordained and statute, with the advise of his three Estaites in Parliament, that na maner of men in time cumming, sell Nolt, Scheepe, or uthir cattle, auld nor zounge, to ony English-men be himselfe, or ony uthir mediate person, nor have or sende the same in England to be sauld: And that na maner of men send into England victualles, fishe, or salt, under the paine of confiscation of all their moveable gudes. And that all

Wardens

Wardens, Provestes, Baillies of Townes, and keepers of Portes and Havens within the Realme, make diligent search and seeke the breakers hereof, under the paine of tinsel of their offices, and prisoning of their persones zeire and day, induring the Kingis Grace will. And gif ony *English-man* will cum into this Realme, with their Schippes, to bye victualles, fish or salt, the Kingis Grace sall grant to them his safe-conduct to do the famin, if his Grace thinks the famin expedient: And the saide safe-conduct being obtained: It fall be leasum to all Merchandes, and uthers within the Realme, to sell sik merchandice to the saidis *English-men*, for gold and silver, or to bat tour with uthir gudes sufficient Merchandice.

21. *Fore-stallers.*

ALSWA, It is statute and ordained, that na Fore-stallers be foundin bye and victualles, fish, flesh, or uthir stuffe, or the famin be presented to the mercat, nor zit into the mercat, or the time of day, statute and ordained thereto, under the paine of prisoning of their persones, and escheitring of all sik gudes cost or arled be them, that is to say, the twa part to the Kingis Grace, and the thrid part to the Schireffe or Officer of the Schire, Provestes, Baillies, and Officiares of the Burrowes, or to ony uthir that findis them doing in the contrair hereof.

22. *All Beggars suld begge within their awin Paroch, and have the marke thereof.*

ITEM, For refraining of the multitude of maisterfull and strange beggars: It is ordained, that the acte maid thereupon of before, be King *James* the First, apprievd, and ratified be uthers our Sovereaine Lordis Predecessours, be observed, kept, and put to scharpe execution in all poyntes, with this addition: That na beggars be thoiled to beg in ane Parochin, that ar borne in ane uthir, and that the heademen of ilk Parochin, make takinnes and give to the beggars therEOF, and that they be susteined within the boundis of that Parochin, and that nane uthers be served with almous within the boundis of that Parochin, bot they that bearis that takinne allanerlie, under the pains conteneid in the said acte. And that the Justice Clerke make inquisition, and take dittay hereupon at everie Justice aire. And als ordainis letters to be direct to command and charge the Provest and Baillies of *Edinburgh*, and all uthers Provestes, Baillies of Burrowes, Schireffes, and uthers Officiares of the Kingis, to put this acte to execution in all poyntes, and the famin to be published at all places neidfull, swa that nane fall pretend ignorance, or allegeage they knew not the famin in time to-cum.

23. *The maisters of the Girth, suld make deputies, quha suld deliver male-factours, that may not bruik the priviledge thereof.*

ITEM, For the mair hastie expedition, and punishing of them that committis slauchter upon fore-thocht-fellonie, and flyis to Girth, conforme to the acte of Parliament maid thereupon of before, quhilk oft-times takis nane effect, throw pretense of excuse of the maisters thereof, Spiritual men that will not deliver the saidis trespassours to OUR SOVERAINE LORDIS Officiares, conforme to the tenour of the saide acte: Herefore it is statute and ordained be the KINGIS GRACE, with advise and consente of the three Estaites of Parliamente, that all Maisters of Girthes within this Realme, fall make sufficient responsal men, Baillies or Maisters of Girthes, under them, dwelland at the saidis Girthes or neare thereby, quha fall be holden in all times cumming, to deliver all Committers of slauchter upon fore-thocht-fellonie, that flies to Girth, and uthers trespassours that breakis the famin, and may not bruik the priviledge thereof, conforme to the common Lawe, and Acte of Parliamente foresaide, to OUR SOVERAINE LORDIS Officiares, askand and desfrand them to underly the Lawe, conforme to the saide Acte of Parliament. And gif the saidis Baillies failziez there-intill, to be rigorously punished for their contemption, in their bodies and gudes, at OUR SOVERAINE LORDIS will. And that all Maisters of Girthes, Spiritual men, sende to the Justice Clerke, the names of their Baillies and Maisters of Girthes depute, and to be depute be them, that quhen ony sik eximes ar committed and done, that Letters may be direct to all Schireffes, Baillies, or Stewartes, within quahis boundes the saidis Gyrthes ar, to charge the saids Baillies or maisters, to deliver to them the saidis trespassours, conforme to the acte of Parliament.

24. *Asentis Merchandes that saillis in-contrair the Actes maid of before.*

ITEM, It is statute and ordained, be the Kingis Grace, and the three Estaites of Parliamente, that the Acte and statute maid be umquhile OUR SOVERAINE LORDE, King *JAMES* the Thrid: And als ratified and apprievd, be umquhile OUR SOVERAINE LORDE that last deceased, of gude minde, quhom God assoilzie: touching merchandes passand with their merchandice forth of the Realme, to *France*, *Flanders*, or ony uthir partes: That na merchand sailli, without he have ane halfe laste of gudes of his awin, or else in governance, as factour to uthir Merchandes, Be put to execution in all poynts, in time to cum, after the forme and tenour of the famin. And ratifies and apprievs the said acte and statute now in this present Parliament. And attour, ordainis the Provest or Baillies of Burrowes,

siuate at ilk Porte of the Realme, to searche and seeke the persones, breakers of the saidis statutes: And that they distreinzie ilk perfon breake thereof, for the summe of twentie pound, to be applyed on this wise. That is to say, th'ane half to OUR SOVERAINE LORDS use, and th'other halie to the Proveff or Baillies for their labours: And that they make compt thereof zeirly in the Checker. And gif the Proveff or Baillies be negligent in the exercising of their Offices, and power given to them: they fall be obliged to pay the said paine of twentie pounce for everie man, that passis and fallis in contrair the said acte at that Porte, quhair they have jurisdiction: And als it is ordained, that na Schipper, Maistres, awners of Schippes, receive onie Merchande to saille in their Schippes, without they have the names of them in Tickettes, subscribed be the saidis Proveff and Baillies handes, under the paine forefaide for ilk perfon that they receive in their Schippe, and that OUR SOVERAINE LORDIS Customers, or any uthers, that please; accuse the saids Proveffs and Baillies, gif they be negligent in the premises, zeirly at the Checker. And letters to be direct hereupon in dew forme, as effeiris. And als, that letters be written to the Conservatour of the Nation in *Flanders*, containd the effecte of this acte, charging him to send hame the names of all Merchands resortand there in everie Schip, in contrarie the tenour of the said acte, to the Thesaurer, under the paine of tinsel of his office.

25. *That na Schip sail with Staple gudes fra Simons day and Judes, quhill Candle-mes.*

ITEM, Our Sovereine Lord ordainis, the acte maid be King *James* the Second, be the quhill it is ordained, that na Schip be fraucht out of the Realme with ony staple gudes, fra the feast of *Simons* day and *Judes*, unto the feast of the *Purification* of our *Lady*, called *Candle-mes*, be observed, keiped, and put to execution in all poyntes, with this addition: That the paine of them that cummis in contrair hereof, fall be in times cumming, twentie pound, to be raised of ilk perfon, breakers of the said acte: Except it fall be leiffull to send ony kinde of Merchandice forth of the Realme, in the time forefaide, in ony Schippes that bringis in Salt or Wine.

26. *Of the chusing of Officiares in Burgh, and bringing of the compts of their commoun gudes zeirly in the Checker.*

ITEM, Because all our Sovereine Lords Burrowes ar put to povertie, wasted, and destroyed in their gudes and policie, and almaist ruinous throw fault of using of Merchandice, and that throw being of Outlandes men, Proveff, Baillies, and Aldermen within Burgh, for their awin particular weill, in consuming of the commoun gudes of Burrowes, granted to them be our Sovereine Lord, and his Predecessours, Kings of *Scotland*, for the uphald of honestie and policie within burgh: It is herefore statute and ordained, that na man in time cumming, be chosen, Proveff, Baillies, or Aldermen into Burgh, bot they that ar honest and substantiall Burgesse, Merchandes, and indwellers of the said Burgh, under the paine of tinsel of their freedom, quha dois in the contrair. And that na man dwelland within Burgh, purchase Lordship out of Burgh, in ony his action or quarrell, to molest, trouble, or give feare and dreddour to his Nichtbour and partie, under the paine contained in the actes and statutes maid thereupon of before. And that all Proveffes, Baillies, and Aldermen of Burrowes, bring zeirly to the Checker, at the day set, for giving of their compts their compt buiks, of their commoun gudes, to be seene and considered be the Lords Auditours, gif the samin be spende for the commoun weill of the Burgh, or not, under the paines forefaids. And that the saidis Proveff, Baillies, and Aldermen of everie Burgh warne zeirly, fiftene daies before their cumming to the Checker, all they quha likis to cum, for the examining of the saidis compts, that they may argue and impugne the samin, as they please, swa that all murmure may cease in that behalfe.

27. *That na man trouble nor molest Proveff, Aldermen, Baillies, and Officiares within Burgh.*

ITEM, It is statute and ordained, that na man, Earle, Lorde, Barronne, or uther of quhat-sum-ever degree about and adjacent Nichtbours to Burrowes, molest, trouble, nor inquiet the Proveff, Aldermen, Baillies and Officiares of Burrowes, and Merchandes thereof, in using of their Franchies, liberties, and priviledges, granted to them be our Sovereine Lord, and his Predecessours, Kingis of *Scotland*, and in contrair the acts and statutes maid thereupon, under the paine to be called and accused as commoun oppressours of our Sovereine Lordis Lieges, at Generall Justice aires, or private diettes, and Justice courtes, as fall be thocht expedient be the Kingis Grace: And that the Justice Clerke take inquisition and ditty hereof, as effeiris.

28. *That na man ride, bot in sober maner.*

ITEM, It is statute and ordained, that because there hes bene great inconvenients and trouble wrocht in the cuntrie, be great perfonnes, throw convocation of the Kingis Lieges, at courts and gadderings, that therefore na persons take upon hand to ride to sik courts and gadderings, with maa perfonnes, then they may susteine in houshalde dailie, excepte that it fall be leiffull to Schireffes, Stewardes, Baillies, and uthers the Kingis Officiares, to ride with greater number, for the execution of Justice, and fourth-beating of the

Kingis authoritie. And quha so dois in the contrair, fall be called therefore incontinent, at our Sovereine Lordis instance, to be punished therefore in his person and gudes, at his Hieneffe will.

29. *For Malt-makers.*

ITEM, Because our Sovereine Lordis lieges, inhabitants in the Burgh of *Edinburgh*, and uthers repair and thre to, at greatlie oppressed and injured be the Malt-makers of *Leith*, and uthers, within and about the said Burgh, in selling of their malt to hie and exorbitant price, for foure, five, or sex shillings higher; then they bye the Beare: Therefore it is statute and ordained, that the saidis Malt-makers in time cumming, fall make and sell their Malte for competent winning, takand twa shillings allanerly mair for the boll of Malt, then the boll of beare is fauld, and not abone: with certification, that quha cummis in the contrair hereof, That the Provest and Baillies of *Edinburgh*, fall escheit the said Malt: And the said Malt-makers takand mair then twa shillings for the boll, abone the boll of beare, quhilk fall make the different price, fall be called and punished therefore, as oppressours of the Kings lieges, and particular Justice Courtes fall be set to them therefore. And our Sovereine Lorde fall give Commiſſion to sik as pleas his Grace beste, to call all the said Malt-makers, breakers of this statute and acte, before them in the Tolbuith of *Edinburgh*, to do Justice upori them, as they thinke expedient: And to cause the said acte and statute to be observed, and keiped in all poyntes.

30. *Of Craftes-men, Browfiers, sellers of salt and victual within Burgh.*

ITEM, Because the great oppression dailie done upon our Sovereine Lordis lieges; be Cordoners, Smithes, Baxters, Browfiers, and all uther Craftes-men; sellers of victual and salte, compelland them to pay for their stuffe and warke-manschip exorbitant prices, to the greate skaith of all our Sovereine Lords Lieges, bringand sik dearth in the Cuntre, that the famin may not be susteined: And for remeid hereof: It is statute and ordained, that our Sovereine Lord, fall give ane commiſſion to certaine his Lords and uthers, quhom his grace pleas best, to sit, and with them the Provest of *Edinburgh*, and make sik statutes and ordinances, as they fall thinke maist expedient for the commoun weill, to cause all Craftes-men within the Towne of *Edinburgh*, and uthers of the Realme, to make gude and sufficient stuffe, and sell the famin of ane competent price, and to take competentlie for their warke-man-ship and laboures gif they worke ane uther mannis stuffe and mater. And to make all sellers of victual or salt, to sell the famin of ane gainand-price without dearth: And quha dois in the contrair, to punish them with all rigour, and the saids Commissioners to do Justice upon the breakers of their ordinances, als oft as they heare murmure or complaint thereof, and to punish them in their gudes, as they finde the greatnesse of the faulte, as effectis.

31. *That na man sail into Flanders, bot twise in the zeir.*

ITEM, It is statute and ordained, for the honestie of the Realme, weill and profit of all our Sovereine Lordis Lieges, and speciallie his Burrowes and Merchandes of his Realme, that na Schip be frauchred, nor Merchandes sail therein, with their gudes and merchandice forth of the Realme in *Flanders*, bot twise in the zeir, that is to say, to the *Pasche* mercat, and *Rude*-mercat, under the paine of ilk person cummand in the contrair hereof, twentie pound, to be raised and in-brocht to the Kingis Grace use.

32. *The life-rent of all vassalles, being zeir and day at the horne, perteinis to the immediate Superiour.*

THE Quhilk day, in the mater referred be the Lordes of Session to the Lordes and three Estaites of Parliament, for interpretation of certaine Lawes of the Realme, schawin and produced before the saidis Lordes of Session, in ane action mooved before them, and zit dependand be *James Kennedie of Blairgubane*, against *Thomas Makcellane of Gylefoun*, for the mailles and dewties of the landes of *Castel cruik* and *Killimnoch*, with the pertinents, lyand within the Schireffedome of *Wigtoun*, perteinand to the said *Thomas* in heritage, halden of the said *James* immediatlie in chiefe: and throw his being at the horne attour zeir and day, The mailles and dewties of the saids lands, be the Lawes of the Realme, perteinis, and suld perteine to the said *James*, for the said *Thomas* life-time. And because the saids Lawes were variant in their selves, and therefore were referred to the interpretation of the Estaites of Parliament, gif the famin concernis simple slaughter or not, and suld have place in that mater or not, as at mair length is contained in the acte maid hereupon, of the dait at *Edinburgh*, the fourth day of *March*, the zeir of God, ane thousand, five hundred, threitie foure zeires: Baith the saidis parties being personallie present with their Procuratoures and Fore-speakers, the saidis Lawes and uthers their reasones and allegations being heard, scene, and understandin, the Lords of articles being ripelie advised therewith: finds that the use in times by-gane, hes bene, that the mailles and dewties of the landes of them that hes bene zeir and day at the horne, halden of uther Superiours then the Kingis Grace, zeir and day being by-paste, returned againe to the Superiours of the saids landes, for the life-time of them that susteined sik proces of horning zeir and day, as

said is: except crimes of treason, and lese-majestie. And findis that the saidis Lawes suld be sa interpreted and used in times cumming.

33. *Justice aires ar peremptour at the second diette.*

ITEM, Our Sovereine Lord, with advise of his three Estaites of Parliament, ratifies and apprievis the acte and statute maid of before in his Hiennesse Parliament, halden at *Edinburgh*, the tenth day of *Julij*, the zeir of God, ane thousand, five hundredth, and twentie five zeires, anentis the setting of Justice aires to the seconde aire, as aire and court peremptour and uther poynres conteined in the samin, with correction and addition, as after followis. **I**TEM, It is statute and ordained in this present Parliament, because the proces of Justice aires, is sa lang and prolix, that in many zeires, parties that ar hurte and grieved, gettis na Justice, trespasses and crimes passis unpunished, quhilk is occasion of many persones to commit crimes, traisting na hastie punition or correction: That therefore in time to cum, the proces of Justice aires and Justice Courtes be peremptour at the seconde aire or Courte, swa that fugitives not compeirand at the seconde aire or court, sulde be, and fall be denounced Rebelles, and put to his Horne, and all their gudes his escheir.

34. *The Crowner may arreist fugitives at their dwelling places, and the Paroch Kirk.*

AND ALS, Because many persones indicted to Justice aires, ar charged with sovertie to Justice Courtes, usis to absent them and flee, and may absent them and flee, swa that Crowners cannot apprehende them personally to arreist them: In that case in all times to cum, it fall suffice the Crowner to cum to the dwelling place of the persones indicted, and there make them warning and charge, that they compeir in the Justice aire, then next to follow, to answer to sik accusations of crimes as fall be impute to them: And thereafter upon the next *Sunday* or Festival day following the saide charge, that the Crowner make open and publicke intimation of his warning, charge, and premonition, maid to the saidis persones be their names, in their Paroch Kirkes, quhilkis charges, premonitions, and inumations fall stande to them for sufficient arreistmentes, the Crowner prievand the samin be his aith, and ane witnesse, as auld consuetude is. And in likewise, the Kings Officiares makand warning to private Justice courtes of ony persones, for ony crimes not deservand rebellion: In case of none-finding of sovertie, that they keipe the samin ordour and proces, quhilk fall be halden and repute for sufficient sovertie foundin, under the paine of lawe, the action not be and for slaughter nor mutilation: And ordains the Justice Generall, upon ony maner of crimes, committed, or to be committed, to set Justice courtes particular, quhen neede is, for punition of particuilar faultes and crimes that occurris, sik as recent slaughter, mutilation, fire, ravishing of women. And as for depredations, maisterfull rieses, and spuilzies, that particuilar diettes be set therefore, at the discretion of the Lordes, the mater being first civile decided before them.

35. *The persewer suld finde caution for reporting the letters.*

AND Because divers persons in times by-gane, hes raised siklike letters to particuilar diettes, and hes absented baith themselves and the letters and hes not cum to persew their actions, and there-throw hes abused the Justice, and brocht the cuntrie to greate expenses. For remeid hereof: It is ordained, that in times cumming, the keepers of the Signer, fall answer na letters for calling of ony persones and parties, to sik particuilar diettes: bot gif the samin be subscribed with the Clerke, writor to the Signer, and Justice Clerk, and his deputes: And that the Justice Clerk, or his deputes, fall take sicker sovertie of the parties purchassers of sik letters, that they fall bring the samin againe to them, or the day set thereto, dewlie execute and indorfat, under the paines contained in the letters, that the parties called upon.

AND Gif ony persones be called upon mutilation, and the samin be foundin na mutilation: The partie persewer, fall content and pay the unlaw of ten pound, lesse or mair, to the partie persewed, and expenses to the assise, at the discretion of the Justice, and his assesseours. And gif ane partie callis ony multitude for slaughter, mutilation, or uther crimes at sik particuilar diettes, quhair by the innocentes, ar put to great trouble, charge, and expenses, and it be foundin that the said multitude is innocent of the dead, the partie persewer fall pay ane unlaw of ten poundes, lesse or mair, to the partie persewed, and expenses to the assise, at the sight and discretion of the Justice, and his assesseours, as they thinke cause: And gif the purchassers of sik letters, be not responsal in gudes, for payment of the said expenses, their persones fall be put in prison, and there to remaine, zeir and day, and further induring the Kingis Grace will.

36. *The addition of the acte of cursing.*

ITEM, It is statute and ordained, for augmenting, strengthening and helping of the acte maid upon cursid folkis, and giving of the Kingis letters thereupon, and to meete frivole appellations: That the Kingis letters fall have place to poynd and disreinzie &c. Suppose it be dewlie appealed, zeir and day being by-past, the appellant not bringand hame his Commission, within zeir and day, *Cessante jussu impedimento*. And the partie quhome fore the Kingis letters fall happen to be given, findand sufficient caution before the Lordes of Council, to refund the gudes and gear, that fall happen to be poyned, be vertue of the saidis letters, gif

gif it fall happen the sentence quhair-upon the saidis letters fall be given, to be retreated be the judge delegat, notwithstanding any appellation therefra, the partie appelland beand warned and called, to heare the fovertie and caution tane: And that the partie appelland, schawand before the saidis Lordes, the sentence retractatour, letters be direct, to poynde the saidis foverties therefore.

F I N I S.

T H E F I F T H
P A R L I A M E N T
O F
K I N G J A M E S T H E F I F T H.

Halden at Edinburgh, the XVII. day of Maij, the zeir of God, Ane thousand, five hundred, threttie seven zeires.

36. *The institution of the College of Justice.*



THEM, Anent the second article, concerning the ordour of Justice, Because our Sovereine Lord is maist desirous to have ane permanent ordour of Justice, for the univerfall weill of all his Leiges: And therefore tendis to institute ane College of cunning & wise men, baith of Spiritual & Temporal Estate, for doing and administration of Justice in all civil actions: And therefore thinkis to be chosen certaine persones maist convenient, and qualified thefore, to the number of fourtene persones, halfe Spiritual, halfe Temporal, with ane President: The quhilkis persones fall be authorized in this present Parliament, to sit and decide upon all actions civil, and nane uthers to have vote with them, unto the time the said College may be institute at mair leasure.

37. *The place quhair to sit in, and of the Feriat times.*

AND Thir persones to beginne and sit in *Edinburgh*, on the morne after *Trinitie Sunday*, quhill *Lamb-mes*: And thereafter to have vacance, quhill the nireene day of *October* nixt after, and then to begin and sit quhill *Saint Thomas Even* afore *Zule*, and thereafter to begin on the morne after *Epiphane day*, and sit quhill *Palme-Sunday Even*, and thereafter to beginne upon the morne after *Dominica in Albis*, and sit quhill *Lamb-mes*.

38. *The Lordes to be sworne.*

AND Thir persones to be sworne to minister justice equalle to all persones, in sik causes as fall happen to cum before them, with sik uther Rules and statutes, as fall please the Kingis Grace to make, and give to them, for ordouring of the samin,

39. *The authorizing in Parliament.*

THE Three Estaites of this present Parliament, thinkis this article weill conceived: And therefore the Kingis Grace, with advise and consent of the saidis three Estaites, ordainis the samin to have effect in all poyntes, and now ratifies and confirmis the same, and hes chosen thir persones under-written, to the effect foresaid, quhais processe, sentences and decreetes, fall have the samin strength, force and effect, as the decreete of the Lordes of Session had, in all times by-gane.

40. *The autoritie of the Chaucellar and Lordes.*

PROviding alwaies, that the Lorde Chaucellar being present in this Towne, or ony uther place, he fall have vote, and be principal of the said Council. And sik-like uther Lordes, as fall please the Kingis grace to injoyne to them of his greate Council, to have vote siklike, to the number of three or foure.

41. *The names of the Lardes.*

THAT Is to say, the Abbot of *Cambuskenneth* President, Maister *Richard Both-well*, Schir *John Ding-well*, Maister *Henrie Gybite*, Maister *Robert Schawwel*, Vicar of *Kirk-caldie*, Maister *William Gibsone*, Maister *Thomas Hay*, Maister *Arthur Boyce*, The Laird of *Bakwerie*, Schir *John Campbell*, Maister *Adame Otterburne*, *James Colvill* of *East Weemes*, the Justice Clerke, Maister *Frances Both-well*, Maister *James Lawfon*. And thir Lordes to subscribe all deliveranges, and name uthers, after they begin to fit, and minister Justice.

42. *The Chancellor and President, to receive the aithes of the Lordes absent.*

ITEM, The said day the Kings Grace hes committed his power to the Lord Chancellor and Abbot of *Cambuskenneth* President, conjunctlie and severallie, to receive the aithes of them that ar absent, chosen, and named to be of this Session, and in their absences the aithes of ony uther, quhom his Grace will name thereto, gif the saidis perones chosen cummis not beuixt this and *Satterday* nixt-to-cum. And in absence of the Lord of *Cambuskenneth*, President, the Kings Grace hes chosen the Abbot of *Kinlasse* to minister therein, quhill his returning.

43. *The Chancellor, President, and Lordes of the Session, to make the ordour how it sall be proceeded in their Session.*

ITEM, His Grace hes given command to the Chancellor, president, and Lordes of the Session, to advise, Councel, and conclude upon sik rules, statutes, and ordinances, as sall be thoct to be them expedient to be observed and kept in their maner and ordour of proceeding at all times. And as they devise, conforme to reason, equitie and Justice, his Grace sall ratifie and apprieve the samin. And ordains the saidis Lordes of Session, to keip all thir aucht daies cummand, in advising and making of their rules and institutes, for the ordour of Justice: And after the forme of the samin, to begin and call maters on *Monunday* nixt-to-cum. And in the meane time, to deliver billes, and call priviledged summoundes, as they thinke expedient.

44. *The division of the Realme quarterlie.*

IN The first, it is devised and ordained, that the Lordes of the Session sall begin quhair they left last in calling the Table: And that the priviledged summoundes of everie quarter, sall be tabular with the un-priviledged summoundes of that quarter: And all to be called, and have proces baith upon priviledged and un-priviledged, quhill that diet or quarter be ended: And to begin quarter after quarter, as after followis: And thir Schires to be in the first quarter, that is to say, *Forfar*, *Kincardin*, *Aberdene*, *Bamfse*, *Elgin*, *Forresse*, *Narne*, *Invernes*, and *Crommartie*: The second quarter, *Edinburgh*, *Linlithgow*, *Selkirk*, *Roxburgh*, *Peblis*, *Berwick*, and *Haddingtoun*: The third quarter, *Strivling*, *Aire*, *Renfrew*, *Lanark*, *Wigtoun*, *Drumfreis*, *Kirk-cudbright*, and *Aennandale*. The Fourth quarter, *Fife*, *Perth*, *Clackmannan*, *Kinross*, *Dumbartane*, *Ergyle* and *But*.

45. *That all summoundes priviledged, be called on Monunday ouklike quhilk followis, and horning all times.*

ITEM, It is devised and ordained, that thir summoundes under-written sall be priviledged, and to be called by the ordour of the diettes, that is to say: recent spuilzies, calling of letters, redeeming of landes, actes of adjornall, superiours to hear them decerned to tme their superiorities, reduction of inordinate processe, that is to say, retreating of Rolmentes of courtes, led before Schireffes, Barronnes, Bailies, retreating of decreetes, and transferring of decreetes: And thir to be called be themselfe, and to be called ouklike upon *Monunday*. And gif *Monunday* beis halie-daie, to have proces on the nixte day thereafter: And all thir to be called, except letters that concernis horning, quhilkis sall have proces at all times, as they cum.

45. *That all the common maters be called on all the daies of the oulk, except Friday, for the Kingis maters, and strangers, and the Queenis maters.*

ITEM, All uther maters to be called be the ordour of the Table, upon all the daies of the oulk, except Friday, quhilk is assigned for the Kingis maters, and the maters of strangers. And gif the Kingis Grace nor strangers hes na maters ado upon Friday, then the common Table to have proces, and sik-like the Queenis maters. And it fall be na exception to alleage, that the said Friday is ordained for the Kingis maters.

46. *That all continuations be called at the dayes assigned thereto.*

ITEM, That all continuations of proces before the Lordes, quhair acts ar passed, be called at the daies assigned thereto, for expedition of witnesse, and eschewing of expenses.

47. *Auentis*

47. *Auentis deliverance of cognition to Schireffes.*

ITEM, It is deuised and ordained fra thine forth, that it be eiked in all deliverances direct to Schireffes, for uthers judges ordinaires, that they admit to the parties their lauchfull defensis, and to minister Justice equallie to baith the saidis parties.

48. *The Councel-houſe to be reparrelled.*

ITEM, That seates be honestlie maid and covered with greene claith, flocked on the Kingis expences, quhair the Lordes fall sit, and fall be maid ane buird, quadrangular, or round, about the quhilke there may sit auchtreene perſones easilie: And that there be maid seate upon seate, and ane Bell to be hung to call in the Maisters, or parties, as the Lords requiris.

49. *That all Lordes enter in the Tolbuith at aucht houres.*

ITEM, That all the Lordes fall enter in the Tolbuith and Councell-houſe at aucht houres in the morning dailie, and fall sit, quhill eleven houres be stricken.

50. *That the Councel-houſe be isched after the entrie of the Lordes.*

ITEM, Alsoone as the Lords be entred in the Tolbuith, that an Maister ische the Councel-houſe, and himselfe fall stande at the dure, and let na man enter. And gif ony Lord, or uther man cummis to the dure, and desiris entresse, that he advertise the Lordes thereof. And gif they have ony mater they will propone, that silence be had, quhill they have done, and then to remooe.

51. *That na man pley bot parties and their procuratoures.*

ITEM, That na man enter to pley, bot parties contained in their summondous, and their procuratoures, gif they will ony have.

52. *That Billes and continuation be first red, and fine the Table.*

ITEM, Incontinent after the Lordes be entred and sittin downe, and all the houſe be isched: That all Billes be first red and exped. And gif there be ony actes of continuation of proces begun, that the samin be next called: And fra thine the Lordes beginnis to call ony mater, or act of continuation, that na Bill be received nor red: And fra time that ony summondous be called be the Table, that na actes of continuation be called for that day: And that all parties, or their Procuratoures, deliver to the Chancellor, or president their Billes, Actes, and Letters of continuation, or they enter in the Tol-buith, or incontinent thereafter, at the charge or warning of ane Maister.

53. *For examination of witnesse.*

ITEM, That oulkie there be depute three of the Lordes of the seate in their towre: That is to say, the first oulk twa Spiritual, and ane Temporal, and thereafter twa Temporal, and ane Spiritual: And swa fourth oulkie, as they ar put in Bill and ordour, to examine all witnesse: The quhilkis Lordes fall conveene everie day, as neede requiris, in the Councel houſe, at twa after noone, with the Clerke of the Councell, or ane of his Clerkes or writers, sworne and admitted be the Lordes, and fall remaine quhill foure houres in the examination of witnes, or schorter or langer, as neid beis: And all the parties, or their Procuratoures, be warned to bring their witnesse, at the saidis houres.

54. *That all maters be called be the ordour of the Table.*

ITEM, That na mater be called, bot be the Table, conforme to the statute abone written, maid and deuised thereupon.

55. *That silence be had in the Councel-houſe.*

ITEM, That the Lordes beand sittin downe, and billes begun to bee red, that silence be had amangst the Lordes: And that na man commoun, or speake of ony mater, or rownd with his marrow, bot as he fall be required, and speired at be the Chancellor or President: And as they command ony twa Lords of the seate to argunne or dispute ony mater, that nane uther interrupt them, quhill they have done: And then the Chancellor or president, to require onie uther to argunne the mater. And quhen they have done, gif there be ony uther of the Lordes, that hes ony opinion, or argument to make, that they aske leave fra the Chancellor or President, and then to argunne, as they thinke expedient.

56. *Of*

56. *Of the giving of votes, and of our thereof.*

ITEM, All argumentes and disputations beand maid, and the Lords haldand silence, my Lorde Chancellor or President, fall aske or require everie Lordis vote in that mater, as they ar in the ordour be the actis and buikes of Councell: Quhair names the Clerk of Councell fall reade and name: And sa ordourly the Chancellor or President to aske everie Lords vote: And that nane argune ane uther in the giving thereof.

57. *That ten Lordes fall remaine with the President.*

ITEM, in advising and giving of all sentences and decreetes, there be ten Lordes at the least, with the Chancellor or President: And that nane of the Lords chosen and admitted, departe, or bide awaie, without licence asked and obtained fra the Chancellor or President, in presence of the hail Councell, for reasonable causes: And that they returne againe at the day affixed to them. **I**TEM, that all publications of witnesse, and uthers attestations, and examination of proces, be maid before the hail Auditour.

58. *Execution of sentence to be maid be Herauldes, Purssevantes, and Maiffers.*

ITEM, That all sentences and decreetes of the Lordes, be execute in times cumming be the Schireffe of the Schire, or his deputes, quhair the parties dwellis, against quhom the saidis decreetes ar given, or fall happen to be given: Or else be Herauldes, Purssevantes, or Maiffers: And that nane take mair for the execution of their office, bot after the forme of the acte of Parliament, bot gif it be of benevolence of the partie, under the Paine of deprivation of their office: And that they deny not to do their office, under the paine foresaid, allwecill to pure, as riche.

59. *Of the Clerkes of the Signet.*

ITEM, That all Clerkes of the Signet be sworne to exerce their offices lauchfullie and diligently. And that nane of them fall reveale nor make manifest to any man, quhat they write or dois for ane uther, bot fall keip all close and secreit.

60. *Anent payment for Billes of complaint, and the Kings letters.*

ITEM, That na Clerk of the Signet tak mair for the writing of ane bill bot aucht pennies. And for the writing of ane letter upon ane decret of the Lordes & deliverance, bot twentie pennies, nor for nane uther letter, mair then was used in our Sovereine Lordis time, quha last deceased, quhom God assoilzie, under the paine of tinsel of his office.

61. *Anent the delivering of Billes.*

ITEM, That na Clerke of the Signet enter in the Councel-house, for delivering of ony Billes, bot that the deliverance be written be ane writer of the Councel: And to provide, that nane frustrate ane uther of his laboures and profite: That everie ilk Clerke of the Signette, that writtis onie Billes, marke the famin with his awin name in the Bill, writtin within, and the famin fall be delivered to him againe, or the partie, quhill of them cummis to aske the said Bill, they pay-and to the writer of the deliverance, fourc pennies.

62. *That Maiffers keepe Councel.*

ITEM, That all Maiffers be sworne to execute their office faithfullie and diligentlie, and they fall reveale na thing, that they fall happen to heare commoned amangst the Lords, under the paine of deprivation and infamie.

63. *Quhat Maiffers fall take for their laboures.*

ITEM, That na Maiffers take mair fra ony partie, that happenis to obtaine ane decreete in the Session, bot twa shillings: Bot gif the parties gives mair of their awin benevolence, under the paine fore-said.

64. *The number of Advocates, and their names.*

ITEM, It is statute and ordained, that there be ane number of Advocates and Procuratoures chosen, and to be chosen, to the number of ten persones, that fall be called general procuratoures of the Councel, of best name, knowledge, and experience, admitted to procure in all actiones, of quhom the names followis: They ar to say, Maister Robert Galbraith, Maister Robert Lesly, Maister Henry Spittle, Maister John Letham, Maister Henry Lawder, Maister Thomas Kincaid, Maister Thomas Marjoribankes, Maister William Johnston: And gif ony uthers cunning men will desire to be admitted to the office of Advococation and Procuracion, they fall be received with advise of the saids Lordes, for compleiting of the

the said number. And that thir Procuratoures foresaidis, procure for everie man for their wages, bot gif they have reasonable excuse.

65. *Advocates to be sworn.*

ITEM, That all the saidis Advocates and Procuratoures chosen, or to be chosen and admitted, fall be sworn to exerce faithfully and diligentlie the office of Advocation and Procuracion.

66. *That all Advocates passe forth of the Councell-hous, quhen the Lordes passis to disputation.*

ITEM, It is statute and ordained, that all Advocates and Procuratours fall enter in the Conncell-hous, at the calling of all sumoundes and acts, and remaine quhill the parties have arguned and dispute their matters at the Barre, and then to remooove quhen the parties ar remoooved, and then to enter againe at the giving and pronuntiation of interloquutoures, quhen the parties enters.

67. *Anent exceptions dilatoures.*

ITEM, It is statute and ordained, anent proces and formalitie to be kepte be Advocates in pleying before the Lordes, that ane dilatour exception being proponed, and repelled be ane inter-loquutour of the Lordes, that the Advocates, Procuratoures, or parties be their selves, fall propone the lave of their dilatoures at anis. And that nane Advocat nor Procuratour within the Bar stand to pley, bot passe out-with with the partie, except the Kingis Advocat.

68. *The Kingis gude minde anent the Lordes of the Session.*



Orfameikle as we for the great affection, that we have for Justice to be done, and equalle miniftrat to all our Lieges, hes in our laste Parliament, chosen ane certaine number of persones, Spiritual & Temporal, to be upon our daillie Session, and to minister Justice equalle amang all our Lieges, as saide is, after their conscience & understanding: And all the saidis persones ar sworn to do the famin: And als at our command, they have maid certaine statutes and rules to be observed and kepte be themselves and uthers in their doinges, and proceeding for Justice in all times. The quhillkis statutes & rules we have subscribed with our

hand. Herefore we of our awin free motive & proper will, ratifies & apprievis be thir presentes, all and sundrie the saidis statutes maid be our saidis Lordes of Session in everie poynt. Attour, wee promit to the saidis Lords, that we fall not be ony private writing, charge or command at the instance of ony person, or desire them to do utherwaies in ony mater that fall cum before them, bot as Justice requiris: or to do ony thing, that may breake statutes maid be them at our command and doing of Justice. Als wee fall authorize, mainteine, and defende all the saidis Lordes, their persones, landes and gudes fra all harme, wrang, hurte, and injurie to be done to them be ony maner of person: And quha that dois in the contrair, fall be punished with all rigour.

And because the saidis Lordes chosen upon our Session, presentis our person, & bearis our authoritie in doing of Justice, Wee fall have them, baith Spiritual & Temporal in special honour & maintenance. And wee fall give na credence to ony man, that will murmur them, or ony of them, be doing of wrang, or inhonestie: Bot gif they fall be called before us, and gif they be foundin culpable, to be punished therefore, after the qualitie of the fault and demerite: And gif they be foundin cleane and innocent, the person compleening, fall be punished with all rigour, and never to have credite with us againe. Attour, because the saidis persones man awaite daillie upon our saide Session, except at feriat times, & suld be therefore privileged abone uthers.

Herefore we have exeemed, and be the tenour hereof exeemis them, and everie ane of them, baith Spiritual and Temporal, fra all paying of taxes, contributions, and uther extraordinare charges, to be up-lifted in ony times cumming, and fra the bearing of ony office or charge within Burgh, or out-with, bot gif it be their awin free will and consent.

ITEM, We grant to our saidis Lordes of Session, that gif ony person or persones, dishonouris and lichtlies them, or ony ane of them, in ony maner of way: That they command and charge, and put that person or persons in warde in our Castel of *Edinburgh*, or ony uther our Castellies they please, to remaine quhill they have maid satisfackion for the fault, at the saidis Lordes consideration, gif the fault be small and injurious: And gif it be greate, quhill they advertise us thereof, that wee may gar the famin be amended, and punishment maid therefore, as effeiris.

THE SUBSCRIPTION.

AND This our ratification and approbation promit and grant of all thir premisses, We have subscribed with our hand, And ordainis the famin to be put in the buikes of our Councell togidder with the statutes maid be our saidis Lordes of Session, Subscribed in likewise with our hande at our Castel of *Strivling*, the tenth day of *Junij*: And of our Reigne the nineteene zeir.

JAMES R.

F I N I S.

V

THE

Juramentum.
Statuta
Approbat.
ta.

The Kingis
promit
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trair.

Protection
for the
Lords of
the seise.
Na minister
information
to be
heard
against the
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called.

The
Lords free
of all taxes
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The pun-
ition of
the persons
that faultes
to the
Lords.

T H E S E X T

P A R L I A M E N T

O F

KING JAMES THE FIFTH.

Halden at Edinburgh, the tenth daye of December, the zeire of God, ane thousand, five hundredeth, and fourtie zeires.

69. *The aire may be foresfalted for treason committed be his Predecessoure.*



HE Quhilk day, Maister *Henrie Lauder*, Advocate to our Sovereine Lord, exponed in presence of the Kingis Grace, and the three Estaites of Parliament, how that his Grace had raised fummounds upon the aires of unquhile *Robert Lesley*, to heare his name and memorie delete and extinct, for certaine poyntes and crimes of lese-majestie, committed and done be him or his decease. And therefore all his gudes moveable and unmoveable, pertaining to him the time of the committing of the saide crime, and sensine, to be decemed to pertaine to his Grace: And becaufe it is murmured, that it is ane noveltie to raise fummoundes, and moove sik ane action against ane person that is deade, (howbeit the commoun lawe directlie provide the famin:) Neverthelesse for stanching of sik murmure, and that his Grace tendis on na sorte to moove or doe ony thing, bot that hee may justlie bee advised of the three Estaites: Therefore desired the said three Estaites, to advise thereupon, and that his Grace may have sensement of Parliamente, quhiddir that he hes ane action to perfwik fummoundes or not. The haill Estaites, Spiritual, Temporal, and Commissioners of Burrowes, all in ane voyce, but variance and descrepance, hes delivered and concluded that his Grace hes gude cause, and just action to perfwik the said fummoundes, & all uther siklike fummoundes of treason, done and committed against his person, and commoun weill, conforme to the commoun law, gude equitie and reason: Notwithstanding there is na special lawe, acte, nor provioun of the Realme, maid thereupon of before.

70. *THE KINGIS GRACE REVOCATION.*



E JAMES Be the grace of God, King of *Scottes*, understanding clearly the privilege of the commoun Law, acts and statutes of our Realme, provided and given to the Successours of all maner of persones, to revoke, casse, and annull all things done be them in their zouthhead and lesse age quhairthrow they ar greatlie and heavelie damaged and skaithed in their heritages, be imprudent alienations, donations, and venditions of the famin: And that they may at their persfite age revoke the famin, and all things done be them prejudicial in their minoritie and lesse age: And therefore our Predecessours, Kingis of *Scotland*, at their persfite age of twentie five zeires past, hes in times by-gane, maid revocation of all sik thinges that hes bene done be them in hurt and detriment of their Crowne, lands, rents, and possessiones, pertaining to the famin, and uther thinges quhair-intill they, be circumvention, were damaged and skaithed, maid their revocation, cassand and annulland all sik gifstes, alienations, and donations: Herefore we at our persfite age of twentie five zeires by-runnin, beand for the time forth of our Realme, in the partes of *France*, maid our general revocation schortlie at *Roan*, the thrid day of *April*, the zeir of God, ane thousand, five hundredeth, threttie seven zeires, as at mair length is contained in ane instrument maid thereupon, subscribed with the hand of Maister *George Cuikie* Notar publicque: Of the quhilk the tenour followis.

Wee for certaine great and reasonable causes moving us, and havand respect to the weill of our Crowne, and commoun weill of our Realme, revokis all maner of gifstes, infestmentes, and dispositiones quhatsum-ever, we have maid, or hes bene maid be our Tutoures and Governoures, for the time, during our minoritie and lesse age, in quhatsum-cvcr cause or case, that they may cum under revocation, be the commoun law, or consuetude of our Realme: Protecting solemnely, that our absence forth of the famin at this time, and the solemnities required on that behalfe, not being done, be to us na prejudice, anentis the said revocation, with the quhilkis we dispense, and supplies all faultes therewith, be our Kinglic power and authoritie Royal, and will that this stande for our general Revocation of all maner thinges done be us, or our saidis Tutoures: And the famin to be extended in the maist ample and large forme, as

only

any others Revocations maid be our maist Noble Father, or our Progenitours, Kingis of Scotland: The quhill our said general Revocation, We in this present Parliament, with the adwise and consent of our three Estates, ratifies and apprievis, and zit, as after followis, revokis, cassis, and annullis in general, and als in special.

IN The first, we revoke, cassis, and annullis, all infeftmentes, donations, alienations, and dispositions maid be us, our Tutors, Governours, or Regents in our les age, in any maner of way in fee, few-ferme, or franck-tenement of ony lands, Lordships, customes, annualles, fishinges, Burrow-mailes, and Castell waides annexed to our Crowne, or ony parte thereof, alswell given be our Father, quhom God assoilzie, as be us: to ony person or persones, in contrair the actis maid thereupon of before: to be reduced againe to us, and to our Crowne, be vertue of the actis and statutes maid of annexations, and after the forme of the samin.

IT E M, We revoke all alienations of ony rentes, landes, and heritages, annexed to the principallitie, and to the Prince, second person of the Realme, maid be us in maner foresaid.

IT E M, In likewise, we revoke, cassis, and annullis, all donations, alienations, few-fermes, and giftes quhar-sum-ever, in life-rent, or uther waies, in our none-age of the landes, rentes, annualles, or ony uthers revenues, that our Father had in his possession, the time of his decease, be gift, or uther waies, and of all offices, sik as Chalmernaries, Baileries, & Customaries, maid for maaz zeires, bot fra ane Checker, quhill the compt be maid in the next Checker, after followand. And als, all affedationes and tackes maid for langer termes nor five zeires.

IT E M, In likewise, wee revoke and cassis, all tailzieis maid fra the aires general, to the aires mail, of ony landes within our Realme, against the law and gude conscience.

IT E M, We revoke all new infeftmentes of landes, given in blanch-ferme, that were halden of us of before, be service of warde and reliefe.

IT E M, We revoke all Regalities and confirmations of the Regalities, and of all offices given be us in heritage, or be our Father, against the actis and statutes, that na Regalitie suld be given in heritage, without advise and deliberation of the haili Parliament.

IT E M, We revoke all alienations, maid of ony heritages, in our none-age, that becum lauchfullie in our handes, be reason of fore-faltour, bastardrie, or uther waies, and life-rentes given thereof in our minoritie.

IT E M, Wee revoke all new creations of Landes, Barronnies, annexations and unions of diverse landes into fee, in prejudice of our dew service, aucht to us, and our Progenitours of before. And siklike we revoke, all discharges of service of suites of Courtes aucht of auld to our Progenitours.

IT E M, We revoke all new infeftmentes given of creation of Barronnies, in the landes and Lorde-shippes annexed to our Crowne.

IT E M, We revoke all giftes and confirmations given be us, of quhar-sum-ever landes and heritages, be evil and false suggestion, be the expreming of ane false cause, quhair gif they had bene expremed ane trew cause, and the veritie, we had not given the samin. And there-throw we ar greatumlie and enornelie hurte.

AND Generallie, Wee revoke, cassis, and annullis, ali and quhar-sum-ever things, done be us in our lesse age, in detriment and harme of our saule and conscience, hurting of the priviledge of our Crowne, prejudicial to the samin, and to us in our patrimonie thereof. And quhar the common Law, and consuetude of our Realme leavis us to revoke. And this our Revocation to be of als great effect, and als largelie extended in General and in Special, as ony Revocations, maid be ony our Progenitours, Kingis of Scotland of before: And specially be our dearest Father, of gude minde, quhom God assoilzie, and King JAMES the Second: And prorestis, suppose we of our favours and benevoience, suffer ony person or persones, to use or possede ony priviledges or possessiones of landes, rentes, and offices, that ar fallen under our Revocation: It sall make na nolit to the users or halders thereof. Bot it sall be leiffull to us to put our handes thereto, quhen ever it sall please us, but ony contradiction, be vertue of our said Revocation, actis, and constitutions of our Realme, maid of before.

71. That all Schireffes and uthers Officiares be present personally, at the three head Courtes zeirlie.

FOR THE Mainteining of Justice, and putting of gud ordour thereto, out through all this Realme: It is statute and ordained, that all Stewards, Baillies, and Schireffes, hald all their three head Courtes be themselves in proper person, without they have just and lauchfull excuse, throw being in the Kingis Grace service, and to testifie the samin be his Grace writing or throw sickness, that they may not travel: And that the Kingis Grace autoritie be not lichtlied, and his Lieges want debtfull administration of Justice: It is siklike statute and ordained, that all Barronnes and Free-halders, that awe sute and presence into the saidis Courtes, to be there personally, and the absentis to be americiat with all rigour: And quha that awe bot sute, that they send their tutors, honest and qualified men, able to decide upon ony cause conformand to the auld Law: And that the saidis Schireffes, Stewards, and Baillies, admit nane uthers, as he will answer to the Kingis Grace, and to passe upon inquests and assises, and assist to the Kingis Schireffes, Stewards, and Baillies, in administration of justice, and doing of their offices and service, conforme to their infeftmentes, as they will answer to the Kingis Grace, upon their utter-maist charge.

72. *All Temporal Judges, shal set their Courtes upon fiftene daies.*

ITEM, Because our Sovereine Lord hes bene, and is of gude will and minde to have Justice schortelie done to all his lieges, swa that throw lang proces, his lieges be not lang taried and vexed in greate expenses: Therefore hes statute and ordained, that all Schireffes and Temporal judges, fall in times cumming, in all personal actiones, set their courtes peremptourlie upon fiftene daies: And direct their precepts thereupon, and at that day procede *summarie & de plano*: The partie being warned upon fiftene daies, and make sik processe in all thinges, as is used before the Lordes of Councel and Session: Notwithstanding onie auld Lawes and constitutions maid thereupon of before: And all uthers maters and actiones to have sik processe, as they have had in times by-gane.

73. *Of the qualities and aith of deputies.*

ITEM, That all Schireffes and uthers Officiares of the Kingis within this Realme, make their deputies, ane or maa, gude and wise substantiall men, of best fame, knowledge, understanding, and experience, within the Schireffedomes, and least suspect: for quhome they fall answere for administration of Justice, to all persones indifferently. And that they cause their deputies to be maid, creat, and sworne in plaine courte, and ane acte maid thereupon: And gif they continue their deputies langer then for ane zeir, that they cause them zeirly to be sworne to their offices, for the administration of Justice, at the head courtes after *Michael-mes*.

74. *The indorfaton of all letters shal be stamped.*

ITEM, That all Schireffes, Stewardes, and Baillies, cause their Maires and Officiares, quha fall execute the Kingis letters and charges, or their awin precepts, to have ane signet, and in it graved the first letter of their name, or first of their fur-name, or else sum uther thing, that fall bee universally knawin to be their signet, with the quhilkis they fall signet all letters and precepts execute be them, and indorfat in times-to-cum: And that na indorfaton fall have faith, nor be admitted, bot they that ar signed with the saids signettes. And sik-like, that all officiares of the Kingis, have their signettes in maner foresaide: And signet all letters and charges execute and indorfat be them, under the paine of deprivation of them fra their Offices, that makis ony sik executiones, without their signettes foresaids. And gif ony of their executiones wantis their signet, the famin fall have na faith.

75. *The ordour of sumounding of all persones in Civill actiones.*

ITEM, For eschewing of greate inconvenientes and fraude, done to OUR SOVERAINE LORDIS Lieges, be sumounding of them at their dwelling places, and oft-times falslie, and gettis never knowlege thereof: IT IS statute and ordained, that in times cumming, quhair ony Officiar or Schireffe in that parte, passis at commande of the Kingis letters, or the Schireffes, Stewardes, Barronnes, or Baillies precept, to sumounde onie partie, gif they cannot apprehende them personallie, they fall passe to the zett or dure of the principal dwelling place, quhair the perlon to be sumounde dwellis, and hes their actual residence for the time, and there fall desire to have entresse, quhilk gif it be granted, they fall first schaw the cause of their cumming: And gif they cannot get the partie personallie, they fall schaw their letters or precept before the servandes of the houle, or uther famous witness, and fall execute their offices and charge, and there after fall offer the copie of the saids letters or precept to ony of the servands, quhilk gif they refuse to do, that they affix the famin upon the zett or dure, of the persones sumound: And sik-like, gif they get na entresse, they first knock and at the dure sex knockes, they fall execute their office before famous witness, at the said houle and dwelling place, and affixe the copy upon the zett or dure thereof, as said is, quhilk fall be ieffull and sufficient sumounding and delivering of the copie, and the partie, nor Officiar fall not be halden to give ony uther copie, bot at their awin pleasure. And everie officiar in his indorfaton, fall make mention of his awin execution, in maner foresaid. And the partie at quha's instance, the letter or precept is direct, fall pay to the Officiar executour the expenses of the copie affixed, as said is: And fall be taxed and given againe to him, at the giving of the decreet or sentence, gif he happenis to obtaine: And gif the Officiar beis foundin culpable in the execution of his office, he fall be put in our Sovereine Lordis prison, and punished in his person and gudes, at the Kingis Grace will.

76. *The election and examination of Notars.*

ITEM, Anent Scribes and Notars, baith to lande and Burgh, because it is understande to the Kingis Grace, that the multitude of them generis ane great confusion, monie falsettis ar committed: For remeid hereof, It is statute and ordained, that everie Schireffe, with sik persones as fall please the Kingis Grace to adjoyne to them, fall call before them, all Notars that ar laick men, within his Schireffedome, and boundes of his Office, and examine them, and quha that ar halden to be famous and able men to execute the Office, that they be admitted be ane acte in judgement: And that the said Schireffe have ane buik, and

gar them that ar admitted, write their subscription, and signes manual in the said buik, sik-like as they subscribe all instrumentes, & as they will use in times cumming, and to discharge all uthers, except them that ar writers, Notars, and Scribes, in OUR SOVERAINE LORDS Courtes of Justice, baith Civill and Temporal, quhair fall be admitted be the Chancellor, President, and Lordes of Councell, and quhair after the said discharge makis ony instrument, the samin fall be of nane availle, and have na faith, it beand opponed be the partie, and not beand proven in the contrair, that the said Notar is admitted, as said is: And that all Ordinaires cause sik-like to be done upon all Notares, that ar Spiritual men within their Diocese: And quhair that happenis to be maid Notares in times to-cum, that they use not the said Office of Notarie, unto the time they cum before the Schireffe or Ordinar, and gette their admission, subscribe and put their signes in the saidis buikes, as they will use in times to-cum, with certification to them, and they failzie, their instrumentes fall be of nane availle, and make na faith.

77. *Saisinges upon precepts of the Chancellarie, said be given be the Schireffe Clerke, and all uthers be honest Notars.*

ITEM, It is statute and ordained, for eschewing of inconvenients of giving of saisinges be private Notars, quhair names ar oft-times un-knawin, and their protocollis not be gotten, in-cas the principal instrument be rinte, destroyed, substrafted, and halden awaie. For eschewing hereof: THAT All faisinges be given in times cumming, be the Schireffe Clerke, or his deputes, whom-for he fall answer, and be nane uthers, upon all precepts that passis be the Chancellarie: And all uthers faisinges to be given be famous Notars admitted thereto, and be nane uthers.

78. *Of the admission of Notars, be the Lordes of Session.*

ITEM, Because there is in the acte preceedand, greate credence and faith to be given to the Notars and Clerkes of Courte: It is statute and ordained, that all Schireffes, Stewards, Baillies, and uthers, baith to Burgh and Lande, present their Clerkes and Notars in presence of my Lorde Chancellor, Presidente, and Lordes of Councell, to be examined, sworne, and admitted: Providing alwaies, that they change or chuse as they please: And quhair that beis new chosen, to be presented, and admitted, as said is.

79. *That the Protocolles of all saisinges be presented zeirliche in the Checker.*

ITEM, Anentis the acte of Parliament maid of auld, quhair it is ordained, that all Schireffes bring with them at their Checker comptes anis in the zeire ane buik containand all saisinges given be them, at the least, the day, the moneth, of the giving of the said saisinge, and the name of the landes contained in the samin, beiked in this manner: That the Clerke of the Court cum with the said Schireffe or his Deputes, in everie Checker, and bring the said buik with him, subscribed with his awin hand and signe manual, that the samin may remaine in the Register: Swa that the Kingis Grace may know his tennentes, and all uthers havand entresse, may have recours thereto.

80. *Of false Notars and witnesse, Counsellers, and users of falsed.*

ITEM, For punishment of false Notares, and them that bearis false witnesse, or that inducis ony man to beare false witnesse: And siklike of them that makis false instrumentes, or causis make ony false instrumentes, or usis the samin wittinglie: That all sik persones in times cumming, be punished in their persones and gudes with all rigour, siklike as it is provided be the disposition of the commoun Law, baith, Canon, Civil, and statutes of the Realme.

81. *Of Notars Ordinar in the Schireffe Court, or utherswaies.*

ITEM, For eschewing of greate inconvenientes, that dailie occurris, in the reducing of processe, led before Schireffes, Stewards, and Baillies of Burrowes, Regalities and Barronnies, quhair there is oft-times produced and schawin instrumentes, contrair to uthers: That is to say, the instrumentes and actes maid be the Scribe of the court, beirand ane way, and instrumentes tane in uthers Notars handes, beirand ane uther way, and oft-times alleageance, that was never heard nor understande to the judge, his affeours, or uthers members of court: Therefore in times cumming: It is statute and ordained, that all instrumentes, notes and actes be maid and tane in the handes of the Scribe, and Notar Ordinar of the Courte, or his Deputes: And gif ony partie will have ane Notar with him, for mair securitie, that that Notar passe and stande within Barre, in quhair handes it fall be leifull to onie partie, to rake documentes, togidder with the Notar of Court: And that ilk ane of them be insert witnesse to uthers, with ane parte of the maist famous persones, affeours or uthers members of court being within Barre, with sik uther honest-men as ar present, with certification, gif this forme and fashion be not kept, that the instrument taken in ony uther Notars handes, nor the Scribe of courte, fall have na faith. And gif the Notar and Scribe of courte, refusis to give instrumentes,

menres, actes, or notes to ony perſones deſirand the ſamin, he ſall tyme his office, and ſall be called and puniſhed in his perſon and gudes at the Kingis Grace will.

82. *For giving of Commiſſiones, in prejudice of the Ordinar.*

ITEM, Aneint the article given in be the Schireſſes, that quhair they have their offices in heritages, and greatumlie hurte begiving of Commiſſiones to uthers Officiares, in caſes pertainand to their offices: And for remeid therefore: The Kingis Grace, with the adviſe of his Eſtaires, hes ordained, that na commiſſion be given in times cumming, for ſerving of brieves, appriſing of landes, bot to the Judge Ordinar: And gif ony partie ſall happen to give in ony complainte, for the getting of commiſſiones, for ony cauſe that is reaſonable, the ſaid commiſſion ſall not be granted, unto the tyme the ſaide Schireſſe, Steward and Bailie be warnid to heare the Commiſſion given, or elſe to alleage ane reaſonable cauſe, quhy the ſamin ſuld not be given.

83. *Of leaſing-makers.*

ITEM, Touching the article of leaſing-makers to the Kingis Grace, of his Barronnes, Greate men and Lieges, and for puniſhment to be put to them therefore: The Kingis Grace, with adviſe of his three Eſtaires, ratifies and apprievis the actes and ſtatutes maid thereupon of before, and ordainis the ſamin to be put to execution in all poyntes: And als ſtatutis and ordainis, that gif ony maner of perſon makis onie evil information of his hieneſ to his Barronnes and lieges, that they ſall be puniſhed in ſik maner, and be the ſamin paines, as they that makis leaſinges to his Grace of his Lordes, Barronnes, and lieges.

84. *The acte of annexation of landes to the Crowne.*

ITEM, Becauſe it is underſtandin, and weil adviſedlie conſidered be the Kingis Grace, and three Eſtaires of his Realme, beand aſſembled in this preſent Parliament, that the patrimonie of his Crowne, & revenues thereof beand augmented, is the great weil and profite, baith to the Kingis Grace, and his Lieges: And therefore it is thocht expedient, that our Sovereaine Lorde, followand the gude example of his predeceſſours, ſuld annex to his Crowne, for the honourable ſupporte of his Eſtaite Royall, in all adventures and caſes, baith in weere and peace, ſik landes and Lordſhippes, as ar now preſentlie in his handes, that ar not annexed of before, and the ſaidis lands being annexed, to remaine perpetuallie with the Crowne, may nouthir be given awaie in fee, nor franck-tenement, to ony perſones, quhat ever Eſtaite or degree they be of, without adviſe, decreete, and deliverance of the haill Parliamente, and for the great reaſonable cauſes, concerning the weil-fare of the Realme, firſt to be adviſed and digeſtly conſidered, be the haill Eſtaires. And albeir it ſall happen **OUR SOVERAINE LORDE**, that now is, or onie his Succeſſours, Kingis of *Scotland*, to annalie and diſpone the ſaidis Lordſhippes, Landes, Caſtelles, Townes, donations, and advocacones of Kirkes and Hoſpitalles, with their pertinentes to the Crowne, as ſaid is annexed, that the alienation and diſpoſition, ſall bee of nane availle: Bot it ſall be leiſfull to the King for the tyme, to receive thay landes to his awin uſe, quhenver it likis his Grace, but ony proceſſe of Lawe, and the takers ſall reſounde and paye all profites, that they have tane up of thay landes againe to the Kinge, for all the time that they have had them, with ſik uthir reſtrictions, as is contained in the Actes of Parliamente, maid bee his maiſt Noble Predeceſſours, Kingis of *SCOTLAND*, in the Annexation to the Crowne.

AND Therefore his Hieneſſe, with adviſe and Counſell of his three Eſtaires, hes annexed to his Crowne, to remaine there-with, in maner foreſaid, thir landes after following. **IN** The firſt, the Landes and Lordſhippes of all his Iles, South, and North: The twa *Kyntires*, with the Caſtelles pertaineing thereto, and their pertinentes: The landes and Lordſhippe of *Orkney*, *Zetland*, and the Iles pertaineing thereto, and their pertinentes. The Landes and Lordſhippe of *Dowglaſſe*, with the Caſtell, Towre, and ſortalice thereof, donations, and advocacones of Kirkes and benefices, and their pertinentes: The Landes and Lordſhippes of *Crawford-Lindsay*, and *Crawford-John*: The Landes and Lordſhippes of *Bonkill*, *Preſfloun*, and *Temptalloun*, with Towres, Fortalices, landes, rentes, advocacones and donations of Kirkes: The Landes of *Drumſire*: The Landes and Lordſhippe of *Jedburgh* Forreſt: The Lands and Lordſhippe of *Kerymure*, with all their pertinentes: The ſuperioritie of all and haill the Earledome of *Angus*, and all uthir landes, rentes and poſſeſſiones, quhilkis pertained to *Archbald*, ſume-tyme Earle of *Angus*, the tyme of the ſaid Earles fore-faltour, and now being in our Sovereaine Lordis handes, be reaſon thereof: The Landes and Lordſhippe of *Glamis*, that ar not halden of the Kirk: The Landes of *Baky*, *Balmuketries*, *Tannades*, *Drumglies*, *Lang-forquand* and *Balbekwies* with the Towres, Fortalices, advocacones, and donations of Kirkes, and their pertinentes: The Landes of *Raclaweb*, *Qubite-campt*, over and nether *How-cleruch*: The Landes, Lordſhippe, and Baroniae of *Avandail*, with the towre and Fortalices thereof, advocacones and donations of Kirkes, their annexes and connexes, and all their pertinentes, ſik-like aſumquhile *James Hamiltoun* of *Finuart* Knicht, had, and bruiked the ſamin, before the tyme of his fore-faltour: The Landes and Lordſhippe of *Liddeſdale*, with the Caſtell of *Armitage*, advocacon and donation

donation of Kirkes, and their pertinentes: The landes and Lordship of *Bath-well*, with the towre, fortalices, and their pertinents.

85. *Weapon-schawinges to be twiſe in the zeir.*

ITEM, Touching the first article anentis the weapon-schawing: It is thought necessar, that weapon-schawinges be maid twiſe in the zeir, out throw all the Realme, that is to ſay, in the monethes of *Junij* and *October*, at ſik day or dayes, and place, as ſall pleaſe the Schireſſe, Steward, Baillies, Proveſt, and Aldermen of Burrowes, to aſſigne after the quantitie of the Schire, gif the muſturs cannot be all tane on ane day. And that they make warringes thereto, upon the premonition of twentie daies. And that the ſaids muſturs be tane be the Schireſſe of the Schire, Proveſt, and Baillies of Burrowes, and Baillies of Regalities, and others Commiſſioners, quhome the Kingis Grace pleaſis to aſſigne to them. And becauſe they have bene ſa lang out of uſe, of making of weapon-schawinges: It is thoct expedient, that the ſamin be maid thiſe for the firſt zeir. And the firſt time to be on the morne after *Law-Sunday*, nixt-to-cum.

86. *That the army of Scotland be un-horſed, except great Barronnes.*

ITEM, Anentis the maner of cumming of our Sovereine Lordis Lieges to weere, horſed and un-horſed: The Kingis Grace underſtandis the gear hurte, ſkaith, and damage done in cumming of multitude of horſe-men, throw deſtruction of cornes, meadowes, and herrying of pure folkes: And als the greare impediment maid be them in the hoift, quhair all men mon fight upon fute: **THEREFORE** hes ſtatute and ordained, that na maner of man have horſe with him, bot bee reddie to gang on fute, fra the place that pleaſis the Kingis Grace to aſſigne to be the firſt meeting and aſſembling of his armie, except cariage horſe allanerlie: And gif ony man cummis on horſe-back, or bringis his horſe with him, except for his cariage, as ſaid is, that he incontinent ſend his horſe hame againe with ane rinnand boy, and with na fenſible man, or able of perſon to beare weapons, under the paine of death: Providing alwaies, that albeit this Acte is maid General, the effecte thereof, ſall not extend to Earles, Lordes, Barronnes, and greate landed men, bot that they, and ſik others, as ſall be thoct expedient be the Kingis Grace, or his Lieu-tenentes, ſall paſſe on horſe-back, quhair ever the Kingis Grace movis with his armie.

87. *The maner of Harnesse, weapons, and armour.*

AND As to the maner of Harnesse and weapones, and how everie man ſuld be armed and weaponed: It is ſtatute and ordained, that all **OUR SOVERAINE LORDIS** Lieges have weapones and harnesse, as after followis: **IN** The firſt, that everie Noble-man, ſik as Earle, Lorde, Kñicht, and Barronne, and everie greate landed-man, havand ane hundreth pounde of zeirlie rente, bee an-armed in quhite harnesse, licht or heave as they pleaſe, and weaponed effeirand to his honour: And that all others of lower rent and degree in the Law-land, have jack of plate, halkrik, or brigitanes, gorget or peſane, with ſplentes, panſe of mailzie, with glooves of plate or mailzie: And that all others **OUR SOVERAINE LORDIS** Lieges, Gentle-men unlanded, and zea-men, have jackes of plate, halkrikes, ſplentes, ſallate, or ſteil-bonet, with peſane or gorget, and everie man with ſworde: And that na maner of weapons be admitted in weapon-schawinges, bot ſpeares, pikes, ſtarke and lang, of ſex elnes of length, *Leithaxes*, halbardes, hand-bowes and arrowes, croce-bowes, culverings, twa handed ſwordes: And everie man to be anarmed, as ſaid is, under the paine of five pound, to be tane of everie landed-man, fiſtie ſhillinges, of everie Gentle-man, and xx. ſhillinges of everie zea-man: als oft as they be foundin faultous in the premiſſes. And becauſe it is underſtandin, that their weapones and harnesse may not be compleitie gotten at the firſt weapon-schawing, that is to ſay, on the morne after *Law-sunday* nixt-to-cum: Therefore it is diſpenſed be the Kingis Grace, that they make their ſchawinges and muſturs with ſik harnesse and weapones, as they have, or may convenientlie get againſt the ſaid day.

88. *Of armour conforme to everie mannis rent and ſubſtance.*

ITEM, It is ordained for weapon-schawinges in Burrowes, that everie man havand ane hundreth poundeſ worth of geare, be anarmed in quhite harnesse, and weaponed as landed-men foreſaide. And everie man within ane hundreth poundeſ worth of gudes, and that may ſpend ten pound, be anarmed as Gentle-men landed, and zea-men men, in maner foreſaid, and under the paines abone written.

89. *That all perſones preſent in weapon-schawing be writen, with the maner of their armour.*

ITEM, That na fraude be maid in the making of the ſaids weapon-schawinges, and that the Kingis Grace may knaw the ordour of his people: It is ſtatute and ordained, that everie Earle, Lorde, Barronne, Laird, and others command to the ſaids weapon-schawinges, give the names of the perſones that

ſall

fall cum with them thereto in Bill to the Schireffe, Baillie, Stewarde, Lorde, or Baillie of Regalitie, Provest, Alderman, and Baillies to Burgh, or to ony utheris, quhome it fall please the Kingis Grace to give commissioun to with them, and that they roll their names in ane buike, with the maner of their harnesse and weapones zeirlic, in everie weapon-schawinge, sealed with their awin seale, and subscribed with their handes, sende and deliver the samin to the Kingis Grace, to be keiped and considered, bee quhome his Grace fall please to give the cure thereof. And that all Lordes and Baillies of Regalities, do sik-like zeirlic, within the boundes of their offices.

90. *The premonition of the weapon-schawinges.*

ITEM, That all OUR SOVERAINE LORDIS Lieges, be warned to the saidis weapon-schawinges, upon fourtie daies warning, for the first time: And zeirlic at everie time thereafter, upon twentie daies.

91. *The chusing of Captaines in everie Parochin.*

ITEM, That execution may be had throw all the Realme, amongst all OUR SOVERAINE LORDIS Lieges, for exercising of their persones in ordour, swa that be learning of ordour, and bearing of their weapons in time of peace, they may bee the mair experte to put themselves in ordour haistliclie, and keipe the samin in time of neede: It is thocht that this article is verie-necessarie to be provided: AND therefore statutis and ordainis, that everie Schireffe, Stewarde, Baillies, Provestes, Aldermen, and Baillies of Burrowes, Lordes and Baillies of Regalities, at everie weapon-schawing concurre and sit downe, with the Kingis Commissioners, that fall happen to be depute to them, and they togidder, to consulte with the maist able persones of the Schire: And after that they have rolled the names of everie man, with their harnesse and weapones, chuse ane able man for everie Parochin, or maa, as it is of greatnesse, or for smaller Parochines ane, quha fall bee Captaine, or Captaines, to the cumpanies of the saidis Parochines, and fall learne them to gang in ordoure, and beare their weapons, and fall convene their saidis cumpanies twife at the leaste in everie Moneth, of the Monethes of Majj, June, and Julij, at quhat dayes they fall thinke maist expedient, upon Halie-daies before noone: And als in all uthers Moneths, gif they may gudlie, and there exerce them in maner foresaid. And that na man dis-obey the saidis persones, Captaines, to be depute and chosen, as said is, under the paine to bee punished at the Kingis will. And that the saide Captaine bee chosen, als oft as beis seene expedient be the Schireffe of the Schire, Commissioners, and Councell admitted to him to that effect.

92. *Ane generall remission, granted be the Kingis Grace to all his lieges.*

ALSWA, Our Sovereine Lord, understanding the great occasion and evill exemple for the time, given to his Lordes, Barronnes, and all his lieges, to commit and do the time of his lesse age, sik offenses and crimes of treason and urtherwaies, quhilk deservis great and hie punishment, quhilkis as his Grace understandis, be the gude and trew service done be them to him, sen his cunning to perfite age, they walde not have done nor committed: And because his Grace thinkis, that he will not be unremembrand and ingrate, for the gude and thankefull service done to him, be his saidis Earles, Lordes, Barronnes, and lieges of all degrees, hes remitted and forgiven, and be the tenour of this acte, remittis and forgives to all his saidis lieges, all maner of crimes of treason, done be them in our Sovereine Lordis time, that last decessed, and his Predecessours, Kingis of Scotland, and in his hieneffe awin time, unto the daie and date of this present act. (The intelligence with *Archebald* sum-time Earle of *Angus*, *George Douglas* his brother, and umquhile *Archebald Douglas* of *Kilskindie* their Eame, sen the time of giving of doome of fore-saltour against them allanerly excepted) And therefore exhorts and prayis presentlie, all his Barronnes and lieges, to be trewe and thankfull subiectes unto his Hieneffe, as he fall nor fail, to be ane gude, thankfull and loving King to them: And that the copie of this acte, sufficientlie extracted, fall be sufficient remission, without ony uther particular writing.

F I N I S.

T H E S E V E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E F I F T H.

Halden at Edinburgh, the fourteenth day of March, the zeire of God, ane thousand, five hundredeth, and fourtie zeires;

93. *Ratification of the institution of the College of Justice.*



THE Kingis Grace, with advise of his three Estaites of Parliament, understanding that the institution of his College of Justice, and acts maid thereupon, ar right profitable to his Grace, and all the hail Realme: And therefore now after his persnate age of twentie five zeires; hes ratified and apprieved, ratifies and apprievis, for him and his Succesours, the instirution of the saide College of Justice, and Actes maid for administration of Justice therein: And likewise ratifies & apprievis the confirmation, ratification, approbation of the *Paipse*, of the erection of the said College, and of the gift of all benefices, rentes, given & to be given, assigned, & to be assigned, to the honest sustentation of the said College of Justice: And all priviledges, quhatsum-ever graunted, and to bee graunted thereto, bee the *Paipse*, and his hieneffe:

And wils, and ordainis for the causes foresaid, that the said College and institution thereof, remaine perpetuallie, for the administration of Justice, to all the lieges of this Realme, and to be honoured sik-like, as any uther College of Justice in uther Realmes. And arour; gives and grantis to the President, Vice-president, and Senatours power to make sik actes, statutes, and ordinances, as they fall thinke expedient, for ordouring of proces, and haifte expedition of Justice: And in absence of President and Vice-president, wils; that the eldest in ordour of the saidis Senatours, be President for the time, to the effect, that there may be na stop of Justice any time, throw absence of the said President, and Vice-president.

94. *Hagbuttes and uther small artaillarie, to be furnished within the Realme,*

ALS WA, Becaus the schot of gunnes, hagbuttes, handbowes, and uther small artaillarie, now commounlie used in all Cuntries, baith be Sea and Lande in their weeres, is sa felloun and un-schewable to the pith of high coutage of Noble and vaileiant men, quhaiis actes and deedes cannot be schawin, without contrair provision bee had of instrumentes of weere and battel: IT IS Herefore statute and ordained be the Kingis Hieneffe, with advise and consent of the three Estaites of his Realme, that everie landed-man within the famin, fall have ane Hagbutte of Founde, called Hagbutte of Crochet, with their Calmes, Bulletes, and pellockes of leed or irone, with powder convenient thereto, for everie hundredth pound of land, that hee hes of newe extent: And he that hes bot ane hundredth marke land, fall have twa Culveringes: And ilk man havand fourtie pound land, fall have ane Culvering, with Calmes, Leede, and Powder, gainand thereto, with treastes to be ar all times reddie, for schutting of the saide Hagbuttes: And that everie man of living foresaide, fall have ane man or maa, as hee may furnish, for schutting of the saide Hagbuttes and Culveringes, and to learne others to schutte the famin: And that everie man have the said artaillarie effeirand to his living, substantiouse furnished, as saide is, reddie within auchteene Moneths; next after the publication of this acte, under the paine of doubling the price, that will bye ilk peice of the said artaillarie, to be applyed to the Kingis Grace use, for byeing of the famin to himselfe: And the saidis auchteene Monethes being paste, that everie man make his mustures with the said artaillarie, weil furnished, as said is, at the next weapon-schawinges. The quhilk being done, they fall not be bundin to bring their said artaillarie to any weapon-schawings thereafter, bot gif they be speciallie required thereto, bee the Kings Grace writing, or be the Schireffe, or uthers Judges Ordinar, under the Kingis Grace. And that this acte be extended, allweill to the Lordes of Regalie, and their tennentes, as to them of Royaltie: And that everie Kirk-man furnish, sik-like artaillarie in maner abone writen, to bee schawin at weapon-schawinges, as said is, after the availe and quantirie of their Temporal landes: And that their artaillarie remaine at the Castell, Abbay, or Mansion of the Bishoppe, Prelate, or Kirk-man, to be kept there and left to his Succesoure, quba fall bee halden to up-hald the famin, for the defense of the Realme: And because it cannot be nowe clearly understandin of the availe and quantirie of everie Burgh; quhat artaillarie, and how meikle they may furnish: THEREFORE It is statute and ordained, that

dewties, and swa kenned heretable possessour thereof, zeir and daye: The person or persones havand private state and saifing of the saidis landes, fall never be heard, to claime the same, against the seconde heretable possessour, for any cause, bot to persue his interest against the principal giver, and his aires: And the person seller or giver, to be called and declared infamous, at the Kingis Grace instance, and to be punished in his person and gudes, at the Kingis Grace will and pleasure. And gif the Over-lordes receivis double resignations wirtandie, to the effect abone written, they to bee punished sik-like: And this Acte to be extended to them, that makis double asseclationes, and double assignationes.

106. The creditour may perſew him quia is charged to enter within ſourtie daies, and enters nocht.

AND Anent the remeid to be put to the fraude dalleie committed be heretoures of them that ar dead, and ar awand great fummess of money, to findrie persones their creditoures, and the saidis aires fraudfullie lyes forth, and will not enter to their landes, swa that they may be distreinziid for the saidis debtes, in case they be not distreinzieable in uthers moveable gudes: Therefore it is statute and ordained, that letters fall be direct be deliverance of the Lordes of Councell, and at the instance of any compleiner, to commande and charge the saidis heretoures (they beand of perfite age) to enter to their landes, zeir and daye being paste, after the decesse of their Father, or predecesseuours, quhom to they succeede, to enter to the samin, within fourtie daies, nixt after their charge: And failzieing thereof, letters fall be direct to the Schireffe of the Schire and his depures, to apprise the saidis landes to the saidis creditoures, for the saidis debtes (gif they be liquide.) The quhilk proceesse of apprising, fall have als greate strength, force, and effect, as the saidis aires were entred thereto, and the saidis apprised landes to be halden of the immediate superiour thereof: Providing alwaies, that it fall be lesaun to the saidis heritoures, and their succeffoures, to redeeme the saidis landes, within seven zeitres, conforme to the acte of Parliament maid there-upon of before, and after the tenoure thereof in all poyntes.

107. *Of packing and peiling.*

ITEM, It is statute and ordained, that na person use packing nor peeling of wooll, hides, nor skinnes, losse nor laid, out-with free Burgh, and priviledge thereof.

108. *Anent furth-having of money of the Realme.*

ITEM, Our Sovereigne Lorde, with advife of the three Eftates of Parliament, ratifies and apprievis, the Actes and statutes maid of before, anent the furth-having of money furth of the Realme, be Prelates, Kirk-men, and uthets, in furnifhing of their expeditiouns and bufineffe, bot that the finance thereof be maid be Merchandes.

109. *Measures of fish shld be marked.*

ITEM, It is statute and ordained, that aue binde and measure be maid for Salmounde, Herring and Keiling: And that the samyn be kept throw all the Realme: And that the saide measure be conforme to the actes of Parliamente, and to that effect, that ilk Cowpper have an burning iron of his Marke, to marke ilk Barrell, and sik-like the towne to have an seachour, quhilk fall have the townes marke in keiping, to burne ilk Barrell, swa that our Sovereaine Lordis Custome thereof bee not defrauded: And gif ony fish, Salmounde, Herring or Keiling, beis foundin in sik barrells un-marked, the samyn to be escheit, and sik-like the tyme trees, that ane halfe be to our Sovereaine Lord, and the uther to the towne.

110. *The paines of them that tinis the pley within Burgh.*

ITEM, It is statute and ordained, that gif any person perewis ane uther within Burgh, that the tiner of the cause, pay the winners expenses, to be modified be the judge, conforme to the commoun Law, and dailie practickue of the Lordes of Councill.

III. *Auentis conduction of Craftes-men.*

ITEM, Because it is heuvelie murmured, that all Craftes-men of this Realme, and specially within Burrowes, use sik extortion upon others our Sovereine Lordis Lieges, be reason of their craftes and privie actes and constitutions, maid amongst themselves, contrair the commoun weill, and in great hurte, preiudice, damage and skaith to all the Lieges of this Realme: Therefore it is statute and ordained, that in all times cumming, it fall be leasum to all our Sovereine Lordis Lieges, that hes any bigginges or reparaciones to be maid, for the making of policie in this Realme, outherto Burgh or to Lande, to chuse gude Craftes-men, free-men, or others, as he thinkis maist expedient, for ordouring, bigging, and ending of all sik warkes. And gif only Craftes-men beginnis the said warke, and delayis to end the samin, that the person that causis to big the said warke, or reparation foresaide, may chuse and take others in their places, also as

as neede beis, to furnish and ende fourth the saide warke, for policie of the Realme: And that na impediment be maid to sik Crafter-men, usaid their Craft, as saide is, be ony uther of the saide craft within this Realme, under the paine of tinsell of their freedome, and breaking of the actes of Parliament: And that the Proveit and Baillics of all Burrowes, take inquisition hereupon, and put this acte to execution in all poyntes,

II2. *For drawers of Claithe.*

ALSWA, It is statute and ordained, anentis drawers of claithe, and Littars of false coullours: That in everie Burgh, there be an qualified man chosen, to seale all claithe, and fall have for his labours, of ilk iteik sealling, twelve pennies. And gif ony drawers of claithe, beis apprehended, that ane halfe of the saidis gudes, to be our Sovereine Lords escheit, and the uther halfe to the Burgh, and the said drawers with-in Burgh, for the first faulte, to tine their freedome for zeir and day: And for the seconde fault for ever. And sik-like, of them our-with Burgh, dingand calk, creische, flailand, or cardand claithe, that the famin be escheit, and they halden to refund the skaith to the awners: And gif the saide sellar beis foundin culpable, sealland un-sufficient coullour, or drawn claithe, he to tine his freedome, and to be punished in his person and gudes.

II3. *Fore-stallers within Burgh.*

ITEM, It is statute and ordained, gif ony Fore-stallers be apprehended, fore-stalland ony maner of Merchandice, victualles, pultrie, or gudes quhat-sum-ever, within the freedome of Burgh, that the Officiars of the saide Burgh, escheit the famin, the ane halfe to our Sovereine Lordis use, and the uther halfe to the Burgh, conforme to the acte of Parliament maid hereupon of before: And that na uther Officiar have power thereto, within the boundes of free Burgh.

II4. *Anentis weichtes.*

ITEM, It is statute and ordained, that na Burgh have ane weicht to bye with, and ane uther to sell, different in weicht therefra, bor that all Burrowes have ane universall weicht of the stane, baith for byeing and selling of all stufte in time to cum.

II5. *Annexation of landes to the Crowne.*

OUR SOVERAINE LORDE, With advise and consent of his three Estaites, hes annexed the Landes under written, to remaine perpetuallie with his Grace, and his Suecessoures, as patrimonie of his Crowne, with all clausis, restrictiones and proviſiones, sik-like as is contained in the annexations of uthers landes, maid be his Hieneſſe in his last Parliament, and be his Predecessoures, Kingis of Scotland: And wills that the famin be halden as for expresse in this present acte: Of the quhillkis landes the names followis: That is to say, All and hail the lands of *Cro-mar* and *Braa of Mar*: All and findrie, the landes of *Hinder-land*, with the Towre and Fortalice of the famin, and their pertinentes, advocaciones and donaciones of Kirks and Chaplanaries: All and findrie, the lands and Barrenie of *East-weemes*, Towre and Fortalice of the famin, advocation and donation of Kirkes, tennents, tennandries, partes, pendickles, annexes, connexes, and pertinentes thereof: And all uther and findrie landes, quhillkis pertained to umquhile *James Colvill of East-weemes* Knieht, the time of his decease, and nowe pertaining to **OUR SOVERAINE LORDE**, be reason of doome of foresaltour given thereupon: And als the landes of *Buckhaven*, except sa-mekle thereof, as please the Kingis Grace, to give to the Abbor, and convent of *Dumfermeling*, in *excambium*, for ane parte of their landes of *Wester-Kingborne* beside the *Brint-Ilande*, conforme to the Charters to be maid thereupon. And als except it fall be leasum to our said Sovereine Lorde, to set his saide annexed landes in few, for augmentation of his zeirle rente, conforme to the acte of dissolution maid in this present Parliament.

II6. *The dissolution of the union, for setting of fewes.*

ITEM, Because it is thocht be the Kingis Grace, and the hail three Estaites of this Realme, that the setting of his landes, baith annexed and un-annexed in few, is to the great profite of his Crowne, swa the famin be maid in augmentation of his rentall: It is therefore statute and ordained be our Sovereine Lorde, and his three Estaites of this present Parliament, that it fall be leasum to his Hieneſſe, to set all his proper landes, baith annexed, and un-annexed in few-ferme, to ony person or persons, as he pleasiss, swa that it be not in diminution of his rentall, grassumes, or ony uther dewties, bor in augmentation of the famin, and to set them with sik clausis, as he thinkis expedient, and to be given, according to the condicion foresaide. And that the landes, that he settis in his time, as said is, stand perpetuallie to the aires, after the forme of their condicion: And that this statute indure for the life-time of the King, our Sovereine Lord that now is, allanerly: swa that the landes that he settis in his time, with the conditions foresaidis, fall stand perpetuallie: And after his decease, the annexationes quhillkis ar maid of before, fall returne againe to the awin nature, swa that his Suecessoures fall not have power to annalie nor set in few, mair then they had before the making of this statute.

II7. *That*

117. *That na faith be given to evidentes sealed, without subscription of the principal or Notar.*

ALSWA It is statute and ordained, that because mennis seales may of adventure be tint, quhair throw great hurt may be genered to them that awe the famin: And that mennis seales may be feinzied, or put to writings, after their decease, in hurte and prejudice of our Sovereine Lordis lieges: That therefore na faith be given in time cumming, to ony obligation, band, or uther writing under ane seale, without the subscription of him that awe the famin, and witnesse: or else gif the partie cannot write, with the subscription of ane Notar thereto.

118. *Anentis burning of Cornes, raising of fire, and ravishing of weemen.*

ITEM, It is statute and ordained, that the committers of the crimes of fire-raising, and ravishing of weemen, be put under sovertie to the Law, like as the crimes of slaughter and mutilation: And in case of none-finding of sovertie, to denunce them rebelles, like as men-slayers. And als because the burning of Cornes in barne zairdes, is sa greate offense against the commoun weill: That therefore there be never respect nor remission given in time to cum, to ony perones that burnis cornes in flacks or barnes, bot the committers thereof, to be justified to the death, or else banished the Realme for ever.

119. *Anentis them that breakis or passis contrair the Kingis Grace priviledges, granted to him be the seate of Rome.*

ITEM, Anentis the artickie maid to provide how the auld actes and statutes, maid against them that dois contrair the Kingis priviledges, granted to his Predecessours and Successours, be the sege of Rome, and speciallie Temporal men, that ar contrair the saidis actes, in licht-lying of the Kingis autoritie, makis finance and furnishing to the perones, breakand and hurting our Sovereine Lordis priviledge, quhat orduir fall be taken against Scottis Clerkes, remainand in Rome, that stands contrair our Sovereine Lordis priviledge: It is statute and ordained in this present Parliament, that the statutes and actes maid thereupon of before, against them, passand contrair our Sovereine Lords priviledge, be observed and kept in time to cum: And that dirtay be taken upon the breakers of ony of the saidis actes, to underly the Law for the same, the thrid daye of the next Justice aire of the Schire, quhair the breakers dwellis, or upon fiftene daies warning, before our Sovereine Lordis Justice principall, or his deputies, quhen, and quhair they fall be summoned thereto, be our Sovereine Lordis letters, swa that Justice fall be extremelie done upon them passand in contrair the priviledge granted to the Kingis Hieneffe, and breakand the actes and statutes maid thereupon, after the forme and tenour thereof.

120. *The nearest of the Kin, to have the gudes of minors, that dies intestat, without prejudice of the Quote.*

ITEM, Anent the artickie proponed: For-sameikle as oft-times young perones dies, that may not make testaments, the Ordinares usis to give their executours Datives to their gudes, quihikis introinettis therewith, and with-drawis the gudes fra the Kin and friendes, that suld have the famin be the Law: It is statute and ordained, bee the three Estates of this present Parliament, that quhair ony sik persons dies within age, that may not make their testaments, the nearest of their Kin to succede to them, fall have their gudes, without prejudice to the Ordinares, anent the Quote of their testaments.

121. *All the Kingis Lieges may sell bread in Edinburgh on mercat dayes.*

ITEM, Because of the great repaire in Edinburgh, throw resorting of our Sovereine Lord his Lieges, and uthers strangers, and it is necessar, that they be provided of bread, gude and sufficient stuffe: Therefore it is statute and ordained, that there be ouklike three mercat dayes for selling of bread within the said Towne: That is to say, *Monday, Wednesday, and Fryday* ouklike, upon the quihik daies, it fall be leiffull to all our Sovereine Lordis lieges, baith to burgh and to land, to cum upon the said mercat daies to the said Towne, and sell their bread for reddie money, without trouble or injuries to be done to the perones, cummaide with their bread, to the effect foresaid.

122. *All the Kingis Lieges may sell flesh in Edinburgh on the mercat dayes.*

ITEM, It is statute and ordained, that there be three mercat daies ouklike in the said Towne, for selling of flesh: That is to say, *Sunday, Monday, and Friday* ouklike all maner of perones, baith to Burgh and to Lande, fall be free to cum and sell flesh for reddie money, for the furnishing of our SOVERAINE LORD, and his Lieges, and uthers repairand to the said Towne.

123. *Talloun suld not be carried awaie, nor barvelled.*

ITEM, For-sameikle as it was statute and ordained of before, that na Talloun sulde be had forth of the Realme, for the eschewing of the dearth of the famin, not-thelless the Talloun is caryed forth in greate quantitie, quihik hes raised exceedand dearth in the Cuntie, puttand the stane of Talloun to ane double price or abone: THEREFORE It is statute and ordained in this present Parliament, that na person nor perones, take upon hande in time to cum, to carry ony Talloun forth of the Realme, under the paine of tinsell of all their gudes moveable, cummand in-contrair hereof: And that all Customers, at everie Porte of the Realme,

Realme, quhair Schippes ar frauchted, make searchoures to searh and seeke all Schippes, and quhair any Talloun beis schipped, or brocht to the Schippes, to be caryed forth of the Realme, to escheit the samin: That is to say, that ane halfe be to their awin use that apprehendis the Talloun, and the uthir halfe to OUR SOVERAINE LORDIS use. And that the Customers make compt here-upon zeirle in the Checker: And als, that they advērtise OUR SOVERAINE LORDIS Thesaurar of the perones awners of sik Talloun escheited, swa that he may in-bring the remanent of their moveable gudes, to OUR SOVERAINE LORDIS use, for their contempnion: And in likewise, that na maner of man, flescheour, nor uthers, to Burgh nor to land, take upon hand, to rinde, melt, nor barrel talloun, under the paine of infell of all their gudes.

124. *Of them that counterfeitis the Kingis money.*

ITEM, For-sameikle as diverse wicked, evil advised perones, seinzies and counterfeitis our Sovereaine Lordis money; quhilk may returne to the greate dammage of this Realme, without remeid bee provided therefore in time: Therefore it is statute and ordaind, that all Provestes, Alder-men, Baillies, and Officiars of Burrowes, searh and seeke upon all mercat daies, and urther times necessar, all perones that can be apprehended, havand false money, or counterfeitis the Kingis irons for cuinzie: And bring or send them to our Sovereaine Lordis Justice, to be justified for their demerites, after the forme of the Lawes of the Realme, maid upon false cuinzieoures.

125. *He that takis places of Bischoppes and Abbotts, after their decease, committis treason.*

SWA In the first, for the honour of God, and halie Kirk, our Sovereaine Lorde, with advise of the three Estates, ordainis that the freedomes, priviledges, and immunities of halie Kirk, and all Spiritual perones, be observed and keiped in honour, worship and dignitie, for the time of our Sovereaine Lord, that now is, like as hes bene in the time of his maist Noble Progenitours of gude minde, quhome God assoilzie, of before, with this addition: That for-sameikle as quhen Prelates, sik as Bischopprickes or Abbacies, happenis to vaik, the nomination thereof, pertenis to our Sovereaine Lord, and the provision of the samin, to the Paipe: Nevertheless, evil disposed perones in troublous times, hes put handes, and taken Bischoppes Castellles, Palices, and Fortalices, at their awin hand, be their awin autoritie, and bur our Sovereaine Lordis command, consent, or letters, at times quhen Bischoppricks vaiks and uthers: and in likewise, enters in Abbaies and takis them, and puttis the same in keiping in secular mennis handes, but consent, command, or letters of the Kingis Grace, and als but commande, advise, or desire of the Conventes of sik Abbaies, in hie displeasure of GOD Almightie, and in hie contempnion of our Sovereaine Lordis autoritie, quhair-throw the Kirk and Kirk-men ar heavily hurte and damanged: Therefore it is statute and ordained in this present Parliament, that quhat-sun-ever person or perones, in ony time to cum, takis ony Bischoppes Places, Castellles, or strengthes, or enters be their awin autoritie in Abbaies, to halde thay places, but our Sovereaine Lordis commande, letters or charges, or desire of the Conventes thereof, at times quhen sik Bischopprickes or Abbaies vaikes, or ony uther time, they not vaikand, but the Kingis autoritie, they fall incurre the crime of treason and lese-majestie, and fall be called therefore at the Kingis pleasure, upon their fore-salrour, and to tane their lives, landes, heritages, and gudes moveable, and un-moveable, honour, and offices, because the Kingis Grace is halden and boundin, to defend the Halie Kirk, and Kirk-men, in their just actiones.

126. *Officiars of armes may be deprived be the Thesaurer.*

THE Lordes ordainis, that because the Kingis Officiars, quhen they ar charged be the Thesaurer to do service to the Kingis Grace in his earandes, alleagis that they have na Horle nor their wages not sufficient, quhair-throw diverse maters concerning the common weill of the Realme, ar postponed: That therefore the said Thesaurer fall have power to take the armes fra ony of our Sovereaine Lordis Officiars, under Herauldes, that refusis to passe sik earandes, as hec layis to their charge, in the Kingis name, in time to-cum.

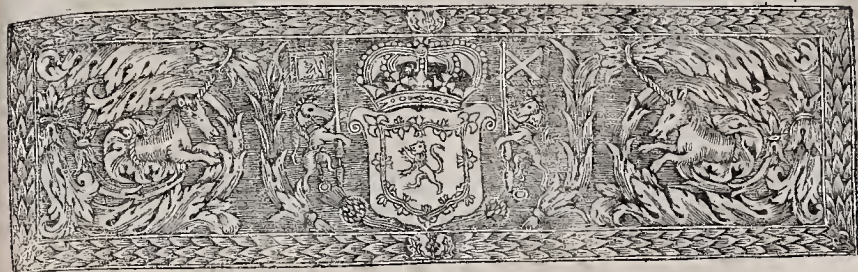
127. *The Clerke of Register havand the Kingis licence, suld cause imprint the actes of Parliament.*

OUR Sovereaine Lord hes ordained, that the actes of Parliament maid be his Hieneffe, be published out-throw all the Realme. And that all Schireffes, Stewardes, Baillies, Provestes and Baillies of Burrowes and uthers his Lieges, may have the coppes thereof, and pretend na ignorance, throw mis-knawing of the samin; Hes ordained his Clerke of Register, to make ane authentik extract and copy, of all the saidis acts, sa far as concernis the common weill, under his subscription manual, to be imprinted, be quhat Prenter it fall please the said Clerke of Register to chuse: And it fall not be lesaun to ony uther Prenter to imprint the samin within this Realme, or without the samin, or bring hame to bee saulde, for this space of sex zeires nixt to-cum, under the paine of confiscation of the samin: Providing alwaies that the said Prenter to be chosen be the said Clerke of Register, as said is, have our said Sovereaine Lordis special licence thereto.





MARIA , REG: , SCOTORVM ,



T H E F I R S T
P A R L I A M E N T
O F
MARY, QUEENE OF SCOTLAND.

Halden at Edinburgh, the XIII. day of March, the zeir of God, ane thousand, five hundred, fourtie and twa zeires: Be JAMES Earle of ARRANE, Lord HAM-MILTON, Tutor and Governour to her, the Realme and Lieges:

i. *Passing of signatoures throw the Seales, after the Kingis decease.*



THE Lord Governour, with advyse of the three Estaites of Parliament, ratifies and apprievis the acte maid at *Edinburgh*, the aughteenth day of *Januar*, last by-past, touching the passing of all signatoures, concerning infestmentes throw the seales: And sik-like of respectes, remissiones, and others, as is contained in the said acte, and after the forme and tenoure of the same: And prorogatis the terme contained in the said acte, for raising of the saids seales: sik-like all summondues to be raised under the quarter seale, quhill the first day of *August* next to-cum. Of the quhilk acte, the tenour followis: AT *Edinburgh* the aughteenth day of *Januar*, the zeir of God, ane thousand, five hundred, fourtie twa zeires: The quhilk day it is thought necessar and expedient, be the Lords of Council, at the command of the said Lord Governour, for the common weill, and weill of sundrie Lordes, Barronnes, and Landed-men, and others our So-

veraine Ladies Liéges, quha obtained before the decease of our Sovereine Lord, quhom God assoilzie, signatoures of new infestmentes of their landes be resignation, alienation, confirmation, and als remissiones, and maid compositiones therefore, with consent and advyse of the Thesaurer, and was subscribed be our said umquhile Sovereine Lord, and his Thesaurer, quhilkis as zit ar not past the seales: Quhairfore the saids Lordes ordainis and statutis, that all newe infestmentes and signatoures foresaidis, fall passe orderly throw all our saide umquhile Sovereine Lordes Seales, and to be of als great strength, valour and effecte, as and they had bene raised afore his Grace decease. And albeit the great Seale, and privie seale ar now changed, and diverse precepts were direct of before; That is to say, to *David*, Cardinal of *Saint-Andrewes*, keiper of the privie Seale, and fra the said privie Seale, direct to *Gavin*, Arch-Bishoppe of *Glasgow*, Chancellor for the tyme: That the saidis precepts be answered be the keepers of the saids seales, and they to be of als great strength, valour, and effect, as they were direct to *John*, Abbot of *Passlay*, now keiper of the privie seale: And to the said *David*, Cardinal of *Saint-Andrewes*, now Chancellor and keiper of the great Seale: And als ordainis, that all precepts of saifinge els raised, upon infestmentes, granted be umquhile our said Sovereine Lorde, that ar esse past the great seale, and sik-like that ar to be past upon the signatoures and precepts foresaidis, fall be sufficient, and of als great valoure, strength, and effect, for giving and taking of the saids saifinges (notwithstanding our said umquhile Sovereine Lordis decease) as they had bene put to execution, and saifing taken thereupon, afore his Grace decease: And that letters bee direct throw all the Realme, to publishe this constitution; and to

warne all maner of persones, that hes raised ony signatoures and preceptes there-upon, in maner foresaide, that they cum and passe under the saidis Seales orderlie, as effeiris, betuixt this and the Feast of *Pasche* nixt to-cum, with certification and they failzie, the saidis signatoures and precepts raised thereupon, fall be of na force nor effect, fra the said day forth, and fall not be answered of the saidis Seales, the said day being by-past.

F I N I S.

T H E S E C O N D
P A R L I A M E N T
O F
MARIE, QUEENE OF SCOTLAND.

Halden at Edinburgh, the fifteenth day of December, the zeir of God, one thousand, five hundredeth, fourtie and three zeires.

2. *Ratification of the institution of the College of Justice, and payment of the contribution granted to them.*



HE Quhilk day, the Queenis Grace, with advife of the Lord Governour, and the three Eftaites of the Realme, ratifies and apprievis the institution of the College of Justice: With all priviledges, freedomes, and liberties, given and granted to the famin, in sik-like maner, forme, and effect, as it was in unquhill our Sovereine Lords time, that last deceased, and fensine.

AND Mair-over, the three Eftaites of Parliament, decernis and ordainis, letters to be direct, to require the Ordinaries to give their letters upon all Prelates, to cause payment be maid of all restes, awin be them to the seate of the Session, of all termes by-gane: And sik-like in time cumming zeirlie and termelie, within sex daies nixt after their charge, under the paine of cursing: quhilk vj. daies being by-past, and they not payand: that the Queenis Grace letters be direct, to poynd and distreinzie their Temporal landes and gudes, conforme to the Actes maid of before, for in-getting of the contribution, for sustentation of the persons that dailie and continuallie remainis, for administration of Justice, to all the Lieges of this Realme.

F I N I S.

T H E T H R I D
P A R L I A M E N T
O F

MARIE, QUEENE OF SCOTLAND.

Halden at Edinburgh, the fourth daye of August, the zeire of God, ane thousand, five hundredeth, and fourtie seix zeires.

3. *Tennentes suld be removed in quiet maner, without convocation.*



THE Quhilk day the Lord Governour and the three Estaites of Parliamente, ratifies and apprievis in this present Parliament, the acte maid at *Strivling*, the eleventh day of *Junij*, the zeir of God, ane thousand, five hundredeth, fourty sex zeires, maid anentis the laying furth of tennentes be their Over-lordes, as at mait length is conteined in the said acte: of the quhilk the tenour followis: THE quhilk day the Lord Governour, with advise of the Queenis Grace, and Lordes of Councell, understandand that there is great convocations maid in the Realm, for putting and laying of men furth of their tackes and steadings, and sik-like, to resist to the Lordes of the ground, their Baillies and Officiars to lay them forth, quhilk is the occasion of great trouble and slaughter amangst our Sovereine Ladies Lieges:

Therefore it is statute and ordained, that letters be direct to all Schireffes, Stewardest, Baillies, and their deputies, and to uthers Officiars of the Queenis; Schireffes in that parte, to passe to the mercat croce of the head Burrowes of the Schires, and there be open proclamation, commande and charge, all and findrie our Sovereine Ladies lieges, of quhat-sum-ever degree they be, that nane of them tak upon hand to make ony convocation, for putting and laying furth of ony tennentes, bot that they be their Baillies and Officiars, lay furth the saidis tennentes gudes orderly, conforme to the Lawes of the Realme, observed and keiped in times by-gane: Nor zit that na maner oftennentes make ony convocation or gaddering, for resistance to their Lords of the ground, their Baillies and Officiars, under the paines conteined in the actes of Parliament, maid agaisnt them, that makis ony gadderings or convocations, with certification to them that dois in the contrair, that they fall be called at particular diets, and fall be punished therefore with all rigour, as accordis. And gif ony person thinkis them offended be uthers, ordainis that they fall be called outhir criminally or civilly, and justice fall be ministred, as accordis.

The DISPOSITION of BENEFICES, wardes, relieves, and mariages, and of possessions of them that happenis to die in the armie: the zeir of God, ane thousand, five hundredeth, and fourtie seven zeires.

4. *Anent Kirk-men.*



T *Monk-toun-Hall*, the aucht day of *September*, the zeir of God, ane thousand, five hundredeth, and fourtie seven zeires: The quhilk day, my Lord Governour, with advise and consent of the Prelats, Kirk-men, Earles, Lordes, Barronnes, and all uthers Patrones of benefices, baith Spiritual and Temporal understandand that the hail bodie of the Realme, is passand forwarde at this time, to resist our aulde enemies of *England*; cumming in this Realme to invade the samin: Ordainis, that quhat-sum-ever Kirk-man that happenis to be slaine in this present armie, hurte to the death, or takis seicknes in the samin, and dies in the said seicknes gangand, remainand, or command therefra: That the nearest of the said Kirk-mennis Kin, fall have the presentation, provision

and collation of his benefice for that time allanerly: And the samin to be disposed to the nearest of his Kin, that happenis to be slaine, or decease, in maner foresaid, maist able therefore: And the profits of their benefices, with the fruites speciallie on the grounde, with the annat thereafter to pertaine to them and their executours, alsweill Abbottes, Priores, and all uthers Religious men, as all uther Kirk-men.

5. *Anent the warde, reliefe and mariage.*

ITEM, It is statute and ordained, that quhat-sum-ever person or persones, happenis to be slaine, hurte to the death, or take seicknesse in our Sovereine Ladies armie, now ordained in reddinesse to passe forwarde, for defense of the Realme, and resisting of our auld enemies of *England*, now gaddered to invade the same, and dies in the said seicknes, gangand, remainand or cummand therefra: That their aire or aires, fall have their warde, none-entresse, reliefe, and mariage, free; of our Sovereine Ladie, dispenland with their minoritie and lesse age, quhat eilde that ever they be of, without payment of ony teinde-pennie: And sik-like, of all uther Lordes, Spiritual and Temporal, baith of vassalles and sub-vassalles: Providing that the aires foresaidis, persév and obtéine chéresse of their Over-lordes, within three termes after the decease of their fathers, or of quhat-sum-ever uther persone, quhom to they ar to succede, for the causes foresaidis: And gif the saidis aires be of lesse age, within tutorie, and beis not entred to their landes and heritage, before their age of foueteene zeires, quhilk may be throw negligence of their tutors, and uthers their friendes: Our Sovereine Ladie privilegedis and grantis to them, that they may enter within three termes, nixt after their compleit age of foueteene zeires, as said is: And this to be extended to the mediate aire, that is to succede to the person, that happenis to decease in our Sovereine Ladies armie, in maner foresaid: And because it may happen the said person, that happenis to decease in the said armie, to have maa lauchfull bairnes of his bodie by his aire: Therefore ordainis, that the profitis of his waired landes be rane up be their Mothers, gif there be na tutoures Testamentaris, als lang as scho remainis widow, and failzieing thereof, be the nearest and lauchfull tutoures of the saids bairnes, to be distribute for the sustentation of the said aire, and to the utilitie and profit of the remanent of his brether and sisters, to the persite age of the saide aire or aires: That is to say, gif the aire be male of twentie ane zeires, and gif they be femal of foueteene zeires, the profit of the saide aires mariage, being ay free to himselfe, his saidis Mother, tutour, and governour, findand sufficient caution before the Lordes, that they fall make compt and reckoning of their intromission, before the Lordes of Councell, or in the Checker zeirle: And gif the aires of the persones that happenis to die, as said is, have ony fewes, that they enter sik-like to their few landes, halden of quhat-sum-ever persones, Spiritual, or Temporal, within the termes foresaidis, without ony payment of the doubling of the few.

6. *Anent possessions.*

THE Quhilk day the Lorde Governour, and all the Noble-men, Barronnes, Free-halders, and Gentle-men, being conveyened and assembled togidder, to passe forwarde, for defense of this Realme, and resisting of our auld enemies of *England*, now instantlie approcheand to the Lord Governour, and his armie: Hes devised, statute and ordained, alsweill be the Lord Governours awin consente, as the consent of the Noble-men, baith Spiritual and Temporal: That gif it fall happen (as God forbid) ony Earle, Lorde, Barronne, Free-halder, vassall, sub-vassall, fewares, mailers, tackel-men, rentallars, and possessours, or commonnes to be slaine, or take seicknesse, quhair-throw they happen to decease at this present armie: That their aires, executours, or assignayes, fall freelic have their awin wairedes, reliefes, and mariages in their awin handes, to be disposed thereupon, as they fall thinke expedient: And sik-like their wives, bairnes, exetutours, or assignayes, fall bruik their tackes, steadinges, rowmes and possessions, alsweill of Kirk-landes, as of Temporal mennis landes, and enter thereto, and remaine therewith freelic, for the space of five zeires, without ony gressum or entresse silver, payand allanetie mailles and dewties, used and woont: And the said act alsweill to extend upou Kirk-mennis vassalles, and Temporalles, as upon the Queenis.

F I N I S.

T H E F O U R T H

P A R L I A M E N T

O F

MARIE, QUEENE OF SCOTLAND,

Halden at Edinburgh, the XXIX. daye of May, the zeire of God, ane thousand, five hundredeth, and fiftie ane zeires.

7. *All the gudes moveable of them quha susteinis the processe of cursing ane zeir, or communicatis, being excommunicate fall perteine to the King, the creditour being first satisfied.*



THE Quhilk daye, the Lorde Governour, with advise of the three Estaites of Parliament, havand respect to the Noble, Catholick and Christian actes and statutes, maid bee umquhile our Sovrain Lord, King JAMES the Fifth, that last deceased, quhom God assoilzie, for conservation and halding of his Lieges in the trewe and godlie faith ever hidertils, not onely be him, bot also be his maist Noble Progenitours, inviolablie observed and keiped, sen they first received the famin : And in speciall, sik statutes, ordinances and actes maid anentis them that wilfullie, obstinatelie, or arrogantly incurris the paines of cursing, be ony maner of way, and lvis under that damnable stait lang time, schawand their ungodlie life to uthers the faithfull lieges of this Realme, havand na regard to be participant of the merite of the bloud of CHRIST, quha throwe their arrogancie, obstinacie, and in-obedience, wilfullie, throw coullour and pretense of devotion, to schawe their hie hypocrefie, cummis to the halie buirde of CHRIST, and receivis the Sacramente, lyand under the faide Censures of cursing, to the evill example, of uthers the gude, trew, simple Catholick people : And for remeid hereof, and for eschewing of sik evill, abominable, perverse, & detestable vices in times cumming, to the effect that the lieges of this Realme may live in trew faith in our Sovraine Ladies time, that now is, as they have done in her maist Noble Progenitours times : Hes statute and ordained, that quhatsumever person or persones, ar denounced cursed, for ony maner of obstinacie be the space of ane zeir, or receivis the bodie of CHRIST, blessed and halie Sacrament, under the faide cursing, un-reconciled to the bosome of halie Kirk, that all their gudes moveable throw that deede, fall fall in our Sovraine Ladies handes, be reason of escheit, and that the famin be in-brocht to her use, quhair-ever they may be apprehended, to be disposed at her graces pleasure : Providing alwaies, that they at quhais instance sik persones ar denounced cursed, for summes of money, for fulfilling of ony deede, fall be first satisfied and payed of all summes, or uther things that they may crave, be vertew of the saidis letters of cursing, of the saidis escheit gudes, and thereafter the remanent to perteine to our Sovraine Ladie. And that letters be direct to make publication hereof at all places needefull.

8. *Declared Traitous may be slaine : And quha quarrellis the famin, committis treason.*

THE Quhilk day, Forsameikle as the Lorde Governours Grace; and three Estaites of Parliament, havand respect to the great, heavy, and abominable crime of treason and lese-majestie, committed be diverse and sundrie OUR SOVERAINE Ladies lieges within this Realme, and out-with the famin, for quhilkis sik traitoures hes bene called, accused, and be the three Estaites declared traitoures in Parliament : Notwithstanding sik traitoures, swa banished and fugitive, without licence or tolerance of our Sovraine Lady, or the Lord Governours respect, remission, or *superfedere*, cummis and resortis againe within this Realme, and hantis and repairis amangst our Sovraine Ladies lieges, like as they, nor name of them, had committed ony offense against our Sovraine Lady, the Lord Governour, the Realme, nor the authoritie, and ar receipt, fortified and maintained be OUR SOVERAINE LADIES Lieges, their assilters, favourers, maintainers, and airt and part-takers with them in their treasonable deeds, havand na regard toward our Sovraine Lady, the Lorde Governour, nor the authoritie : And in times cumming, to schaw that foule, abominable crime of lese-majestie and treason, and for punishment of the committers thereof,

of, their assisters, favourers, maintainers, receipters, fortifiers, and partakers of all sik Traitous, and their companie, and to avoide the companie of others, OUR SOVERAINE LADIES trew and faithfull subjectes:

It is devised, statute and ordained be the Lord Governour, and three Estaites of Parliament, that in case any sik declared traitour, or traitoures, happenis to be handled, taken, apprehended or slaine upon suddantie, or uther waies put to death: then and in that case, it shall nor be leiffull to the kin, friendes, assisters, fortifiers, maintainers, favourers, or airt and part-takers with sik traitoures on na wife, fra the time that sik-like traitour or traitoures happenis too bee handled, apprehended or slaine fra thine soorth, to moove onie question, pick, grudge or querrell, or beare onie rancour, hatred, or envie against the person or persones, committers of the slaughter of sik-like persones traitoures, nor to persew nor invade them for bodily harme, slaughter, or urtherwise, to injure them in word or deed for that cause, nouthor for times by-gane, nor to cum, under the pain of treason, with certification to quhatsumever person or persones, thar cummis in the contrair of the premiffes, that he fall be called and accused upon treason, like as the committar of the principall crime fall be in like maner punished, conforme to the Lawes of the Realme, with all rigour.

9. *Anent them that schuttis with gunnis at Deare and wilde-fowle.*

THE Samin daye, for-sa-meikle as it was devised, statute and ordained of before, that nane of OUR SOVERAINE LADIES Lieges, sulde rake upon hande to schutte with the halfe-hag, Culvering, or Pistolet, at Deare, Rae, wilde-beastes, or wilde-fowles, under the paine of death: Notwithstanding OUR SOVERAINE LADIES Lieges, daylie and continualie in-contrair the tenour of the actes maid thereupon, incurrand the paines conteinid in the samin, schuttis with the halfe-hag, culvering, and Pistolette at the saidis wilde-beastes, and wilde-fowles, quhair-throw the Noble-men of the Realme, can get na pastime of halking and hunting, like as hes bene had in times by-past, bee reason that all sik wilde-beastes and wilde-fowles ar exiled and banished, be occasion foresaide: And for remeid hereof: It is devised, statute and ordained be the Lorde Governours Grace, and the three Estaites of Parliament, zit as of before, that nane of OUR SOVERAINE LADIES Lieges, of quhat-sum-ever degree hee be of, rake upon hande to schutte at Deare, Rae, or uther wilde-beasts or wilde-fowls, with half-hag, culvering or pistolet in any times to cum, under the paine of death, and confiscation of all their gudes, for their contempion, and quhar person or persones, that happenis to take or apprehend any maner of persones, cummand in-contrair this present acte and statute, and bringis him to the Schireffe of the Schire, or his depures, the taker fall have the escheit of all the persones gudes hee apprehendis, and fall be rewarded urther-waies, as accordis for his laboures.

10. *The act maid anent the annuelles of landes burnt be our auld enemies of England, within Burrowes.*

AT Edinburgh, the eleventh day of September, the zeir of God, ane thousande, five hundreth, and fiftie ane zeires, in presence of the Lordes of Councell, compeired ane maist Reverand Father in GOD, John, Arch-Bishop of Saint-Andrewes, Commendator of the Abbaie of Paslay &c. For himselfe, and the remanent of the Clergie of this Realme on that ane part: And the Provest and Baillies of the Burgh of Edinburgh, on that uther parte, and gave in thir articles under-written, subscribed be the hande of Maister John Lawder, Arche-Deane of Teviotdale Norar publicke, and desired the samin to bee insert in the buikes of Councell, and the saidis Lordes to interpone their autoritie to the samin. The quhilk desire, the saidis Lordes thoch reasonable, and ordained the saidis articles to be registred in the said buikes of Councell, and to have the strength of ane act and decreet of the Lords thereof, and hes inrerponed, and interponis their autoritie to the samin: And decernis and ordainis letters executoriales to be given here-upon, for dew execution of the saidis articles, and everie poynt thereof, as effeitris. Quhair of the tenour followis.

Of the ARTICKLES and FOUNDAMENTS to be advsied upon, touching the burnt landes and tenementes, within the Burgh of Edinburgh, and uthers Burghs and Townes within the Realme of Scotland, burnt be the auld enemies of England.



ITEM, The first artickle, quhair the Chaplaine be the sight of the Maisoun, wricht, and maister of warke, and uthers discreit men sworn thereto, will contribute and pay the part of the expenses, for the rate of their annuell, and mail of the house, as it payis presentlie, that they fall have their haill annuell, after the bigging of the house.

ITEM, The ground annuell appeiris to be payed, quha ever big the grounde, & fail-zieng thereof, that the annuellar may recognofce the ground.

ITEM,

ITEM, In all uther annuellies, to advise gif the awners lets the ground to be un-biggid, quhat fall be the Chaplainis part gif he may recognosce the famin or not, or compell the awner to big the famin: And gif hee may do neither: gif hee may call for warrandice, after the forme of his foundation.

ITEM, Gif fa-meikle refis un-burnt of the haill tenement, that awes the annuell, as will paye the famin, gif the annuell may be craved compleitie.

ITEM, To advise, gif the Chaplaine hes the annuell under reverfion, and contributis with the biggar, conforme to the first article, to confider how lang thereafter, the annuell fall be unredeemeable, or fa-meikle as is contribute, to be eiked in the reverfion.

ITEM, Quhair the Chaplaine was Laird of the tenement, and the same haillelie burnt, and the patron required to big the same, refusis and will not, and may not, sik-lik the Chaplaine may not, quhaidir it fall be leasum to the Chaplaine to set the same tenement in few, and require the patrone for his consent, and gif hee refusis, gif hee may be compelled thereto, or gif the Chaplaine may set the famin be his advise and consent, or not.

ITEM, Quhair the haill tenement, after it be biggid, be set in fewe within the avails thereof, for the uphold of the same, and beis burnt, gif the fewar may be compelled to big the famin upon his awin expenses or not: And quhat fall be the Chaplainis part in that case.

ITEM, Gif the conjunct-feare or life-renter of tenementes, quhilks payis annuell to the Kirk, and is burnt, as faide is, gif they may be compelled be the Chaplaine, and aires of the said tenement, to concur and big the same for their interes, and gif they be dissatisfand thereto, quhat fall be leasum to the aire, and Chaplaine to do in that behalfe.

Here followis the provisiōne, ordinance, and conclusiōn, maid to the articles abone expreed, and to be in all times cumming observed and kept, anentis all annuellies of the burnt landes and tenementes, be the auld Enemies of England, within the Burgh of Edinburgh, and uthers Burghs and Townes within the Realme of Scotland, awand alsweill to Spirituall men, as Temporall men: Concorded and agreed upon, betuixt the Lordes of the Articles of Parliament, and the Provost, Baillies and Councell of the faide Burgh of Edinburgh for them, and the remanent Burghes and Townes of this Realme, to have the strength of acties, statutes, and ordinances of Parliament in all time cumming: The quhik conclusiōn the Lord Governour, and the three Estaites of Parliament, upon the first daye of Februar, the zeir of God, one thousand, five hundreth, fiftie and ane zeir, ratified and approved.

ITEM, In the first, anent the first article, given in be the annuellaris of the Burgh of Edinburgh, and uthers Burghes within this Realme: It is concorded, statute and ordained, that gif the annuellar be the Judgement or sight of the Maïson, wricht, and maister of warke, craftes-men, in the reparrelling of the tenement, quhik is astricted to the annuell, and uthers discreit men sworne thereto, will contribute and paye the part of expenses, according to the rate of the annuellies, and the mailles of the houses, quhilkis it givis now presentlie, that the famin annuellaris quhatsumever they be, Spirituall or Temporall, fall haev the haill annuell of the nixt terme, immediatlie following the bigging and repairing of the tenement or house, and fall be free to poynd and distreinzie fra that time, alsweill for the by-gane, as to-cum, call and recognosce therefore according to Justice: Providing alwaies, that gif any questiōn or pley fall happen to rise anent the expenses of the bigging, betuixt the annuellar and the heretour, the famin fall be decided and discussed before the Lordes of our Sovereine Ladies seate of Justice, upon ane simple supplicatiōn, but outhier dier or Table.

ITEM, Anent the second and seventh articles, quhilkis ar coincident: It is statute and ordained, that quhaidir the annuell be redeemeable, or unredeemeable, the annuellar havand the grounde annuell upon ony burnt lande, quhik is, or beis reparrellid bee the awner thereof, that makis na contribution to the bigging of the famin, fall wante the sexte parte of the annuell, the few annuellaris fall in likewise wante the fifth parte of their annuellies: The toppie annuellaires, fall in likewise want the fourth parte of theirs, and the awner of the burnt Land, quha hes biggid and reparrellid the famin, fall not bee halden to paye mair of the saidis annuellis, *respective*, then cummis to the residue thereof, the saidis sexte, fifth, and fourth partes, *respective*, being defaied.

Providing alwaies, that it fall be leasum to the annuelleres, notwithstanding the defaifance maid presentlie, gif they please to bye in againe, and redeeme, fra the said awner of the famin land, sameikle of the faide annuell, as they fall happen to want, bee particular redemption, as the saidis annuellers may cum to, and it were never sa litte, payand proportionallie for ilk marke given downe, to the proportion and rate thereof, the summe of ten poundes *Scottis* money, but onie langer processe allanerlie, the awner being required to receive his money, fall bee sufficient warning, and the annuellar to be answered fra the nixt terme of fa-meikle as he payis money for, as hee offers realie, and with effect, the awner being required, and refusand; And in that case, the money to be deponed in the Provost and Baillies handes of the towne, gif they be baith Temporal: Bort gif they be baith Spirituall and Temporal, or baith Spirituall, in the Officialles hands of *Louthiane* being for

for the time, and there to remaine to his utilitie and profite, that shuld have the famin, and defaunce of payment, in maner foresaid, to be continuallie fra the bigging of the tenementes, attricted to the annuelles.

ITEM, The thrid artickel: It is ordained, that gif the awners of the burnt landes and tenementes, sholis the same to lye unbiggd twa zeirs, after the dait of thir presentis: It fall be leasum to the annuellers to perfew their annuelles *respective*, conforme to the nature and rate of everie annuell, as is abone expremed: or to recognosse the tenement for none-payment of the famin, the saidis twa zeires being furth-runnin, and to use their proceffe for none-payment thereof, as accordis of the Lawe, and practick of this Realme.

ITEM, Anent the fourth artickel: It is ordained, that quhat kinde of annuell that ever it be, the famin ly and upon the haill tenement, gif sameikle restis un-burnt of the haill, as will pay the famin annuell, the awner havand, by the annuell, twife als meikle as the annuell extendis to of zeirle profite, the haill annuell fall be payed: Utherwise it fall bee proportionable, effeirand to the thrid penny of the zeirly availe of the tenement that standis, and quhair the laif beis bigged, to have sik-like interpretation, conforme to thir present artickles.

ITEM, Anent the fifth artickel, it is devised and concluded, that in-case the annuellar contribute with the awner of the burnt tenement, to the reparation thereof, conforme to the first artickel of the famin, the annuellar fall have the reversion augmented, to the quantitie, extending to the thrid part of the summe, upon the quhilk the annuell is wod-set: Swa that quhill the principall summe, and halfe sameikle with it be payed, the annuell to be unredeemeable: That is to say, in case the annuell lye upon twa hundreth markes, it is not to be redeemed, quhill three hundreth markes be payed, in-case foresaid.

ITEM, Anent the sext artickel: It is provided and concluded, That gif ony Chaplaine, be haill Laird of the burnt tenemente, unire to his Chaplanrie, as patrimonie theirof, and the patrone of the Chaplany being required to big the famin, and nouthir will not, or else may not, and in likewise the Chaplaine is not ofpuissance to do the same: It fall be leasum for policie, and eschewing of deformitie of the Towne, to set the famin in few, to the utilitie and profite of his Chaplanarie; to ony that will offer maist therefore, without the patronis consent, gif he refusis to give his consent: Providing alwaies, that the Patron be first required to take the famin in few himselfe; and hee to be in that case preferred to onie uther, givand als meikle to the Chaplaine therefore, to the evident utilitie of the Chaplanarie, as ony uther will, without collusion, and the Patron refusand, the Chaplaine to bee free to doe therewith, as is abone written.

ITEM, As to the seventh Artickel, It is answered and concluded, as is contained in the response and conclusion, maid to the second artickel abone written, because they were co-incident togidder.

ITEM, As to the acht artickel, It is statute and ordained, that gif there beis ony conjunct-fear, or life-rentar, of ony burnt landes: Consideration being tane and had be the Provest and Baillies of the Burgh, quhat free maill the famin payed before the burning: It fall be leasum to the proprietor of the lande, to big the famin, gif he pleasis, payand the saide conjunct-fear or life-rentar, during their lifetime, the thrid part of the free male, the quhilk the saide lande payed before the burning: Bot gif the conjunct-fear, or life-rentar pleasis to big the famin, they to bee preferred to the proprietor, and to bruik the famin, during their life: And therefore fall the proprietor and land bairthe be boundin and oblished to them for to refund the thrid part of the money, quhilkis they deburse, in bigging of the saidis tenementes, in necessar and profitable expenses, to bee forth cummand, to be given to them the time of their decease, and thereafter to their executores and assignayes, the land being alswell bigged, as of before and neichtbour like.

F I N I S.

T H E F I F T H
P A R L I A M E N T
O F

MARIE, QUEENE OF SCOTLAND.

Halden at Edinburgh, the first daye of Februar, the zeir of God, ane thousand, five hundreth, and fiftie ane zeires.

II. *Anent the prices of Wines: mixtion thereof: Of them quba keipis quiet their Wine.*



THE Quhilk daye, forsameikle as the Lord Governour and three Estaites of Parliament, being remembred of the manisfalde actes of Parliament: And diverse uthers actes and statutes, maid in generall Councell, and uthervaies, for suppressing of dearth in this Realme, of vivers and wines: Like as in the saidis Actes and statutes maid thereupon, is at mair length contened: Notwithstanding the multiple of Wines dailie cummand within this Realme, at the Easte and West Seas, the prices thereof decayis not, bot the faide dearth remainis, and the occasion thereof is understandin to consist in our Sovereine Ladies Lieges, that forestallis and byis the famin in privie maner, & howe soone the famin ar cost, puttis the famin in secreit houses, and not in open taverns, selland the famin upon

higher prices, nor the commoun Tavernes dois: And beside the famin, sik Wines as ar sold in commoun Tavernes, ar commounlic bee all Taverners mixt with aulde corrupte Wines, and with water, to the great appeirand danger and seicknesse of the byers, and greate perrell of the faules of the fellers: And for remeid hereof, & to eschew sik inconvenientes in time cumming: It is devised, statute and ordained be the Lord Governour, and the three Estaites of Parliament, That name of our Sovereine Ladies lieges, take upon hande to bye onie Wines that is cummen, or fall happen to cum at the Easte & North-lande Seas, fra this daye forth, of ony dearer prices nor twentie pounce the tun of *Burdeaux* Wine, and the *Rochel* Wine for sixteen pounce the tun, and that name of them sell the famin of ony dearer price, nor ten pennies the pinte of *Burdeaux* Wine, and the *Rochel* Wine for aucht pennies the pynt, within the boundes foresaidis: And that na Wines that is cum in at the West Seas, or is to cum in, be bocht of onie dearer price, nor sextene pound the tun of *Burdeaux* Wine, and the *Rochel* Wine for twelve or threteen pound the tun, and that name of them sell the famin of ony dearer price, nor aucht pennies the pynt of *Burdeaux* Wine, and sex pennies the pynt of *Rochel* Wine, under the paine of escheitment of all the saidis Wines, that they fall happen to bye, togidder with the rest of their gudes moveable, for their contempton: And that na maner of Taverners take upon hand to make onie mixtion with ony auld Wines and new Wines of this zeire, or put ony water in the famin, under the paine of escheitment of the puncheon, that sik auld Wine or water fall be put into, togidder with the rest of all and findrie the Wines, being the awners of sik ane taverne, and tinsell of their freedome for ever: And in like maner, that name of our Sovereain Ladies Lieges, byears of sik Wines, and havares of taverns, take upon hande to huid or hide ony sik Wine cost bee them in their houses and privie places, bot that they put the famin in their commoun Tavernes and Vaultes thereof, to bee faulde indifferentlie to our Sovereain Ladies lieges, upon the prices before expreed, under the paines foresaidis: Providing alwaies that the Burgh of *Saint John-stoun*, fall have licence to sell the Wines cost be them, twa pennies of the quarte dearer, nor uthur Burrowes adjacent unto them,

12. *Of the prices of wild and tame meates.*

ITEM, It is statute and ordained, that the acte and ordinances maid upon the prices of all wilde-fowles and tame-fowles, be observed and kepted, and upon the byers and sellers thereof, to be put to execution in all poyntes, after the forme and tenour thetoof, and the paines contened in the fame to be execute upon them: Of the quhilk the tenour followis: The quhilk daye; For-sameikle as the Queenis Grace, the Lorde Governour, and Lords of secreit Councell, havand respect to the great and exorbitant dearth risen in this Realme, upon the wilde and tame fowles, for putting of ordour hereto, and remeid hereof: It is devised, statute and ordained be the Queenis Grace, the Lord Governour, and Lodes of secreit Councell: That the wilde-meat, and tame-meat underwritten, be fauld in all times cumming of the prices following: That is to say, in the first, the Cran, five shillings: The Swan, five shillings: The wild Guse of the great bind, twa shillings: The claik, quink & rute, the price of the peece, aughtene pennies. Item, the

the Plover and small mure fowle, price of the peece, foure pennies: The black Cock and gray-Hen, price of the peece, sex pennies: the doufane of Powtes twelve pennies. Item, the Quhaip, sex pennies. Item, the Cunning, ij. shillings, unto the feast of *Easterfevyn*, next to cum, and fra thine furth, xij. pennies. Item, the Lapron, twa pennies. Item, the Woodde-Cocke, foure pennies. Item, the doufane of Lav-rockes, and others small birdes, the price of the doufane, foure pennies. Item the Snipe and quailzie, price of the peece, twa pennies: Item, the tame-guse, xvj. pennies. Item, the Capone, twelve pennies. Item, the Hen and Pultrie, aucht pennies. Item, the chicken, foure pennies. Item, the gryfe, auchteene pennies: And for observing and keeping of this act, quhatsumever person or persones, alswell byar as seller, that breakis the famin, and dois in the contrair hereof: That all his gudes fall be taken and escheitted to our Sovereine Ladies use, and their persones punished at the Lord Governours will and pleasure.

13. *Scottif-men being charged to leave assurance with English-men, and disobeyand, shall have na action against trew Scottif-men, for ony wrang done to them.*

ITEM, It is desired to bee concluded in this present Parliamente, quhair *Scottif-men* un-assured with *England*, raid upon *Scottif-men* assured with *England*, the time they were assured, and tooke their gudes and geare, quhiddir gif thay assured persones spuilzied, have just action and place to aske restitution of their gudes, and amendis for the damages done to them or not: It is concluded, decerned and declared be the Queenis Grace, the Lord Governour, with advise of the three Estaites of Parliament, that quhair our Sovereine Ladies charges and proclamations, or the Lord Governours private letters, or command was direct, chargeing all and findrie assured persones of this Realme with *England*, and that sat under their assurance, to discharge them of the faide assurance, and leave the opinion of *England*, and to cum to the obedience of our Sovereine Ladie, the Lord Governour, and the authoritie, within ane certaine terme prefixed thereto contained in the said letters, and wald not leave the opinion foresaid, bot assisted to *England*, *English-men*, and their companie: That thay *Scottif-men*, assured in maner foresaid, fall have na place nor action to perfew the persons *Scottif-men*, un-assured, for the spoliation of their gudes, or satisfaction of ony uther damages done to them thereafter. And quhair na letters, charges, Proclamations, nor uthers private writings, nor commande of the Lorde Governours Grace were direct, chargeing sik assured persones to leave the opinion of *England*, and to cum to the obeysance of our Sovereine Ladie, the Lorde Governour, and the authoritie, nor na sik charges come to their Eares, that thay *Scottif-men* assured, as said is, fall have place and action to perfew the persones un-assured, that spuilzied for restitution of their gudes, and amendis for the damage and skaith susteined bee them, gif the spuilziers had na speciall commande, nouthir in writ nor worde of the Lorde Governour, to ride upon sik assured persones.

14. *Ane Scottif-man, being spuilzied be Scottif-men, and English-men, hes gud action against the Scottif-man, albeit the English-men were fewar in number.*

ITEM, To the resolution maid upon the second artickle, makand mention, quhair men assured or un-assured, raid in particular pinzieones, and small companies of *English-men*, the *Scottif-men*, being the greatest number, and invaded the *Scottif-men*, un-assured, burnt their houses, spuilzied their gudes, and herried them there-throw, quhiddir gif the person spuilzied and herried, hes just action to perfew sik *Scottif-men*, spuilziers, for restorance of their gudes againe, and satisfaction for the damages done to them, or not: It is decerned and declared bee the Queenis Grace, the Lord Governour, with advise of the three Estaites of Parliament foresaide, that all sik persones spuilzied, hurte, or damaged, in maner foresaid, hes just action and place to perfew the spuilziers and to desire restorance of their gudes, and satisfaction of their damages, as accordis of the Law.

15. *Ane assured Scottif-man, assistand the English armie may be perfewed for all the skaith done to Scottif-men, un-assured.*

ITEM, As to the resolution to be tane upon the thrid artickle, beirand in effect, quhair ony *Scottif-men*, assured be *England*, and raid with the armie thereof, upon ony *Scottif-men*, un-assured, for burning of their places, slaughter of themselves, their wives and bairnes, and spuilzied them of their gudes, or burning of their cornes, downe-casting of their houses, and uthers destructiones, quhiddir gif it bee lauchfull to onie *Scottif-man* spuilzied in that sorte with the armie of *England*, to perfew ony *Scottif-man*, being in companie with the armie of *England*, the time of the spoliation and destruction foresaid, for spoliation of their gudes, and satisfaction for the damages susteined be them, or hes just cause and action to sute therefore: It is concluded and declared be the Queenis Grace, the Lord Governour, and the three Estaites foresaidis: That sik persones un-assured, burnt, herried, and destroyed be *Scottif-men* assured, and being in companie with the armie of *England*, and came with them, and were with them the time of the spoliation, burning & destruction foresaid, hes just action and cause to perfew all assured persones *Scottif-men*, that raid in maner foresaid, for restitution and deliverance of their gudes spuilzied fra them, and satisfaction and amendis for the damages and hurtes, as accordis.

16. *Anent them that swearis abominable aithes.*

ITEM, Because notwithstanding the oft and frequent Preachings, in detestation of the grievous and abominable aithes swearing, execrations, and blasphemation of the name of God, swearand in vaine be his precious blud, bodie, passion and wounds, Devil stick, cummer, gore, roist or riefie them, and sik uther oug-fum aithes and execrations against the command of God, zit the famin is cum in sik ane ungodlie use amangst the people of this Realme, baith of great and small Estaites, that daillie and hourelie may be heard amangst them open blasphemation of Gods name, and Majestie, to the greate contempion thereof; and bringing of the ire and wrath of God upon the people: Herefore, and for eschewing of sik inconvenientes in times cumming: It is statute and ordained, that quhat-sum-ever person or persones, swearis sik abominable aithies, and detestable execrations, as is afore rehearsed, sall incur the paines after following, als oft as they failzie, *respective*: That is to say, ane Prelate of Kirk, Earle or Lorde, for everie fault to be committed for the space of three Monethes nixt-to-cum: That is to say, unto the first day of *May, exclusive*, twelve pennies: Ane Barronne or beneficed man, constitute in dignitie Ecclesiastical, foure pennies: Ane Landed man, Free-halder, Vassall, Fewart, Burges, and small beneficed men, twa pennies: Ane craftes-man, zea-man, ane servand man, and all uthers ane pennie. Item, the puir folkes that hes na geare, to pay the paine foresaide, to be put in the stockes or prisoned, for the space of foure houres, and wemen to be weyed and considered, conforme to their bloude or Estaire of their parties, that they ar coupled with: And this paine to be doubled upon everie committar, after the out-running of the saidis three Monethes, for the space of uther three Monethes thereafter: That is to say, fra the first day of *Maij*, unto the first daye of *August, exclusive*, and from the first day of *August*, unto the first day of *November, exclusive*, the paine to be tripled, that is to say, for everie pennie, three pennies: And fra the saide first day of *November*, to the first day of *Februar* thereafter, quhilik makis the zeir compleit, the paine to be quadruple; that is to saye, for everie pennie, foure pennies, effeirand to their Estaire. And fra the complecting of the said zeir, the first fault of ane Prelate, Earle or Lorde, to be foure shillings, the second fault, acht shillings, and the thrid fault, sexteene shillings, and for the fourth fault, to be banished, or put in warde, for the space of zeir and daye, at the will of the Prince, and sik-like of all uther Estaites, after their qualitie foresaide, to be punished effeirandlie. And this foresaide paine to be applied to the puir folkes; be them that fall be depute collectoures thereof.

17. *Anent them that perturbis the Kirk, the time of divine service.*

ITEM, It is statute and ordained, against all persones quhilikis contemmandlie makis perturbation in the Kirk, the time of divine service, and Preaching of the worde of GOD, stoppand the famin to be heard and seene be the devout people, and will not desist and cease thesrefra, for na Spiritual monition, that the Kirk-men may use upon them: Therefore quhat-sum-ever person makis perturbation or impediment in the Kirk, in maner foresaide, sall incur the paines, as after followis: That is to say, for the first fault, ane Prelate, Earle or Lorde, ten pounde: ane Barronne or person, constitute in dignitie Ecclesiastical, five pound, ane Vassall, Free-halder, Burges, or small beneficed man, fourtie shillings, and uthers twentie shillings, and puir folkes that hes na gudes; to be put in prison for fiftene daies; to fast on bread & water, and for the second faulte, the doubling thereof, and for the thrid faulte, warding of their persones, or banishing for zeir and day, and ordainis the Deane of *Gild*, Kirk-maisters; and reulers, to gar lesche bairnes, that perturbis the Kirk, in maner foresaid.

18. *Anent them that knawis themselves under proces of cursing.*

ITEM, That because many persones wittandlie knawand themselves under the processe of cursing, and beand charged to remove fra divine service, wilfullie enteris themselves thereto, and will not remove, quhair-throw they stop the remanent Christian people fra divine service, and incurris the great cursing of the Law.

Therefore it is statute and ordained, that quhasaever beis noted and convicted to have remained in the Kirk, the time of divine service; after that he have bene warned and charged to remove, beand under proces of cursing denounced upon him dewlie, outhir openlie in his Paroche Kirk, or personally, to be punished as perturbers of the Kirk of God, and to incur the paines of the foresaid last acte.

19. *Anent them that maries twa wives or husbands.*

ITEM, It is statute and ordained, that quhat-sum-ever person maries twa sindrie wives, or women maries twa sindrie husbundes, livand togidder un-divorced lauchfullie, contrair the aith and promise maid at the solemnization and contracting of the matrimonie, and swa ar of the Law perjured and infamous: Therefore, that the paines of perjuring be execute upon them with all rigour: That is to say, confiscation of all their gudes moveable, warding of their persones for zeir and day, and langer in-during the Queenis will, and as infamous persons, never able ro bruike office; honour, dignitie, nor benefice in time to-cum.

20. *Awent Adulterers.*

ITEM, Awent perſones that ar married, and ar open, maniſteſt, commoun and incorrigible adulterers, and will not deſiſt and ceaſe thereſa, for feare of ony Spirituall iuriſdiction, or Cenſures of haliſ Kirk, to the greate perrell of their awin faules: Therefore it is ſtatute and ordained, in this preſent Parliament, that all ſik incorrigibill adulterers, after that the proceſſe of haliſ Kirk, ſa far as the ſamin may extend to, be uſed upon them for their in-obedience and contemptum, be denounced our Sovereine Ladies rebelles, and put to rhe horne, and all their moveable &c. And ſwa na appellation interponed fra the ſaid Cenſures of haliſ Kirk, to ſuſpend the horning.

21. *How meickle fraucht ſall be given to Ferriers.*

ITEM, For ſameikle as the Queenis Grace, the Lord Governour, and the three Eſtates of Parliament, havand reſpect to the great and heavey oppreſſion done to the Lieges of this Realme, and ſpeciallie be Ferriers of *King-horne*, *Queenis-Ferrie*, and *Dundie*, in taking of their fraucht fra them, and that the Queenis Lieges, notwithstanding the weichtie charges and expenſes deburſed to ſik Ferriers, ar not ſerved, as apperteinis to be done: And for remeid hereof, in reſpect of the dearth of viyers, diſpenſis with the acte maid hereupon of before for ane zeir: It is ſtatute and ordained, that na maner of perſon, awner of anie Boates, at the Ferries foreſaid, tak upon hand to tak ony fraucht fra ony of our Sovereine Ladies Lieges for their portage, bot as after followis: That is to ſay, gif ony perſon would have ane boate be himſelfe, at the Ferrie of *King-horne*, that he take for his fraucht and portage, ten ſhillinges: And quhair companie convenis at the ſaid Ferrie, the horſe and man to pay for their portage, twelve pennies. And the man or woman be himſelfe, but horſe, to pay for their portage, ſex pennies. And that the Ferriers of the *Queenis-Ferrie*, and *Dundie*, gif ane man deſiris ane boate be himſelfe, to paye for his portage, four ſhillinges. And everie ilk man and horſe, aucht pennies. And ilk man or woman be himſelfe, ſoure pennies, under the paine of death, and confiscation of all their gudes, with certification to them, and they do the contrair, that they ſall be called to particular diettes and Juſtice courtes, and ſall be puniſhed therefor with all rigour, as breakers of the actes of Parliament.

22. *The paine of falſe Notars, uſers of falſed.*

ITEM, It is ſtatute and ordained be the Lord Governour, with adviſe of the three Eſtates of Parliament, that the actes and ſtatutes maid of before, againſt falſe Notars and witneſſe, corrupters and ſeduceres of them in writ, Temporall or Spirituall courtes, to bee obſerved and keiped in all poyntes, and ratifies and apprievis the ſamin of new, with this addition: That all ſik perſones ſall be puniſhed in their perſones and gudes with all rigour: *Videlicet*, preſcription, baniſhing and diſ-membring of hande or tounge, and uther paines, provided be the diſpoſition of the commoun Law, baith Cannon, Civill, and ſtatutes of the Realme. And this acte to be extended to all maner of evidentes, actes, obligations, acquitrances, or uthers writings quhat ſumever, and the makers, ſeinziears, uſers, ſeducers, corrupters, and falſars thereof, alſweill as to falſe instrumentes.

23. *The price of Craſteſ-mennis wark. Of meate and drinke in tavernes.*

ITEM, For ſa-meikle as the Lorde Governour, and the three Eſtates of Parliamente, regairdand the exorbitant prices that everie Craſteſ-man within Burgh, raiſis upon our Sovereine Ladies Lieges, in all ſik thinges as pertainis to their Craft, ſwa that the prices ar doubled and tripled be mony of them, to the greate hurt of the ſaidis Lieges, quhilk is conſiddered to be of practique be the Deakones of everie craft, and the fault thereof is alway in the Proveſt and Baillies of everie Burgh, that over-ſeis the ſaidis Deakones, Craſteſ-men, and correctis them not, conforme to the acte of Parliament: Therefore it is ſtatute and ordained, that all Proveſtes and Baillies of free Burrowes with all diligence, convene the ſaidis Deakones and Craſteſ-men afore them, and there on everie thing pertaine to Craſteſ-men, to ſtatute and ordaine reaſonable prices, eſſeirand to their craft, and that the ſamin be put in writ, and produced afore the Lordes of the articles in the nixt Parliament, to be halden the thrid day of *April* nixt-to-cum, to be conſiddered be them, gif they be reaſonable, and giſſwa be, to be authorized, and gif they be unreaſonable, to be reformed: And ſik-like, that eſſeirand to the prices of victualles, that the ſaidis Proveſt and Baillies cauſe the Hoſtellares to take ane reaſonable price for ane mannis dinner and ſupper, that they may hald their awin, and the Queenis lieges be not ſa grievied and hurt throw the great prices, taken far abone all cuſtome and uſe, as hes bene in this Realme afore thir dayes, and as beis ſtatute hereupon in Burgh, that the ſamin be delivered to the Schireſſe of the Schire, to garre the ſaidis prices be keiped to Landwart. And gif ony of the ſaidis Deakones or Hoſtellares obeyis not the ordinance of the ſaidis Proveſt and Baillies, that they deprive them of their Offices and privilege, and after they be deprived, gif they meddle farther there-with, to be called to underly the Law to particular diettes, afore the great Juſtice, as for contemning and breaking of the actes of Parliament, and to be puniſhed in their perſones and gudes with all rigour.

24. *Anent the examination of Notars, be the Lordes of Session.*

ITEM, Because the acte concerning Notars, maid be the Kingis Grace, King JAMES the Fifth, Iquhom GOD assilzie, hes not hider-tilles bene put to dew execution: Therefore it is thocht expedient be the Lord Governour, and the three Estaites of Parliament, that the said acte be put to execution in all poyntes, after the forme and renour of the same, betuixt this and the last daye of *March*, nixt to-cum, with this addition following: That is to say, that everie Schireffe within the boundes of his office, betuixt this and the said daye, bring, or send all Notars, Temporal men, and the Ordinares, to bring or send all Spiritual Notars to the Burgh of *Edinburgh*, and there present them to the Lordes of Councill, to be examined be them, gif they be able, worthie, and qualified for the said office of Notarie, and there to be admirted be them thereto, suspendand fra the saide last day of *March* furth, of all Notars, unro the time of their admission foresaid: With certification to them, that usis the Office of Notarie, fra the said day furth, before they be admitted in maner foresaide: That their instrumentes fall have na faith, and themselves fall be punished as falsars of the Law.

25. *Anent the ordouring of everie mannis house.*

ITEM, It is statute and ordained, that the acte and ordinance maid before in Councill, anentis the eschewing of dearth, and the ordouring of everie mannis house in his courtes and dishes of meate, be observed and kept in all poyntes, after the forme and tenour thereof, and under the paines contened in the samin: Of the quhilk the tenour followis: The quhilk daye, for-sa meikle as the Queenis Grace, the Lorde Governour, and Lordes of secreit Councill, havand respect to the great and exorbitant dearth, risen in this Realme of victualles, and uther stufte, for the sustentation of mankind, and dailie increassand. And understandand, that the occasion thereof is the cause of the superfluous eheere, used commounlie in this Realme, alsweill amangst small, as Great-men, to the great hurte of the commoun weill of the samin, and damage to the bodie, quhilkis makis ane man unable to exerce all leiffull and gude warkes necessar. And for remeid hereof, and stanching of sik dearth and exorbitant prices foresaidis. It is devised and ordained, that na Arch-Bishops, Bishops, nor Earles, have at his meate bot aucht dishes of meate: Nor na Abbot, Lorde, Priour, nor Deane, have at his meate bot sex dishes of meate: Nor na Barronne nor Free-halder, have bot four dishes of meate at his messe: Nor na Burges nor uther substantiall man, Spiritual nor Temporal, fall have at his meate, bot three dishes, and bot ane kinde of meate in everie dish. And for observing and keeping of this acte and ordinance foresaid: It is devised and ordained, that quhat-sum-ever Arch-Bishop, Bishop, or Earle, beis foundin breakand the samin, that he fall content and pay to the Lord Governour, and the authoritie, at everie time hee failzies, ane hundreth pound for everie failzie. And gif ony Lord, Abbot, Priour or Deane, failzies and breakis the said acte, he fall content and pay for everie failzie, ane hundreth markes, and gif onie Barronne or Free-halder failzies, he fall pay at everie time and failzie, fourtie pound: And gif ony Burges or uther substantiall man, Spiritual or Temporal failzies, hee fall pay at everie time and failzie, twentie markes in maner foresaid: And gif ony uther small person or persones, wauld presume to breake this present acte and ordinance, or do in the contrair, he fall be taken and punished in his person and gudes, at the Lorde Governours will, for their contempment. And quhat-sum-ever uther person or persones, of quhat-sum-ever Estait, degree, or condition that ever they bee of, that failzies and breakis this ordinance, that he fall be repute and halden, as ane man gyven to his voluptuousnes, and contemnar of the authoritie, and not to the commoun weill: And howbeit, that ony man of greater Estait, nor ane Burges cum in Burgh to anie Burges ludgeing, It fall not bee leasum to the said Burges to make onie ma dishes bot effeirand to the Estait of the Maister awner of the saide ludgeing, without that the Lorde, Barronne or stranger make his awin provision and table, alwaies within the ordinance foresaid: Providing alwaies, that this present acte and ordinance stricke not upon mariages, nor banquettes to bee maid to strangers of uther Realmes, and the said banquettes to be maid allanerlie be Arch-Bishops, Bishops, Earles, Lordes, Abbottes, Priores, Deanes, Barronnes, Provestes and Bailies of Burrowes. And in likewise providing that na *Scottif-man* make banquet to ony uther *Scottif-man*, bot in maner foresaid: And for the maie sure keeping of the saide, acte and ordinance, ordainis that the Schireffe of the Schire and their deputes, Provestes, Aldermen and Bailies of Burrowes, ilk ane within his awin boundes and jurisdiction, to take inquisition of the breakers of the samin, and roll their names, and deliver the samin to the Lord Thesaurar, to the effect that the persones breakers and contemnars of the said act, may be called to Justice laires or particular diettes, as the Lord Governour and Councill fall thinké maist expedient, and punished in maner foresaid.

27. *Prenters suld prent nothing without licence.*

ITEM, For-sa-meikle as there is diverse Prenters in this Realme, that dailie and continually prentis twikes concerning the Faith, ballaites, fanges, blasphemationes, rimies, alsweill of Kirk-men, as Temporal, and uthers Tragedies, alsweill in *Latine*, as in *English* toung, nor seene viewed and considered be the Superiours, as apperteinis to the defamation and sclander of the Lieges of this Realme, and to put or dour to sik inconvenientes: It is devised, statute and ordained be the Lord Governour, with advise of the three Estaites

Estaites of Parliament: That na Prenter presume, attempt, or take upon hande to prent ony buikes, ballattes, fanges, blasphemationes, rimes or Tragedies, outhur in *Latine* or *Englissh* tounge in ony times to-cum, unto the time the samin befeene, viewed, and examined be some wise and discreit persons, depure thereto be the Ordinaires quhat-sum-ever. And thereafter ane licence had and obteined fra our Sovereaine Ladie, and the Lord Governour, for imprinting of sliik buikes, under the paine of confiscation of all the Prenters gudes, and banishing him of the Realme for ever.

F I N I S.

T H E S E X T

P A R L I A M E N T

O F

MARIE, QUEENE OF SCOTLAND,

Halden at Edinburgh, the twentie day of Junij, the zeire of God, ane thousand, five hundredeth, and fiftie five zeires: Be MARIE, Quene Dowager, and Regent.

28. The Revocation maid be our Sovereaine Ladie.



THE Quhilk day, in presence of the Queneis Grace, *Marie* Quene Dowager, and Regent of *Scotland*, and the three Estaites in this present Parliament, compeired Maister *Henry Latimer*, Advocate to our Sovereaine Ladie, and presented unto her Grace, and the three Estaites foresaidis, our Sovereaine Ladies Revocation, subscribed with her Hienesse hand, at *Fontaine-Bleau*, of the dait, the twentie fiftith day of *Aprill*, the zeir of GOD, ane thousand, five hundredeth, and fiftie five zeires, and of her Reigne the xij. zeir, the privie Seale hungin thereat; intimate, insinuat and declared the same, desirand the Queneis Grace, and the three Estaites abone mentioned, to cause the said Revocation to be insert and registred in the buikes of Parliamente, and the samin to have the strength and effect of an acte of

Parliament, in all times to-cum, and they to interpone their authoritie in and to the samin: The quhilk desire, the Queneis Grace, Dowager, and Regent foresaide, and the three Estaites of Parliamente thoucht reasonable, and hes ordained, and ordainis the said Revocation to be insert and Registred in the saidis buikes of Parliament, and the samin to be of als great strength, valour, force, and effect in all times to-cum, as ony Revocation maid be ony our Sovereaine Ladies Predecessours, Kings or Quenes of this Realme, in ony times by-gane, in their lesse age, before their compleit perfite age: And theretipon hes interponed, and interponis their authoritie to the samin, conforme to the said Revocation, Of the quhilk the tenour followis.

Wee MARIE, Be the Grace of GOD, Quene of *Scotland*, having now be the three Estaites of our Realme, declared the full administration and ruling thereof, to be in our awin hands, after the demission maid be our richt traistie cousing JAMES, Duke of *Chassel-beyand*, Earle of *Arran*, Lord *Hamiltoun* &c. Then in our lesse age Tutor and Governour of our Realme foresaide, of his Office of Tutorie and Governement, considerand that be the priviledge of the commonn Lawe, and als that our maist Noble Progenitours, Kings of *Scotland*, of gude minde be their actes and statutes maid in their Parliamentes, hes revoked, cassed, and annulled, all thinges done be them in their minorities and les ages, in hurte and detriment of their conscience, or Crowne, landes, rentes, possessiones, and uthers thinges quhat-sum-ever pertaining to the samin, quhair-intill they were damaged, and skaithed be alienationes, donationes, presentationes, venditiones, or bee ony uthers quhat-sum-ever: THEREFORE We now being furth of our said Realme, having compleit the twelfth zeir of our age, revokis all maner of infeftmentes and dispositiones quhat-sum-ever, we, or our said Cousen, as our Tutor and Governour have maid, during the time that hee had the Governement of our said Realme, in our lesse age, and all uthir thinges, that hes bene done in hurte and detriment of our said Crowne, landes, rentes, possessiones, patronages of benefices, and offices pertaining to the samin: And in special, we revoke, cassis, and annullis all infeftments, donationes, alienationes, and dispositiones maid bee us, with advise of our said Tutor and Governour, or be him in our name, in our lesse age ony maner of way in fee, few-ferme, franck-tenement, or lang tackes of ony landes, Lord-thips, customes, annuelles, fishinges, Burrow-mailes, Castel-wardes, or uthir thinges quhat-sum-ever, annexed to our

Crowne

Crowne or any part thereof, allswell given be our said umquhile father, quhom God assoilzie, as be us to ony person, or persons, contrair the acts maid thereupon of before, to be reduced to us againe, and our Crowne, be vertew of the actes and statutes, maid upon annexationes, and after the forme of the famin.

ITEM, Wee revoke all alienationes of ony rentes, landes and heritages annexed to principalitie, and to the Prince, Second person of the Realme, maid be us, in maner foresaid. Principalitie.

ITEM, In likewise wee revoke, cassis, and annullis, all donaciones, alienationes, few ferme, and giftes quhat-sum-ever in life-rent, or uthervaies in our none-age, of the landes, rentes, annuelles, or utherevenues, that our said umquhile Father had in his possession the time of his decease, be gift, or uthervaies: And of all offices, like as Chalmersaries, Bailleries, and Customaries, maid for maa zeires, bot fra ane Checker, quhill the compt bee maid in the next Checker after following, and of tackes and affectationes maid for langer termes, nor five zeires. Offices and affectationes of the propriete.

ITEM, In likewise wee revoke, cassis and annullis, all tailzieis maid fra the aires in General, to the aires mail, or ony landes within our Realme, against the Law and gude conscience. Tailzieis.

ITEM, Wee revoke all new infestmentes of landes, given in blanch-ferme, that were halden of us of before, be service of waird and reliefe. Blanch-ferme.

ITEM, Wee revoke all Regalities, confirmationes of Regalities, and of all offices given be us in heritage, or be our Father, against the acts and statutes, that na Regalities sould be given in heritage without advise and deliberation of the hail Parliament. Regalities.

ITEM, Wee revoke all maner of alienationes be infestmentes, or ony uthervaies maid or granted of ony heritages in our none-age, that become lauchfullie in our handes, be reason of fore-faltour, bastardrie, or uthir richt, and life-rents given thereof, in our minoritie. Bastardry. Forsal-tour.

ITEM, Wee revoke all new creationes of lands in Barronnies, annexationes, and uniones of diverse lands in fee, in prejudice of our dew service aucht to us, and our maist Noble Progenitours of before. Unions of Barronnies.

AND Sik-lik, wee revoke all discharges of service of suites of Courtes, aucht of auld to our Progenitours foresaid. Suites of Courtes.

ITEM, Wee revoke all new infestmentes given of creation of Barronnies in landes and Lord-shippes annexed to our Crowne. Union of the annexed propriety.

ITEM, Wee revoke all giftes and confirmationes, given be us, of quhat-sum-ever landes and heritages, be false suggestion, be expreeming of false causes, quhair gif they had bene expreemed ane trew cause, and the veritie, we had not given the same, and there-throw we ar greatly and enormelie hurte. Alienations given suppressa cause veritate.

AND Generallie, we revoke, cassis, and annullis, all and quhat-sum-ever thinges done be us in our lesse age foresaid, in detriment and harme of our faule and conscience, hurting of the priviledge of our Crowne, prejudicial to the same, and to us in our patrimonie thereof, and all and findry thinges, that the Law and consuetude of our Realme leavis us to revoke. And als will and declaris, that this our Revocation extend to all thinges allswell not specified, as specified therein, quhilkis pertained to us and our said Crowne, be decease of our said dearest Father, and to be extended fra his decease, in all thinges foresaidis, to us and our behoofe, als largelie, as the Revocation maid be our said maist Noble Father, might be extended to, fra the decease of our maist Noble Gud schir King *James* the Fourth, to the time, daie, and dait of his said revocation: And as the revocation maid in King *James* the Seconds time, might have bene extended to, fra the decease of our maist Noble Progenitour, King *James* the First, to the making thereof: Declarand that albeit, we of our favour and benevolence, suffer ony person or persones to use, possid, or bruik ony priviledges, possessiones of landes, rentes and offices, or of ony thing quhat-sum-ever falland under this our revocation: It sall make na richt to the users, halders, or possidars thereof, bot it sall be leiffull to us to put our handes thereto, quhen we please, bot ony contradiction, and that bee vertew of this our Revocation, Actes, and constitutiones of our Realme. Protestand solemnedlie, that our absence foorth of our saide Realme at this time, and the solemnities required in that be-halfe (gif onie bee) not being done, bee na prejudice to us, anent our fore-saide revocation, with the quhilkis we dispense and supplies all fautes thereof, gif onie be, be our Queenelie power and autoritie Royal. The Kings lang pence, pre-judges not his revocation.

AND That this Revocation be intimar, insinuar, and declared in the next Parliament, to be halden in our Burgh of *Edinburgh*, within our Realme, in the Moneth of *Maij* or *Junij*, next thereafter.

29. *Anent the sealing and subscription of reversions, and writes belang and thereto.*

ITEM, In likewise it is statute and ordained, that all reversions to be maid in time to-cum, and all bandes and obligationes, for making, sealing, and delivering of reversions, be maid under the seale and subscription of the promittar and giver thereof: And gif the partie cannot subscribe, to subscribe the same with his hand, led at the pen be ane Notar. And gif ony instrument, or uthir kinde of writing be maid for giving of reversions, or be arand and containand reversion: that writing or instrument sall make na faith, bot gif it be insert with consent of the parties in judgement, in the buikes of some ordinar Judge: except gif it happenis within Burgh, that the time of resignation of landes in the Baillies handes, the Clerk of the Burgh, Notar to the saifing giving be the said resignation, be required then instantlie of instrument in his handes of the reversion, before the same witnessse required in the instrument of saifing, and gives his instrument thereupon: Quhilks sall make faith as sufficient reversion. And als, that all discharges of reversions in all times to-cum, be sealed and

and subscribed in maner abone writen: And gif the partie cannot subscribe, to subscribe the samin with his hande, at the pen led, be ane authentick Notar, and sealed with his seale, as is abone writen.

30. *Anent warning fra redeemed landes, and the paine for none-removing.*

I T E M, In likewise it is statute and ordained, that gif any persones havand richt be reversion to redeeme lands, or uther possessions, makis, or causis make lauchfull warning to all parties, fra quhom the saids lands or uther possessions aucht and sulde be redeemed, to compeir at ane certaine day, in the place named in the said reversion, for receiving of the summes of money and tackes, gif ony be specified therein, and at the day warned, fulfilling all thinges, as accordis, conforme to the reversion for his parte, gif the parties warned, as said is, compeiris, and refusis to graunt the saidis landes or possessions lauchfullie redeemed, or absentis themselves, gif there be na tackes to run, after the redemption of the landes or possessions, or the tackes being run out, the haver of the richt to the reversion, causand lauchfull warning to be maid to the parties foresaidis, and all uthers occupiars, before ony *Whit-sunday* terme, after the redemption, to slit and remove fra the saidis landes and possessions, the redemption in maner abone specified, being foundin lauchfull, and the landes be vertew thereof, decerned lauchfullie redeemed: In that case the parties quha suld have granted the redemption of the saidis landes refused and absented, fall be called as violent possessours thereof, fra the terme of *Whit-sunday*, before the quhilk lauchfull warning was maid to remooove, as said is, sik-like as the lands and possessions had bene granted lauchfullie redeemed the day of the redemption.

31. *Ane man-slayer may be relaxed upon caution, to ane certane day: And being thereafter denounced Rebell, the daies of Relaxation, ar esteemed dayes of rebellion.*

I T E M, It is statute and ordained, that gif any person or persones slayis ane uther, the person being charged to finde soverty within sex daies, and findis not the samin, or soverty being foundin, compeiris not at the day, and swa he be put to the horne, and ony time thereafter within zeir and day, he offeris of new to underly the Law, and to finde sovertie thereupon, the paines fall be doubled, soverty being foundin, and hee relaxed. And gif he compeiris not at that day, and of new beis denounced rebell, his relaxation maid and given, be vertue of the last soverty foundin, fall na-waies helpe him anent the tinsell of the life-rent of his landes, bot he fall tine the samin, as he had not bene relaxed fra the first horning: And this to be extended to all relaxationes maid within zeir and daye, after the first horning, and to air and pairt of the slaughter, with the paines ay doubled: And attour, all alienationes, contracts, obligations, and uther thinges quhatsum-ever, that fall be done be him, to be null and of nane availle in the selfe, without ony processe of reduction, during the time of his relaxation upon his soverties, foundin after the first horning: Swa that hee compeir not at the day, and enter to the quhilk he findis soverties: sik-like as and he had annallied, contracted, oblithed, or done uther thinges, beand Rebell, and at the horne. And this act to be extended in the favoures of uthers superiours, alsweill as unto the Queenis Grace. And gif it happenis ony person or persones, committers of slaughters, for none-finding of soverties, or soverty being foundin for none-compeirance, beis denounced Rebell, and put to the horne, and thereafter passis to Girth, and offers to finde soverty to abide the Lawe, for the fore-thocht-fellony: In that case soverty being foundin, and they compeirand at the day, and acquite of the fore-rhocht-fellony, to be restored againe to the Girth, and the act foresaide to have na place against them, bot upon the second horning.

32. *Anent summoning of persones passand forth of the Realme.*

I T E M, It is statute and ordained, that gif any person or persones beis summond and warned lauchfullie, laucht dayes before their departing forth of the Realme, and passis forth of the samin thereafter: *Nisi Republicæ causa*, the partie persewar fall have processe upon his first sumounding be continuations, in sik-like maner, as and his partie had not past out of the Realme, be warnings on fiftene dayes, langer or schorter, as the persewar fall desire, makand warning at the dwelling place of the defendar, gif he ony hes: And failzieing, that he have na dwelling place, nor hes not constitute Procuratoures, to bee warned at the mercat croce of the head Burgh of the Schire, quhair he had maist resort, before his departing. And this act to have place in civil actiones allanerlie, bot not against witnesse.

33. *The ordour for summoning of parties to compeir before the Justice, or uthers Judges.*

I T E M, It is statute and ordained, that ony person summond to compeare before the Justice, his deputies, or uthers Judges within this Realme, hayand power of Justiciarie in criminal causes: The copie of the saidis letters or precept, quhairby hee is summond, fall be delivered to him, gif he can be personallie apprehended, and failzieing thereof, fall be delivered to his wife or servands, or affixed upon the zet of his dwelling place, gif he ony hes, and thereafter open proclamation being maid at the head Burgh of the Schire, ane uther copie to be affixed upon the mercat croce. Providing alwaies, that gif there be maa persons nor twa contained in the letter, being all called upon ane deede and crime: In that case, twa copies to be delivered to twa of the principal named in the saidis letters, or then given to their wives or servandes, or affixed upon their zettes

zettes or dwelling places, gif they ony have, and ane copie left and affixed upon the mercat croce, quhair the publication is maid, to be sufficient to the hail perones, quhair sum-ever they bee contained in the saidis letters.

34. *Anent giving of saisinges upon precepts of the Chancellarie.*

ITEM, For-sa-meikle, as in umquhile our Sovereine Lordis time, that last deceased, It was statute and ordained, that all saisinges quhilkis passis upon precepts of the Chancellarie, to be given be the Schireffe Clerke, or his deutes: Sen the quhilk acte, there is be occasion of weir and great troubles, diverse saisinges given be uthers Notars, upon precepts past fouth of the said Chancellarie: Therefore the three Estaites of Parliamente, dispensis with that fault of all saisinges, given be uthers Notars, sen the making of the foresaid acte, and ordainis the said acte to be published, and have effect in time cumming, with this addision: That upon all precepts past fouth of the Chancellarie, the Schireffe, Steward or Baillie, alsweill the Regalitie, as Royaltie, or their deutes, fall be required to passe to give saisning with the Schireffe Clerke and his Deutes: And gif the Steward, Baillie, or their deutes refusis to passe and give saisning, then the partie haver of that precept, to put any uther Baillie to give saisning, as he fall think maist expedient.

35. *Anent the ordour for giving of curatoures to Minors.*

ITEM, Because it is understandin, that be the giving of curatoures to Minores bee sindrie Judges, there hes bene great skaith susteined be the saidis Minores: Therefore it is statute and ordained, that in all times cumming, quhen onie Minor passis the zeires of his Tutorie, and desiris Curatoures: That he cum before his Judge Ordinar, and desire of him ane summons or edict, to warne twa, at the least, of the maist honest and famous of the Minor's kin, and all uthers havand interesse, quhilk fall be warn'd lauchfullie: That is to say, the special perones personallie, or at their dwelling places, givand ane copie to their wives or servandes, or affixand it on their zettes or dures, and uthers havand interesse generalie, at the mercat croce of the head Burgh of the Schire, quhair the saidis Minores hes their landes or gudes, to compeir at ane certaine daye, upon nine dayes warning at the least, to heare and see the Curatoures desired be the said Minor, to be given to him unto his persite age of twentie ane zeires, and caution foundin, *de fidei administratione*, quhilkis beand given in maner foresaide, they fall nor be revoked nor discharged, nor uthers chosen to the Minor, unto the time they be called before the Lordes of Councell, or uthers Judges Ordinar, at the will of the bairne, to heare and see them discharged, and revoked for reasonable causes: Quhilkis being foundin of veritie, they then to be discharged, and uthers curatoures given in their places be the ordour foresaid, with caution, and na-uther-wife.

36. *Anent eating of flesh in Lentron, and uthers daies forbidden.*

ITEM, For-sa-meikle as there is diverse insolent and evil given perones, not regardand the Lawe of GOD, and constitution of halie Kirk, bot in high contempion thereof, and to the grear slander of the Christian people, eatis flesh in *Lentron* and uthers daies forbidden be the Kirk, and Lawes thereof.

Therefore, for the repressing and punishment of the quhilk: It is statute and ordained, that na person nor perones contemnantlie and willfullie without dispensation or requiring of licence of their Ordinar, their Parson, Vicar, or Curate, eate flesh plainely or privatelie in the saidis daies and times forbidden, under the paine of confiscation of all their gudes moveable, to be applied to our Sovereine Ladies use, and gif the eaters hes na gudes, their perones to be put in prison, thereto remaine zeir and day, and further induring the Queenis Grace will, but prejudice of the Spiritual punition, conforme to the commoun Lawe.

37. *Of reversiones conteinand tailzied gold and silver.*

ITEM, Because there is diverse and sindrie reversiones maid and given for redemption and out-quitting of landes, beirand and conteinand gold and silver of certaine special valour and price: And the said gold and silver is not now to be gotten, quhair-throw the havers of sik reversiones hes bene oft-times differred fra redemption of their landes: Therefore it is devised, statute and ordained, anent all reversiones, beirand and conteinand gold and silver, or ather of them, of certaine special valour and price or cuinzie, that gif sik gold and silver cannot be had nor gotten within the Realme, the havers of thay reversiones may redeeme the landes specified therein, be vertew of their saidis reversions givand golde and silver, havand course for the time, beand of the famin valour, weicht and fines, as the gold and silver specified in the saidis reversiones, conforme to the commoun Lawe: And this acte to be extended to all and quhat-sum-ever reversiones by-gane and to-cum.

38. *The procuratorie and instrument of resignation suld be sealed and subscribed.*

ITEM, It is statute and ordained, that all resignacones to be maid be vassalles in time to-cum, of their properties in the Superiours hands, *ad perpetuum remanentiam*, beand maid be procuratorie, the said procuratorie fall be sealed and subscribed be the vassalles handes: And gif hee cannot write, to be subscribed with his

his hande at the pen, led be ane authentick Notar, and sealed, as said is. And gif the said resignation beis maid be the vassal personallie, *ad perpetuam remanentiam*, that the instrument thereof bee sealed with the seale of the resignar, and subscribed with his hand: And gif he cannot write, to be subscribed with his hand at the pen, led be ane Notar in maner foresaid, and na resignation *ad perpetuam remanentiam*, to have faith in time to cum; utherswaies then is abone specified.

39. *Anent the warning of tennentes.*

I T E M, It is statute and ordained, that in all time cumming, the warning of all tennentes and uthers, to sit and remove fra lands, milnes, fishinges and possessiones quhat-sum-ever, sall be used in maner following: That is to say, lauchfull warning being maid ony time within the zeir, fourtie dayes before the feast of *Whit-sunday*, outhir personally or at their dwelling places, and at the ground of the landes, and ane copie delivered to the wife or servandes, and sailzieing thereof, to be affixed upon the zettes or dures of the dwelling places of the saidis landes, gif onie be, and thereafter the samin precept of warning to bee red in the Paroch Kirk, quhair the landes lyeis, upon ane Sabbath daye before noone, the time of Preaching or Prayers: And ane copie left and affixed upon the maist parent dure of the Kirk, fourtie dayes before the terme, and na furder laying forth of strefses, and remooeing upon *Wednesday*, to be used in time to-cum. And gif the partie warned, in maner foresaid, remois not at the terme, in that case, the warner sall incontinent, or safoone as pleasis him, cum to the Lordes of Councell, or to the Schireffe of the Schire, or uthers Judges Ordinares, havand jurisdiction, schawand his precept of warning, ordourlie execute and indorsate, and sall have letters or precept to charge the parties warned and possessours of that ground, to compeir before the saidis Lordes, Schireffes or their deputes, or uthers Judges Ordinares foresaidis, havand jurisdiction, upon sex dayes warning, or langer, at the will and desire of the persewar, to heare and see them decerned to remooe, desist and cease, conforme to the precept of warning and execution thereof, or else to schaw ane reasonable cause, quhy they suld not do the samin, with certification to them and they sailzie, that letters sall be direct *simpliciter* upon them in the said mater: At the quihilk day, gif they compeir not, the Lordes, Schireffes, or uthir Judges Ordinar havand jurisdiction, sall decerne them to remove, desist and cease fra the landes: And gif they compeir and instantlie schawis sufficient title to bruike the landes: In that case, the samin Judge to proceede and do Justice, as accordis of the Lawe: And gif the partie compeiris and schawis na thing, bot makis alleageance, and offers him to improvee the indorsation: In that case he sall not be heard in judgement, bot gif he finde sufficient caution to the warner then instantlie, that gif his alleageance being foundin relevant, be not sufficientlie verified and prooven be him, that the profits, damage, and interest, quhilkis the said warner or ony uthers havand interest, hes susteined, or sall happen to susteine, be the delay of the foresaide alleageance, be refunded to him: And to the effect that this ordour may have sufficient proceffe in all times to-cum; It is devised, statute and ordained, that all Schireffes, and uthers Judges Ordinar, havand jurisdiction, as said is, be their selves, or their sufficient deputes, bee reddie to sit be fensed courtes, all the lauchfull fiteene dayes after immediate the feast of *Trinitie Sunday*, for doing of Justice in the saidis causes, in maner abone specified: And gif the Schireffes or Judges Ordinares, havand jurisdiction in maner foresaid, and their deputes sailzieis, to be reddie in granting of precepts, and doing of Justice for observing of this ordour: In that case, they fall pay to the partie r heir hail damage, interesse and expenses, but prejudice of the action, against the violent occupiars and possessours foresaidis.

Advocacion of causes. **AND** Als, that na Advocacion of causes be taken be the Lords fra the Judge Ordinar, except it be for deadlie feede, or the Schireffe principal, or the Judge Ordinar be partie, or the causes of the Lords of Councell, and their Advocates, Scribes and members.

40. *Anent the having of talloun, vidualles and flesh furth of this Realme.*

I T E M, Because ane great part of the lieges of this Realme, and uthers strangers, hes thir diverse zeires by-gane, caried furth of the samin victual and flesh, quhair throw greate dearth daile increaseis: Therefore it is statute and ordained now, that nane of our Sovereine Ladies Lieges nor strangers in time cumming, carrie onie vidualles, talloun or flesh furth of this Realme, to uthir partes, except sa-meikle as sall be their necessar victualling for their voyage, under the paine of eschisiting of the saide victual or fleshe, to our Sovereine Ladies use, togidder with the rest of all their gudes moveable, to bee applied and in-brocht to our Sovereine Ladies use, as escheitir: Providing alwayes, that it fall be leifull to the inhabitants of the Burrows of *Aire, Irving, Glasgow, Dumbertane*, and uthers our Sovereine Ladies Lieges, dwelling at the West Seas, to have baken bread, browen aile, and *Aqua-vite* to the Iles, to bartour with uthir Merchandice: And this acte to be extended to the Maisters and skippers of sik veschelles, as receivis sik vidualles, flesh and talloun, as to the awners of the saidis gudes.

41. *In criminal causes the persewer sall have foure friendes, and the defender sex allanerlie.*

I T E M, It is statute and ordained, that gif ony person or persones being called to underlie the Law before the Justice, his deputes, or uthir havand power to sit in criminal actiones, compeirand at the day, they at

ar called, quhat number that ever they bee of, being all called on ane crime: They sall have allanerlie with them at the barre, sex of their maist honest, wise, substantiall friendes, able to give Councell with their Advocates to defend: And the partie perfewer of that crime, to have with them foure of their friendes allanerlie: Swa that be multitude of friends cummand to the barre, the getting of ane assise sall not be stopped: And the breakers of this act, to be punished in this maner: That is to say, the Justice, or uther Judges foresaidis, to charge the breakers to enter their persones in waired, under the paine of rebellion, and putting of them to the horne, and gif they disobey, to put them to the horne: And gif they obey and enters in warde, there to remaine during the Queenis Grace will.

42. *Anentis nullities.*

ITEM, It is statute and ordained, that all nullities be received and have processe, be way of exceptiones Torreplyis, and all titles, contractes, infestmentes, or uther thinges quhat-sum-ever, that ar null of the Lawe, to be declared in time cumming null, and of nane availle, be exception or reply in that same instance, they ar produced: Providing alwayes, that the partie against quhom the said exceptiones or reply of nullitie is proponed, have sik-like day to call his warrant before the answering thereto, as he might or fuld have had, in-case he had bene called be way of action, to have heard his title, contract, infestment, or uther thing produced be him, declared null of the Law.

43. *Anentis leagues and bandes.*

ITEM, Because it is thocht against all Law and obedience of subjects toward their Princeesse, the making of particular leagues, outhen in Burgh or to Lande, and giving and taking of bandes of man-rent, and maintenanc *respective*: Therefore it is statute and ordained, that all leagues maid in times by-gane be null, and of nane availle: And all bandes of man-rent and maintenance in likewise, bee null, and of nane availle, except heretable bandes given of before, or given for a slithment of slaughters in time by-gane: And dischargis all making of leagues or bands in time to-cum, and that the receivers and givers thereof in times by-gane, be free either of uther in time cumming, and of onie profite be life-rent of landes, tackes, teindes, Bailleries, or zeirlie payment, granted or given for the saidis bandes of man-rent, to returne to the givers, as the famin had never bene givend: For the declairing hereof, the breakers of the saidis life-rentes of landes, tackes, teindes, Bailleries, or zeirlie profite for bandes of man-rent, fall answer to the giver thereof, for the said band, upon xxj. dayes warning, but diet or rable, before the Lordes of Councell, to heare and see the saidis life-rent of landes, tackes, teindes, Bailleries, or zeirlie profite given for the saidis bandes, be decerned to returne againe to him be this act. Quhilkis being declared be the saidis Lordes, to returne to the givers: They fall make their lauchfull warning fourtie dayes before the feast of *Whit-sunday* nixt thereafter, and intronnet with their awin, as accordis: And quhat-sum-ever person or persons that makis leagues, or givis or takis band of man-rent, and maintenanc *respective* in ony time cumming, they fall be punished be putting of their persones in waired, there to remaine during the Queenis Grace will.

43. *Notars fuld be examined and admitted be the Lordes of Session, and their protocollis fuld be marked.*

ITEM, The Queenis Grace Dowager, and Regent of this Realme, and the three Estaites of Parliament of the famin, considering the great and mony fallsettes daylie done within this Realme be Notars, and that our Sovereine Lord, King *James* the Fifth, and in likewise our Sovereine Ladie, in her Parliament halden at *Edinburgh*, the first daye of Februar, the zeir of God, ane thousand, five hundreth, fiftie ane zeires; maid astes for ordouring of Notars, and punishment of fallars, quhilkis as zit hes tane na dew and effectual execution: Therefore it is statute and ordained, that all Notars within this Realme, baith Spiritual and Temporal, be caused to cum be their Ordinaires, Schireffes, Stewards and Baillies *respective*, to the Burgh of *Edinburgh*, there to compeir personallie before the Lordes of Councell, or that the saidis Lordes direct their letters, requiring and charging all Notars within this Realme, to compeir before them, as saidis is, bringing with them their creations and haill protocollis, benuixt this and the Feast of *Whit-sunday*, nixt to-cum, at sik dayes as fall be appoynted and assigned be the saidis Lordes, to be examined, and their creations visid be them, their protocollis produced to be marked be the saidis Lordes, and the leasfes numbred, and the blankis marked, and the said protocol buiks not to be seene nor red, bot to be marked, in presence of the said Notar, and delivered againe to him but ony inspection: And as they be foundin qualifid and admitted be the saidis Lordes of Councell, to use the office of Notarie thereafter: And that na Notar, be quhat-sum-ever power he be creat, use the office of Notarie within this Realme in time cumming, bot gif he first present himselfe to the saidis Lordes, schawand his creation, and be admitted be them, as qualifid thereto: And that na Notars that fall happen to be discharged be the saidis Lordes, or not-admitted be them hereafter, use the office of Notarie, under the paine after specified. And arour, it is ordained, that all Notars to be admitted, as saidis is, givand instrumentes, and requirand witness thereto, they fall require the saidis witness quhair they dwell, or take some uther evident taikin of them, and insert the famin in their saidis instrumentes, that the witness may bee knawin, being present at that time.

time. Furder, gif onie Notars beis convict of falsed, and not admitted be the Lordes, in maner foresaid, and use the office of Notarie, they fall be punished as followis: That is to saye, their haill moveable gudes to be escheit, and applyed to our Sovereine Ladies use, and thay to want their richt hande, and to be banished the Realme for ever: And further, they fall be punished to the tinfell of their life *inclusive*, as the qualitie of the cause requiris, bee sight and discretion of the Judge: And the causers of thay falsettes to be done to recthe cause requiris, bee sight and discretion of the Judge. And because in the acte maid be our Sovereine Ladie, in her Parliament foresaid, all Notars were suspended fra the last day of March thereafter, unto the time of their admission, be the Lordes foresaidis, it being considered, that the said acte rooke not as zit dew execution: Therefore the Queenis Grace Regent, with the advise of the three Estaites, dispensis and supplies ony fault be that part of the said act, in all instrumentes given sensine, and all instrumentes to be given unto the feast of *Whit-sunday* nixt to-cum foresaid.

45. *Wool, and uther staple gudes custumable, shuld not be caryed into England.*

I T E M, It is statute and ordained, that na person nor persons, send nor cary wooll, skin, hides, or uther staple gudes custumable, furth of this Realme be land, into the Realme of *England*, under the paine of escheiting of the samin, to be in-brocht to our Sovereine Ladies use. And als the breakers of this acte, to be punished in their persones, at her Grace's will, and gif thay gudes caryed, cannot be apprehended, the away taker and haver thereof furth of the Realme, as said is, fall pay als meikle as the valour of thay gudes caryed, to our Sovereine Ladie, hee being convict of the crime, and to be punished in maner abone written.

46. *Anent the giving of saisings upon precepts not past forth of the Chancellerie.*

I T E M, Anent the giving of saisings upon precepts, that passis not forth of the Chancellerie, to quhairsum-ever person or persones: **I T I S** Statute and ordained, that the takers of the saisng, either aie, vassal or sub-vassal, within zeir and day present his saisng to the Schireffe Clerke of the Schire, quhair the landes lye, he to insert the samin in his Court buikes, at the least the day and Moneth of the giving of the said saisng, the name of the landes contained in the samin: The name of the Notar and witness conteneid therein: And that the said Clerk bring with him in everie-ilk Checker the said court buiks, and give the double in that pairt thereof, subscribed with his hande and signe manual, to remaine in the register, togidder with the double of his awin protocoll, conforme to the act maid be King *James* the Fifth, that all persons havand interesse, may have recourfe thereto: Providing alwayes that the Clerke take na mair for the inserting of the said instrument in his court buik, bot twa shillings for his laboures.

47. *Anent punishment of false witnesse.*

I T E M, It is statute and ordained, quhair ony witnesse deponis falselie, or ony manner of personne or personnes inducis them to beare false witnesse, that all sik persones in times cumming, be punished be peasing of their tounes, and escheiting of all their gudes to our Sovereine Ladies use, and declared never to be able to buik honour, office, or dignitie fra thine forth, and furder punishment to bee maid in their persones, at the sight and discretion of the Lordes, according to the qualitie of the fault.

48. *Anent the Woodde of Falk-land.*

I T E M, For-sa-meikle as be our Sovereine Ladies letters, direct to the Schireffe of *Fife* and his deputies, for taking of cognition, gif the woodde of *Falk-land* was auld, sailzied and decayed in the growth thereof, and able to faill alluterlie: **I T** Was foundin be ane assise, that the said woodde of *Falk-land* for the maist parte thereof was auld, sailzied, and decayed, and meere to be cut downe for the common weill of the Realme, and to be parked, haned and keiped of new, for policie thereof: Therefore it is statute and ordained bee the Queenis Grace, and the three Estaites foresaidis, that the said Woodde of *Falk-land* be cutted, and of new parked againe, keiped and haned for rising of zounge growth thereof, to the great policie and weill of the samin.

49. *Anent the liberties and priviledges of Burrowes.*

I T E M, The Queenis Grace Dowager and Regent of this Realme, with advise of the haill three Estaites of Parliament, understanding clearelie, that the Estaite of Burgeses thir mony zeires by-gane, be great trouble of weires hes susteined infinite skaith baith in their landes and gudes, and als that their priviledges granted to them, be our Sovereine Ladies maist Noble Progenitours, and actes of Parliament maid thereupon, hes not bene observed nor keiped to them, as accordis: Therefore the Queenis Grace Regent, with advise of the three Estaites foresaidis, hes ratified and apprieved, and ratifies and apprievis all priviledges and actes of Parliament, granted and maid in favours of Burrowes, Burgeses and Merchandes: And hes statute and ordained, that letters be direct be the Lordes of Councell, at the instances of all Burrowes, upon their priviledges and actes of Parliament maid thereupon in all times

to-cum,

to-cum, for putting of the famin to dew execution with all rigoure, against them, that dois or cummis in the contrair of their faidu privileges and actes foresaidis, without calling of ony partie.

51. *Anent the slaying of wilde-beastes, wilde-fowles, halking and hunting.*

ITEM, For-fa-meikle, as in umquhile our Sovereain Ladies maist Noble Progenitours times, special King James the First, the Second, and the Thrid, and als our Sovereain Ladies maist Nobill Father King James the Fifth, and now in hir Graces awin time, divers acts of Parliament hes bene maid, for stanching and repressing of the slaying of wilde-fowles, and wilde-beastes, and schutting at them with culverings, halfe-hag, and pistolette: Quhilks acts the three Estaites of Parliament hes ordained to be published and put to execution with all rigour in times cumming, with this addition: That na man take upon hand to ryde or gang in their nichtbouris cornes, in halking or hunting, fra the Feast of *Pasche*, unto the time that the famin be schorne. And that na man ryde nor gang upon quheare na time of the zeir: And that na Petrick be taken unto the feast of *Michael-mes*: and that na person range uther mennis Wooddes, Parkes, haninges within dikes or broomes, without licence of the awner of the grounde, under the paine of refoundement of the damage and skaith to the patties, upon quhais Cornes they gang or rides, or quhais Wooddes, Parkes, haninges within dikes or broomes, they fall happen to range. And ten poundes for the first fault to OUR SOVERAINE LADIE, twentie poundes, the nixt: and the thrid fault, escheitit of their guds moveable: And all uther paines anentis the poyntes contained in our Sovereain Ladies actes, and her maist Noble Progenitours maid of before, to be execute with all rigour, conforme to the famin.

52. *Anent the discharginge of Deakones, and chusing of visitous.*

ITEM, Because it hes bene clearelie understandin to the Queenis Grace Regent, and the three Estaites, that the chusing of Deacones and men of craft within Burgh, hes bene richt dangerous, and as they have used themselves in times by-gane, hes caused great trouble in Burrowes, commotion, and rising of the Queenis Lieges in diverse partes, and bee making of ligges and bandes amangst themselves, and beruixt Burgh and Burgh, quhilks deserves great punishment.

THEREFORE The Queenis Grace Regent, with advise of the three Estaites foresaidis, hes statute and ordained, that there bee na Deakones choien in times cumming within Burgh, bot the Provest, Baillies, and Councill of the Burgh to chuse the maist honest man of craft, of gude conscience, ane of everie craft, to visie their craft, that they labour sufficientlie, and that the famin bee sufficient stufte and warke: And thir persones to be called visitous of their craft, and to be elected and chosen zeirlie at *Michael-mes*, be the Provest, Baillies, and Councill of Burgh: And that they thereafter give their aith in Judgement, to visie lealelie and trowlie their faide craft, without ony power to mak gaddinger or assembling of them, to onie private convention, or making of ony actes or statutes, bot all Crafter-men in times cumming, to be under the Provest, Baillies, and Councill. And thir visitous choien, sworne, and admitted to have voiting in chusing of Officiars and uther things, as the Deakones voiting of before: And that na Crafter-man bruike Office within Burgh in times cumming: Except twa of them maist honest and famous to be chosen zeirlie upon the Councill: And they twa to be ane parte of the Auditours, zeirlie to the compt of the commonn gudes, according to the actes of Parliament, maid thereupon of before. And quhasaever cummis in the contrair of this acte, to be punished be warding of their persones, be the space of ane zeir, and tinsell of their Freedome within Burgh, and never to be received thereafter, as freemen, unto the time they obtene the favour and benevolence of the Provest, Baillies, and Councill, quhair the fault is committed, and the thrid part of their gudes to be escheitit and applyed to our Sovereain Ladies use, for their contempment.

53. *Anentis the commonn passage in Burrowes.*

ITEM, It is statute and ordained be the Queenis Grace Dowager, and Regent, with the advise of the three Estaites of Parliament, that all commonn Hie-gates, that free Burrowes hes bene in use of prececdant, outhir for passage fra their Burgh, or cumming thereto, and in speciali, all commonn Hie-gates, fra drie Burrowes, to the porres and Havens nixt adjacent, or proceedant to them, be observed and keiped, and that nane make them impediment, or stop there-intill: And gif onie dois, to be called and accused for oppression, and punished therefore, according to the lawes.

54. *Anent Burrowes of the West Cuntrie.*

ITEM, The haill Burrowes of the West Cuntrie, sik as *Irwin, Aire, Dumbertane, Glasgow*, and uther Burrowes at the West partes, hes zeirlie in times by-gane resorted to the fishing of *Loch-Fine*, and utheris *Loches* in the North Iles, for making of Herring, and utheris Fisches, and after the compleeting of their businesse at their pleasure, parted freelie, but payment of ony maner of exaction: Except the payment of the fishers allanerlie: Not-thelesse certain Cuntrie-men adjacent and dwelland beside *Loch-Fine*, hes

hes raised ane great custome of everie last of maid herring, that ar tane in the saide *Loch*, of als great valour as the Queenis Grace custome : Suppose the saidis Burrowes bring the saide herring, for furnishing of their awin houses, and the cuntrie : Quhair custome was never payed of before : Quhairthrow the saidis free Burrowes ar heavieilie hurte : And for remeid thereof : It is devised, statute and ordained, that all sik customes and exactiones be discharged and not raised, nor up-listed fra the perones foresaidis of ony herring or fishes taken be them in the *Loches* foresaidis, for furnishing of their houses, bringing of the samin within this Realme allanerlie, under the paines to be called as oppressours, and punished therefore, conforme to the Lawes of this Realme.

55. *Anentis horning upon Kirk-men for taxt.*

ITEM, For-sameikle, as in time by-gane, the Kirk-men and Spirituall Estaite of this Realme, hes bene required to make payment of their parte of the taxt, granted be the Estaite of this Realme, to OUR SOVERAINE LADIES Predecessours, and her Hienesse in her time, for the furth-setting of the commonn weill of this Realme, under the paine of rebellion, and putting of them to the home, and for none-payment thereof, some of them was denounced Rebelles and put to the Home : Neverthelesse the Queenis Grace, for maintainance of the libertie of halie Kirk, and privileges of Spirituall Estaite, with advyse of the three Estaite of Parliament, hes statute and ordained : That na processe of horning passe upon ony Kirk-men for none-payment of their taxtes, to bee granted in times cumming : Providing alwaies, that the Lords of the Spiritualitie, provide and finde some uther fure and reasonable maner, how the samin fall be in-brocht to our Sovereain Ladie, and her Grace payed thereof.

56. *Of the finesse of Gold-smithes warke, and the marke thereof.*

ITEM, For-sameikle as there is great fraude and hurte done unto the Lieges of this Realme, be Gold-smithes, that makis silver and golde of na certaine finesse, bot at their pleasure : Quhairthrow there is some silver warke maid and set forth of sik baseness of allay, *videlicet*, of sex and seven pennie fine, expresse agaisnt the honour and publick weill of the Realme : THEREFOR It is statute and ordained be the Queenis Grace, with advyse of the three Estaite of Parliament : That na Gold-smith make in warke, nor set forth, outhir of his awin silver, or uther mennis silver, under the just finance of eleven pennie fine, under the paine of death, and confiscation of all their gudes moveable. And that everie Gold-smith marke the silver warke that hee makis with his awin marke, and with the townis marke. And gif hee makis onie silver abone the said fines, that he with his marke make ane prent of the just poynt of the fines that it is of, that it may be kende to all quhat fines it is of. And als, that na Gold-smith make in warke or set furth his awin gold, or uther mennis gold, under the just finesse of twentie twa carat fine, under the paines foresaidis.

57. *Anent the disposition of Wine, Salt, and Timmer.*

ITEM, For-sameikle as it was statute and ordained of before, be ane acte of Parliament, maid be unquihle our Sovereain Ladies dearest Father : That the Provest, Bailies, and Councill of Burrowes, quhen onie Schippes happened to arrive ar onie Portes, laden with Wine, Salt, and Timmer, suld convene with the Merchandes that awe the saidis Wine, Salt and Timmer, and bye, or set ane price of the samin reasonable, that na maner of man, free-man, nor un-free-man, bye onie of the saidis Wines, Salt, or Timmer, bot fra the saidis Provest or Bailies, or awners thereof : And the prices maid be them, as said is, the Prince for the time to be first served, and his officiares contented of sameikle, as they take to the Princis use allanerlie : And all Prelates, Earles, Lords, Barronnes, and uthers Gentlemen, to be served of the samin prices, like as the said acte maid largelie proportis : Nor-thelesse, the Noble-men, sik as Prelates, Earles, Lordes, Barronnes, and uthers Gentle-men ar not served, according to the saide acte, bot ar constrained to bye the samin fra Merchandes upon greater prices, in-contrair the tenour of the said acte.

THEREFOR, It is statute and ordained bee the Queenis Grace Regent, with advyse of the three Estaite of Parliament, that the prices beand maid in maner foresaid, that they fall incontinent passe to the mercat-croce of that Burgh, and there be open proclamation declare the prices of the gudes foresaidis, as they ar maid. And that nane of the gudes foresaidis be disposed be the space of fourie daies, to the effect, that they may be advertised and served, according to the said acte.

58. *Anentis stealing of Halikes, Howndes, Pertrickes, Dukes, and slauchter of Daes, Raes, Hunting of Deare, taking of Cunnings and fowles.*

ITEM, It is statute and ordeined be the Queenis Grace, with advyse of the three Estaite of Parliamenge, that the Actes maid bee King *James* the Thrid and Fifth, anentis the stealing of Halikes, Howndes, Pertrickes, Dukes, and slauchter of Daes, Raes, Hunting of Deare, taking of Cunnings and fowles, be of new

new published, and the same be put to dew execution, and the breakers thereof to be punished conforme to the paines contened there-intill: And this acte to be extended alsweill upon the steallers of Bee-hives, fruit-trees, peillars of barks of trees within Wooddes, and the fowlers lyand at wait with their nettes, as to the slayers of Daes, and Raes foresaidis: And the samin paines to bee execute upon them with all rigour accordingly.

59. *Anentis libertie of Merchandes at the West Seas.*

ITEM, It is statute and ordained, that the acte maid be King JAMES the Fourth, anentis the cumming of Schippes to free Burrowes, at the West Seas, bee published of new, and the samin to be put to execution in all poyntes, after the forme and tenour thereof, and the breakers of the samin, to be punished conforme to the paines contened therein, with this addition: That na person take upon hande to bye onie Merchandice fra the saidis strangers, bot fra free-men, at free Portes of the Burrowes foresaidis, under the paine of confiscation of all the gudes that they bye, togidder with the rest of their moveable gudes, to be applied to OUR SOVERAINE LADIES use, gif they do in the contrair.

60. *Anentis the speaking evill of the Queenis Grace, or French-men.*

ITEM, For-sa-mikle as diverse seditious persones hes in times by-past, raised amangst the commoun people murmures and selanders, speaking against the Queenis Grace, and sawin evill brute anent the maist Christian King of France his subjects sent in this Realme, for the commoun weill, and suppressing of the auld enemies sooth of the samin, tending throw raising of sik rumours, to steir the hearts of the subjectes to hatrent against the Prince, and sedition, betuixt the Lieges of this Realme, and the maist Christian Kingis Lieges foresaidis: And for eschewing of sik inconvenientes, as micht follow there-upon: **IT IS DEVISED**, Statute and ordained, that gif onie persones in times cumming bee hearde speakand sik unreasonable commoning, quhair-throw the people may take occasion of sik privie conspiracie against the Prince, or sedition against the maist Christian Kingis subjectes foresaidis, the samin being proven, fall be punished, according to the qualirie of the fault in their bodies and gudes, at the Queenis Grace pleasure: And in-case the hearer thereof report not the samin unto the Queenis Grace, or her Officiaries, to the effect that the samin may bee punished, as accordis, that he fall incurre the saidis paines quhilkis the principall speaker or raiser of sik murmures deservis.

61. *Anentis Robert Hude, and Abbot of Un-reason.*

ITEM, It is statute and ordained, that in all times cumming, na maner of person be chosen *Robert Hude*, nor *Little John*, *Abbot of Un-reason*, *Queenis of Maij*, nor uthewise, nouthir in Burgh nor to Landwart, in onie time to cum: And gif ony Provest, Baillies, Councell, and Communitie, chuse sik ane Personage as *Robert Hude*, *Little John*, *Abbotis of Un-reason*, or *Queenis of Maij*, within Burgh, the chusers of sik, fall tine their freedome for the space of five zeires, and uthewise fall be punished at the Queenis Grace will, and the acceptar of sik-like office, fall be banished sooth of the Realme: And gif ony sik persones, sik as *Robert Hude*, *Little John*, *Abbotis of Un-reason*, *Queenis of Maij* beis chosen out-with Burgh, and uthers Landward Townes, the chusers fall pay to our Sovereaine Ladie, ten poundes, and their persones put in waird, there to remaine during the Queenis Grace pleasure: And gif onie Women or uthers about Summer trees singand, makis perturbation to the Queenis Lieges in the passage throw Burrowes and uthir Landward Townes: The Women perturbatoures for skafrie of money, or uthewise, fall be taken, handled, and put upon the Cuck-stules of everie Burgh or Towne.

F I N I S.

T H E

T H E S E V E N T H
P A R L I A M E N T
O F

MARIE, QUEENE OF SCOTLAND,

Halden at Edinburgh, the fourteenth day of December, the zeir of God, one thousand, five hundredeth, and fiftie seven zeires: Be MARIE, Queene Dowager, and Regent.

62. *Anent the finding of caution in maters of improbation.*



TEM, Because oft and diverse times, parties ar differred and post-poned of obtaining their intentes and sentences in their just actiones, be opponing of falsctres and improbations, quhair throw proceses ar prolonged, to the great hurte of the saidis parties: It is therefore thocht expedient, statute and ordained be the Queenis Grace Dowager, Regent of this Realme, and three Estaites thereof: That in all times cumming, quhat-somever partie proponis falsct, and takis on hand to im-proove ony Charter, Precept, instrument of saisng, contract, obligation, acquittance, testament, or uthir writing quhat-somever, -before the Lordes of our Sovereaine Ladies Councell and Session, Schireffes, Stewardes, Baillies of Royalties or Regalities, their Deputes, Provestes, Aldermen, Baillies of Burrowes, or ony uthir Judge Spirituall or Temporall within this Realme, and failzies in the improbation of the same, the said partie fall be condemned at the giving of the sentence in the principall mater, to paye ane pecuniall summe, as paine arbitrall, at the sight and discretion of the saidis Lordes, or uthers Judges quhat-somever: That ane halfe thereof to be applyed and payed to the Queenis Grace, and the uthir to the partie adverfar. Providing alwaies, that there fall be na tyme granted, set nor affixed to the said partie takand on hand, and offering to improove, quhill they finde caution then presently acted in judgement, for payment of the said paine, gif the saidis Lordes, Schireffes, or uthers Judges understandis, that the saidis parties may get sik caution, and failzieing thereof, the saidis parties themselves to bee then acted for the samin: Providing alswa, that in all sik maters of improbationes to be proponed or mooved at the Queenis Grace instance, or her Hieneffe Advocates, the promoter and instructer of the cause, finde sik caution and be acted, as saidis: And this to be extended for finding of sik caution, and acting alsweill at the raising of the summonds or precept, as objection of falsct, and offering to improove at ony part of the processe.

63. *Anent the probation of exceptions be write.*

ITEM, It is statute and ordained, that ony exception being admitted to probation, it fall be declared bee the Lordes, how meikle of it requiris probation in write. And the proponer thereof, fall produce the writ, in the terme assigned to proove, or then doe sufficient diligence to cause it be produced, gif the samin be not in his awin handes: And failzieing thereof, protestation fall be given against the probation of that part of the said exception: and gif the write be produced, it fall be leasum to the partie adverfar. to say against the samin, after renuntiation of further probation be maid be the proponer of the said exception, or protestation of the partie adverfar, admitted against further probation thereof.

64. *The expenses of pley to be taxed and insert in the decreetes.*

ITEM, The Lordes ordainis condemnatour or absolvitour of expenses to be maid at the decision of ever-ilk cause, and the samin taxt to be summed in the principall decreetes to bee given hereafter: Providing alwaies, that expenses used in time by-gane, to be given in ony artickle of the proces be payed, as they were wont to be of before.

F I N I S.

T H E

T H Ê A U C H T

PARLIAMENT CURRENT,

Halden at Edinburgh, the twentie ninth day of November, the zeir of God, ave thousand, five hundredeth, and fiftie aucht zeires: Be MARIE, Queene Dowager, and Regent.

65. *The privileged and liberties of French-men within Scotland.*

TEM, Because the maist Christian King of France, hes granted aue letter of naturalitie, for him and his Successoures, to all and sundrie Scottef-men being in the Realme of France, or fall happen to be in the same in onie times to-cum: Makand them able to bruik landes, heretages, offices, dignities, and benefices: And to dispone thereupon, and their aires to succede to their landes and heretages: Like as the said letter of naturalitie, registred in the Parliament of Paris, in the great Councell, and in the Chalmer of compts, in the selfe at main length proportis: Therefore the Queenis Grace Dowager, and Regent of this Realme, and three Estaites of the samin, thinkis it gud and agreeable, that the like letter of naturalitie be given and granted be the King and Queene of Scotland, Dauphin and Dauphinesse of Viennoys, to all and sundrie the said maist Christian King of France subiects, being, or fall happen to be in the Realme of Scotland, in onie times to-cum, with sikklike privileged and faculties as is given be the said maist Christiane King of France, to the subiectes of this Realme: And the said letter of naturalitie to be registred in the buikes of Parliament; buikes of Councell and Session, and in the Checker Rolles: Quhilkis letters of naturalitie, granted be the said maist Christian King, is brocht hame and registred in the buik of Parliament, to be delivered to quhat-sum-ever that requiris the samin.

66. *The privileged and liberties of Scottef-men within the Realme of France.*

HENRY PAR LA GRACE DE DIEU ROY DE France, A tous presents & a venir, Salut. Comme depuis le mariage cy devant pour parlé entre nostre trescher & tresaymé fils le Roy Dauphin, & nostre treschere & tresaymée fille la Royne d'Escoce Dauphine son espouse fait, arresté & consumé, Les deputes des Estatz dudit royaume, ayent pour & au nom desdits estatz fait & a nostre dit filz le serment de fidelité comme a leur vray & naturel Seigneur qu'il est, Au moyen de quoy estans les subiects des deux royaumes (qui ont jusques icy & des long temps ordinairement communiqué ensemble, vescu en mutuelle amitié & intelligence, favorisé & secouru les uns les autres) par l'ap-proche des maisons de France & d'Escoce tellement unis ensemble, que nous les estimons comme une mesme chose. Et desirants a ceste cause, pour mieux establir, entretenir & fortifier ceste amitié entre nosdits subiects & ceux dudit royaume d'Escoce, & donner ausdits habitants d'iceluy Royaume d'Escoce plus de moyen de visiter leur Roy & Royne quand ils seront dedeca, resider auprès d'eux, les fuyre & servir comme a bons & fideles subiects appartient: Les gratifier & favoriser des graces & privileges dont jouysent nos propres subiects. Scavoir faisons que nous, ces choses considerées, & pour plusieurs autres grandes & raisonnables causes a ce nous mouvantes, avons a tous les habitants dudit royaume d'Escoce, subiects de nostre dit filz le Roy Dauphin, & de nostre dite fille son espouse, permis accordé & octroyé, permettons, accordons & octroyons par ces presentes, qu'ils puissent & leur loyse toutesfois et quantes que bon leur semblera soy habiter, venir, resider, et demeurer en cestuy nostre royaume, et en iceluy accepter tenir et posséder tous et chacun les benefices, dignitez et offices Ecclesiastiques, dont ils pourront estre justement et canoniquement pourueus, a bon titre, non dérogeant aux saints decretz, concordats, privileges, franchises et libertez de l'Eglise Gallicane. D'iceux prendre et apprehender la possession et jouissance, et en recevoir et percevoir les fruits, profits, et revenus a quelque somme qu'ils soient, & se puissent monter. Et d'avantage, acquerir en ce royaume, pais, terres & seigneuries de nostre obeissance, tous & chacun les biens tant meubles qu'immeubles, qu'ils verront bon estre: Les tenir et posséder, Ensemble ceux qui leur pourront escheoir, competer et aparvenir, soit par succession, donation ou autrement, et en ordonner et disposer par testament, ordonnance de dernière volonté, donation faicte entre vifs, et en quelque autre sorte que ce soit. Et que leurs heritiers ou autres ausquels ils en auront disposé, leur puissent succéder, prendre et apprehender la possession et jouissance de leur-dits biens, tout ainsi qu'ils feroient et faire pourroient s'ils estoient originairement natifs de nosdits royaume et pais. Sans que nostre procureur general, ou autres nos officiers puissent doresnavant pretendre lesdits biens a nous acquis par droit d'aubeyne, ny lesdits subiects dudit royaume d'Escoce soyent en la jouissance d'iceux biens aucunement troublez. Et a tout ce. que dessus nous les avons habilitez et dispensez, habilitions et dispensons par ces presentes, soit qu'ils soyent habitez en nostredit royaume, pais, terres et seigneuries de

de nostre obeissance, ou au dit royaume d'Escoffe, sans qu'ils soyent tenus pour raison de ce, nous payer ou a nos successeurs aucune finance ou indemnité, de laquelle, a quelque somme, valeur, & estimation qu'elle soit & se puisse monter, nous les avons, en consideration de ce que dessus, quitez & deschargez, quitons & deschargeons, & d'icelle, en faveur de nostre dit fil: & de nostre dite fille, fait & faisons don par ces presentes signées de nostre main. A la charge, que si pour raison desdits benefices se meut procès, ils ne seront tirer ny convenir aucuns de nos subjects sinon par devant ceux de nos Juges auxquels la cognoissance en appartient. Si donnons en mandement par ces mesmes presentes, a nos amez & seaux, les gens tenants nos courts de Parlement, grand Conseil, & de nos comptés a Paris, & a tous nos Baillifs, Seneschaux, Prevosts, & autres nos Justiciers & Officiers, ou leurs Lieu-tenants, présents & a venir, & a chacun d'eux comme a luy appartenra, Que de nos presentes graces, congé, licence & permission, & de tout le contenu en ces dites presentes, ils fassent, souffrent & laissent lesdits subjects & habitants dudit royaume d'Escoffe jouir & user plaiement & paciblement, cessants & faisant cesser tous troubles & empeschemens au contraire: Car tel est nostre plaisir. Non obstant que la valeur de ladite finance ne soit icy spécifiée ny déclarée, Que tels dons n'ayons accoustumé faire que pour la moitié ou le tiers, Les ordonnances par nous & nos predecesseurs faictes sur l'ordre & distribution de nos finances, Et mesmes celle du mois de Decembre dernier, par laquelle il est dit, que tous dons, bien-faits & recompenses, seront payez par le tresorier de nostre espargne: A quoy nous avons de nostre plaine puissance et autorité royale derogé et dérogeons, et aux derogatoires y contenues, par les presentes: Et a quelconques autres ordonnances, restrictions, mandemens et defenses, a ce contraires. Et pour ce que de ces presentes l'on pourra avoir affaire en plusieurs et divers lieux, nous voulons qu'au vidimus d'icelles, fait sous seal royal, ou douement collationé par l'un de nos amez et seaux notaires et secretares, soy soit adjoustée, comme a ce present original. Auquel, afin, que ce soit chose ferme et stable a tousiours, nous avons fait mettre et apposer nostre seal: Saus en autres choses, nostre droit, et d'autrui en toutes. Donné a Villiers cointereux, au mois de Juin, l'an de grace, mil cinq cents cinquante et huit. Et de nostre regne le douzième.

THE Quhilk day the Queenis Grace, and haill three Estaites of Parliament, gave speciall command, all in ane voyce, but discrepance, to Maister James Mackgill of Rankelaur-Nether, Clerk of Register, to give the authentick copies to all desirers of the acte, anent the Naturalization of Scottes-men in France, And of French-men in Scotland.

F I N I S.

T H E N I N T H
P A R L I A M E N T
O F
MARIE, QUEENE OF SCOTLAND.

Halden at Edinburgh, the fourth day of Junij, the zeir of God, ane thousand, five hundreth, and threescore three zeires.

67. *The acte of Oblivion.*



OUR SOVERAINE LADIE, of the great affection and love, that her Grace bearis toward her subjectes, and for conservation and containing of them, and everie ane of them, in sincere amitie, and mutuall love: And for eschewing of all plead, discord, action, question, querrell, or debate, that may hereafter, or might in time by-gane arise, or to bee moved be either of them, against others, for onie cause or occasion done, or committed be onie of them, to, or against others, during the time of the late troubles in her Majesties absence, or for onie cause that her Grace may have, or move against them, for the transgression of the Lawes of her Hienesse Realme, or onie others received within the famin, sen, and fra the sext day of March, in the zeir of God, ane thousand, five hundreth, fiftie aucht zeires, unto the first day of September, exclusive, the zeir of God, ane thousand, five hundreth, threescore ane zeires: And for ane common peace, union, reconciliation, and quietnesse, to be perpetuallie observed be the haill Lieges and inhabitants of this Realme, swa that they may at their uttermaist power, with ane uniformite of minde,

obey

obey and serve her Majestie in all sortes, as becommis maist humble and faithfull subjectes, to the glorie of God, her Hienes contentment, and common wealth of her Native cuntrie: Bethe advise, Councell, and deliberation of her Grace three Estaites, presentlie convened, hes found profitable and necessar for the gud government, and administration of the Realme, and common wealth thereof: That an statute, Lawe and ordinance of perpetuall Oblivion, be maid and established: Like as her Hienesse be the advise and consent of the hail three Estaites of her Majesties Realme, convened in this present Parliament, makis and establishis ane Law of Oblivion.

THAT All deede, occasion, counsell, and pretence of quhat-sum-ever weicht, or qualitie, that may be alleaged, or appeare to have bene done, maid, given, pretended or assited to, be quhat-sum-ever person or persones her Majesties subjectes and lieges of quhat-sum-ever qualitie, state, or condition they be of, contrair the Lawes of this Realme, statutes, ordinances, constitutions thereof, or quhat-sum-ever uther Lawes, received or used in the samin, in onie times by-gane, to quhat-sum-ever effect, sen, and fra the said sext daye of March, the zeir of God, ane thousand, five hundreth, fiftie aucht zeires, to the said first daye of September, *exclusive*, the zeir of God, ane thousand, five hundreth, threescore ane zeires, and the memorie thereof with all actiones civil or criminal, that may result there-throw: To be ex-pyred, buried and extinct for ever: even as the same had never bene maid, done, counsell, thocht, pretended, nor assited to, swa that nather they, nor their aires, nor successours may be indicted, persewed, summoned, accused, followed, or convened therefore civile or criminalle, before her Hienesse, or her Graces Successours, nor three Estaites of Parliament, nor uther Judge or Judges criminal or Civill, Spiritual or Temporal quhat-sum-ever, within this Realme, or out-with the samin, in onie time to-cum be her Hienesse, her Gracis Successours, or their Advocates, nor be onie her Gracis subjectes, or onie uthers maner of persones quhat-sum-ever, discharging expresselly bee this present Law of Oblivion the Estaites foresaide, Justice generall, his deputies: Lordes of the College of Justice and Session: All Schireffes, Stew-ardes, Baillies, alswell of Regalities as Royalties: Provestes, Baillies and Councell of Burrowes: Legates, Arch-bishoppes, Bishoppes, Abbottes, Commendatars, Prioures, and all uthers Judges, Magistrates and Officers of quhat-sum-ever Estait, degree, or condition they be of, of onie indicting, arreisting, sum-mounding, accusing, following, calling, persewing, convening, or proceeding, against quhat-sum-ever person or persones, her Hienesses subjectes and lieges, of quhat-sum-ever qualitie, Estait, degree, or condition they be of, for the premises, or onie poynt thereof, or depending thereupon onie maner of way, and of their offices and Jurisdiction there-ane, for now and ever.

AND FURDER, It sall not be leifull be Acte of Parliament, or utherwayes hereafter, to make onie derogation of this present Lawe, statute and ordinance of Oblivion, nor cum in the contrair of the samin. directlie, or indirectlie, without expresse advise and consent of the hail persones, and everie one of them that hes or may pretend to have entreffe, priviledge, or favour; bee reason of this Law of Oblivion foresaid.

OUR SOVERAINE LADIE, With advise of her three Estaites, being willed and minded, that na person nor persones, subjectes of her Majesties Realme, being un-worthie of the priviledge and favour of the acte and statute of the Law of Oblivion, have, brui, joyis, nor use the priviledge thereof, for sik transgression, deede, or attemptare, done, or committed be them, or onie of them, fra the sext day of March, the zeir of GOD, ane thousand, five hundreth, fiftie aucht zeires, to the first day of September, the zeir of GOD, ane thousand, five hundreth, threescore ane zeires. Hes statute and or-dained, and bee thir presentis, statuts and ordaines, that letters be direct, published, and proclaimed at all the head Burrowes of this Realme, alswell within Regalities, as Royalties: Commanding and charging all and findrie, OUR saide SOVERAINE LADIES Lieges, of quhat-sum-ever degree, Estait, or qualitie they be of, havand or pretendand to have action, outhier criminal, or civil, for onie deede, cause, or occasion, done, committed, or assited to, fra the foresaid sext daye of March, the zeir of God, ane thousand, five hundreth, fiftie aucht zeires, to the first day of September, the zeir of GOD, ane thousand, five hundreth, threescore ane zeires, that they and everie one of them, intent and persew the action, quhilk they pretend to have, alswell for recovering, as for reduction of decreetes, els given upon deedes done within the time foresaid, before the Judges Ordinar and competent: And gif the partie persewed be himsele, or his procuratours, will, or may alleage, that the persewer suld not be heard, in respect of the Law of Oblivion foresaid: Then, and in that case, the Judge civil sall cease of further proceeding in that cause, and the parties defender and persewer, sall cum to the Lordes and persones under-written: That is to saye, the Noble and michtie Lords, JAMES, Duke of *Chastel-Heraud*, Lord *Hamilton* &c. ARCHEBALDE, Earle of *Ergyle*, Lord *Campbel* and *Lorne*, Justice Generall &c. JAMES, Earle of *Murray*, Lorde *Alberneith* and *Stratbarnie*. JAMES, Earle of *Mortoun*, Lorde *Dalkeith*, Chancellor &c. WILLIAM, Earle *Marchel*, Lorde *Keith* &c. ALEXANDER, Earle of *Glencarne*, Lorde *Kilmawris* &c. JOHN, Lorde *Erskin*: PATRICK, Lorde *Ruthwen*. Ane Reverend Father in GOD, HENRIE, Bishoppe of *Rosse*. President of the College of Justice and Session: Ane venerable Farher in GOD, MARK, Commendatar of the Abbey of *New-bottle*: Schir RICHARD MAITLAND, of *Lethingtoun*, Knight, Keiper of the privie Seale: Maister JAMES MACKGIL of *Ranckelour* Nether, Clerke of Register: Schir JOHN BELLENDEN, of *Auchinnowl* Knight, Justice Clerke: WIL-LIAM MAITLANDE, of *Lethingtoun* zoungeir, Secretar: M. ROBERT RICHARDSON, Commendatar of Saint *Marie Ile*, Thesaurer: Schir JOHN WISCART of *Pittarro* Knight,

Comptroller: Maister JOHN SPENSE of *Condie*, Advocate to OUR SOVERAINE LADIE, Maister THOMAS MAKCALZIEANE, Commissioner for the Burgh of *Edinburgh*; Maister JAMES HALIBURTON, Tutor of *Petsur*, Provost of *Dundie*: And JOHN ERSKIN of *Dum*, Provost of *Montrose*: And give in their supplications to the haill Lordes fore-said, gif they chance to be present togidder, and sailzieing thereof, to the saidis Chancellor, President, Clerke of Register, or Advocate, within this Burgh of *Edinburgh*, be arand the tenour of the persure and allegiance of the Law of Oblivion, for the defender or persewer for reduction: And the saidis Lordes, or onie sex of them, three of the saidis Earles or Lordes alwayes being of the said number: Quha sall give their declaration upon the said exception proponed civilie, and put the samin in writ, in the Register, quihidder the defender or persewer to reduce bee worthie, and sulde bruik, joyis, and have the priviledge of the said Law: And as they declair the samin to be observed, *Videlicet*, Gif they be not worthie, the Lawe to bee na sufficient exception to them, and the Judges, quhom before the saidis exceptiones fall happen to be proponed, fall incontinent thereafter proceede, according to the declaration of the saidis Lordes, to be schawen to them, extract and drawn forth of the Register, authenticklie subscribed be the Clerke of Register, or his deputies, and na uthervayes, and do Justice to the saidis persewers or defenders, and admit or repell the said exception, or admit protestations, as the Law requiris.

AND SICK-LIKE, Gif onie person or persones, callis or persewis uthers criminallie, or intendis to doe the samin. for onie crime done within the time foresaid, the partie quha is charged to underlie the Lawe, findand sovertie, fall cum with the copie of letters or sumoundes, quhairby he is charged to schaw the samin to the saidis Lordes, or onie sex of them: Three of the saidis Earles or Lordes being of them: Quha sall declair quihidder the partie defendar, be worthie of the said Law or not: And as they declair, the Justice to proceede, or to desist fra proceeding, as the ordinance to be maid and given there-upon be the saidis Lordes fall beare, subscribed, as is before specified: And in case of in-lairk, of onie of the number of the saidis Lordes, chosen to the effect foresaid, within the space under-written: It fall be leasum to the remanent, then being on live, to elect and chuse saminie uthers in their places, quha sall declare the said Lawe, in maner foresaid, within the time and space within rehearsed.

PROVIDING Alwayes, thar quhat-sum-ever of OUR SOVERAINE LADIES Lieges, had, hes, or pretendis ony action criminallie or civilie, or reduction of decreetes els given in maner foresaid, quhairof the deede was done, committed or assited to, fra the foresaid sext day of March, the zeir of God, ane thousand, five hundreth, fiftie aucht zeires, to the said first daye of September, the zeir of GOD, ane thousand, five hundreth, three scoir ane zeires; that they intent and persew the samin before the Justice, his Deputes, the Judges Ordinaires, alswell in Regalitie, as Royaltie, betuixt this and the first day of August, the zeir of GOD, ane thousand, five hundreth, threescore foure zeires: Declairand be thir presentes, thar quha that persewis not within the said space, they, their aires, executours or assignayes fall never be heard to persew the same, or have action thereto against them, quha will alleage the foresaid Law of Oblivion.

NOTWITH-STANDING, Quhat-sum-ever Jurisdiction, priviledges, Lawes, or constitutions, quhilkis the saidis persones, or onie of them had, hes, or may pretend or acclaime, as granted be OUR said SOVERAINE LADIE, Her Grace Predecessours, or uthir Judge or Judges quhatsumever. AND SICK-LIKE Ordainis, this declaration against Minors, or uthers quhatsumever, that may pretend priviledge of na prescription be the Lawes of this Realme, or uthir quhatsumever Lawes, that they make persute to their saidis actiones, within the space and time foresaid: *Videlicet*, the saidis Minors with advise of their Tutours or Curatours.

PROVIDING Alswa in likewise, that in case the saidis Minors be hurte be negligence of their saidis Tutours and Curatours in their saidis actiones, quhilkis they had, or pretendis to have, for quhatsumever deede, cause, or action, done or committed, during the space foresaid, that the saidis Tutours and Curatours, fall be halden to answere for the dammage and skairth susteined, and to be susteined be the saidis Minors there-throw, and they to have sufficient action against them, for recovering thereof, as done in their default and negligence, and fall have na action against the principall person, committer of the said deede, at onie time hereafter. And uthers persones, that may pretend priviledge in maner foresaid, never to have action in likewise in time cumming.

68. *Anent cruves and zaires.*

THE Queenis Majestie, and the three Estaites of this present Parliament, ratifies and apprievis the acte maid be her Hienesse maist Noble Gud-schir, King JAMES the Fourth of gude memorie, of the quhilk the tenour followis.

ITEM, It is statute and ordained, that all cruves and fish dammes that ar within Salt waters that ebbis and flowes, be all urtherlie destroyed and put downe, alswell, they that pertainis to our Soverain Lord, as uthers throw all the Realme. And anentis cruves in fresh waters, that they be maid in sik largeness, and sik dayes kept, as is contained in the actes and statutes maid there-upon of before, with this addition following: That is to say, that all cruves and zaires, that ar set of late upon sand, and schauldes, far within the water, quhair they were not of before, that they bee incontinentane tane downe and put away,

and

and the remanent cruves that ar set and put upon the water sandes, to stande still quhill the first day of October nixt to-cum, and incontinent after the said first day, to be destroyed and put away for ever. And for execution of this acte, ordainis everie Earle, Lord, Barronne, and everie Gentle-man landed, within his awin boundes, to causer remove, destroy, put downe, and take awaye the saidis cruves and zaites, in maner foresaide, *respective*, under the paine of ane hundreth poundes to bee taken up of their gudes, that puttis not this acte to deve execution, and the said summe to be in-brocht and applyed to our Sovereaine Ladies use, and that everie Schireffe, Stewarde, Baillie, alswieill of Regalitie as Royaltie, their deputies and others Judges within their awin Jurisdictiones, take gude attendance and see, that as is contained in this present acte be done, and put to execution in all poyntes, according to the tenour of the samin: And failzeing thereof, that everie Schireffe, Steward, Baillies, alswieill of Regalities, as Royalties, and uthur Judges, within their awin Jurisdiction, as saide is, up-take and in-bring the saide paine of ane hundreth poundes of everie Earle, Lorde, Barronne, Gentle-man landed, or uthurs negligent in the premises, and make compt thereof zeirlic in the Checker: And gif the saidis Schireffes, Stewards, Baillies of Regalities or Royalties, beis foundin negligent in execution of their offices, anent this acte, that the foresaid summe be up-listed of themselves, and in-brocht to our Sovereaine Ladies use, and that but prejudice of the paines to be execute upon the foresaidis Earle, Lorde, Barronne, Gentle-man, or uthur contraveners of the foresaide acte: Providing alwayes, that this acte on na-ways be extended to the cruves and zaites being upon the water of *Solway*.

69. *Anentis the carying and having of gold and silver furth of the Realme.*

ITEM, The Queenis Majestie, with the advise of the three Estaites in this present Parliament, hes ratified and apprievied, and ratifies and apprievs all Actes maid of before be her Hiennesse Predecessours, anentis the carying and away taking of Gold and Silver forth of this Realme in all poyntes, with this addition: That na maner of person nor persones, pretend or take upon hand to take away or cary forth of this Realme, onie golde or silver, in onie time hereafter, under the paine of escheitring of the samin, and of all the remanent of their moveable gudes that dois in the contrair, and for observing hereof, and tryal to be had there-upon. **SICK-LIKE** Ordainis, that quhat-sum-ever person or persones that will cum, reveale and schaw the samin, and give up their names, that offendis this Law and acte, that person or persones, full have the fourth parte of the saide golde and silver, and remanent of their moveable gudes, the samin being tryed be their revealing. And in-case the revealer be partener of the away-taking, and carying of the said gold and silver forth of this Realme: In that case, he sall be free of all paines, dangers and perrell that he may in-cur be this acte: And sall have for his reward, as is before rehearsed, like as he had bene na partener thereof: And this acte for the space of five zeires to indure: Providing that all Merchandes and uthurs, passand forth of this Realme, according to the Lawes of the samin, may have sa-meikle golde and silver allanerlie, as may be their necessar expenses, quhill they cum to the partes bezond Sea, quhair they have their necessar businesse ado.

70. *Anentis the hame bringing of false cuinzie, and using of the samin within this Realme: And als anentis forgers and makers thereof within the samin.*

ITEM, Our Sovereaine Ladie, with advise of the three Estaites in this present Parliament, hes ratified and apprievied, and ratifies and apprievs all actes maid of before, touching the hame-bringing of false cuinzie of gold or silver, layed money, or uthur money quhat-sum-ever within this Realme: And sik-like, anentis the makers, forgers of false cuinzie within the samin, with this addition following: That quhat-sum-ever person or persones that will cum, reveale, and declare the names of the hame-bringers of sik-like false cuinzie, outhur of golde or silver, or uthur layed money, or of the makers, forgers and feinziers thereof within this Realme, that that person or persones sall have that ane halie of the escheit of all his lands and gudes moveable and unmoveable, of the said person or persones, offenders of this present acte and Law, the samin being tryed be his revealing: And for the scharpe execution hereof, that gude attendance be given be the Searchours and uthurs Officiares throw all the Realme: And that the Conservatour in *Flanders* in likewise be advertised to make knowledge be had, gif onie sik false cuinzie cummis furth of thay partes to this Realme.

71. *Anentis the making of salt within this Realme.*

ITEM, Because the Queenis Majestie, hes be her prudencie and moyen, brocht certaine strangers of excellent ingine within this Realme, quha hes accorded to labour, discover, and manifest ane new maner of making of salt, different from the fashon used of before within the samin: Quhilk invention is thocht to be verie profitable for the haill inhabitants of this Realme, and interteining of the traffique of Merchandice: Therefore it is statute and ordained be her Majestie, with advise of the three Estaites of Parliament, that nane of her Hiennesse subjectes take upon hand, for the space of fiftie zeires nixt and immediatie following hereafter, to make, or cause be maid onie Salt of the newe fashon, and maner invented, or to be used be the saids strangers, different from the fashon now, & of before used within this Realm without special licence had and obtained of her Hiennesse and Succesours there-upon, under the paine of death, and confiscation of the

landes, ground and houfes, quhair the faide falt fall happen to be maid, and the faidis fiftie zeires being by-past, gif it happenis ony perfon or perfones, to make falt, or caufe falt to be maid, according to the faid new fation, and different from the fation now used: That that perfon or perfon, fall pay fa-meikle as the faidis strangers fulde pay for everie hundreth bolles, comptand five fcoir bolles allanerly in this cafe for the hundreth, during the faid space of fiftie zeires, or onie parte thereof: That is to say, seven bolles and ane halfe to the Queenis Grace Majestie, and ane boll to the Conservatour, to be depute for keiping of the falt that beis maid in maner foresaid.

72. *Gleibes and manfes may not be set in few or lang tackes: The manse pertenis to the Minister.*

ITEM, Because it is understandin to our Sovereine Ladie, and the three Estaites of this Realme, that the parsones, Vicars, and uthers Kirk-men within the famin, hes set in few or lang-tackes ane great part of their manfes and gleibes, quhair-throw there is na sufficient dwelling place for them that servis, and fild serve and minister at the Kirkes, to remaine thereat, for the instruction of the Parochiners: For remeid hereof, it is statute and ordained be our said Sovereine Ladie, with the advise of the Estaites foresaid, that na parson, Vicar, nor uther Ecclesiastical parson, set in few, or lang-tackes, onie of their manfes or gleibes, pertaining to the faidis Kirkes, without special licence and consent of the Queenis Grace in writ. And alsua it is statute and ordained, that they that ar appoynted or to be appoynted to serve and minister at ony Kirk in this Realm, have the principal Manse of the parson or Vicar, or fa-meikle thereof, as fall be fundin sufficient for staking of them: to the effect that they may the better await upon the charge appointed and to be appoynted unto them, quhider the faidis gleibes be set in few or tack of before or not: Or that ane reasonable and sufficient hause be bigged to them beside the Kirk, be the Parson or Vicar, or uthers havand the faidis Manfes in few or lang tackes: And this to be done betuixt and the first day of November, nixt to-cum. And further, fa-meikle land to be annexed to the faidis dwelling places of them that servis and Ministeris at the Kirk, as fall be hereafter with gude advisement appoynted.

73. *Avenis Witch-craftes.*

ITEM, For-fa-meikle as the Queenis Majestie and the three Estaites in this present Parliament, being informed of the heavie and abhominable superstition used be diverse of the lieges of this Realme, be using of Witch-craftes, Sorcerie and Necromancie, and credence given thereto in times by-gane, against the Law of God: And for avoyding and away-putting of all sik vaine superstition in times to-cum: It is statute and ordained be the Queenis Majestie, and the three Estaites foresaidis, that na maner of perfon nor perfones, of quhat-sum-ever Estaitie, degree, or condition they be of, take upon hand in onie times hereafter, to use onie maner of *Witch-craftes*, *Sorcerie* or *Necromancie*, nor give themselves furth to have onie sik craft or knowledge thereof, their throw abusand the people: Nor that na perfon seik onie helpe, response or consultation at onie sik users or abusers foresaidis of *Witch-craftes*, *Sorceries* or *Necromancies*, under the paine of death, alsweill to be execute against the user, abuser, as the seiker of the response or consultation. And this to be put to execution be the Justice, Schireffis, Stewards, Bailies, Lordes of Regalities and Royalties, their Deputes, and uthers ordinar Judges competent within this Realme, with all rigour, having power to execute the famin.

74. *Avenis adulterie.*

ITEM, For-fa-meikle as the abhominabil and filthie vice and crime of adulterie, hes bene perniciously and wickedly used within this Realm in times by-gane, be findrie lieges heriof, havand na regard to the commandementes of God, bot to their awin sensualitie and filthie lustes and pleasour theriof. And for eschewing of the famin in times cumming: It is statute and ordained be the Queenis Majestie, and three Estaites in Parliament, that all notour and manifest committers of adulterie in onie time to-cum, after the dair hereof, fall be punished with all rigour unto the death, alsweill the woman as the man, doer and committer of the famin, after that dew monition be maid to abstiene fra the faid manifest and notour cryme. And for uther adulterie, that the Actes and Lawes maid their upon of before, be put to execution with all rigour. And als declaris, that this act on na wise fall prejudice onie partie to persue for divorcement, for the crymes of adulterie before committed, conforme to the Law.

75. *Raising of bands of men of weir forbidden.*

IT Is statute and ordained be the Queenis Majestie, and the three Estaites in Parliament, that na maner of person nor perfones, of quhat-sum-ever qualitie, Estaitie, condition or degree they be of, lieges of this Realme, attempt to do or raise onie bandes of men of weir on horse or fute, with culverings, pistolettes, pickes, speires, jacks, splents, steil-bonettes, quhite harnes, or uther munition bellical quhat-sum-ever, for daylie, oulkie, or monethlie waiges in onie times to-cum, without speciall licence in writ had, and obtained of **OUR SOVERAINE LADIE** and her successours theirto, under the

the paine of deari, to be execute upon the raiseris of the saidis bands, as alwa upon them, that con-
venis and ryfis in bands.

76. *Anent the reparrelling and uphalding of Paroche Kirkes and of Kirk-zairdes
of the samin, for burial of the dead.*

IT is statute and ordained for uphalding and reparrelling of the Paroche Kirkes and Kirk-zairdes of the
samin, for burial of the dead within this Realme, that the Lordes of secrete Councell pur ordour thereto,
and advise and consult how the samin shal be done and uphalden in times to-cum. And quhat-sum-ever ordour
that they shal happen to take for reparrelling and uphalding of the saidis Kirkes and Kirk-zairdes thereof: The
Queenis Majestie, with the advise of the three Estaites of this Realme in this present Parliament, hes declared,
and declaris, that quhat-sum-ever ordour beis maid and set forth be the saidis Lordes of secrete Councell,
and execution ro be declaired be them thereupon, ro be sufficient; and of als greit strenght and effect, as and
the samin had bene expressly contained in this present act.

77. *Anent tennents, and uther lauchfull possessours of Kirk-landes, and setting of
sewes of the samin Kirk-landes for the space of three zeires hereafter.*

THE Queenis Grace havand considered the grievous complaintes maid to her Hiènes be the lauchfull
possessours, occupayres and tennentes of the Kirk-lands, and that divers of the lieges of this Realme
hes taken sewes of the saidis Kirk-lands, sen the sext day of Marche, the zeir of God, ane thousand, five hun-
dred, fiftie aucht zeires, and hes warned them, and intends to warne, be vertew of the saidis sewes or
lang tackes the lauchfull and kindlie possessours of the saidis Kirk-lands to remove: For remeid hereof:
Her Hiènes with advise of the three Estaites in this present Parliament, hes statute and ordained, that na
kindlie lauchfull possessour, tennent or occupier of onie of the saidis Kirk-lands, be removed fra their kindlie
rowme, steading, or possession be the alleged sewares or takers of the samin in lang tackes, sen the said sex-
day of March, the zeir of God, ane thousand, five hundred, fiftie aucht zeires: Bot that the lauchfull pos-
sessours, tennentes and occupiers of the said Kirk-lands, may bruke and joyis their saidis tackes, rowmes,
and possessions, but violence of onie zeiris by-gane, be warning to remove, be onie of the said alleged titles of
sewes or lang tackes, set sen the sext daye of March, the zeir of God, ane thousand, five hundred, fiftie
aucht zeires, or be onie warning to be maid be vertew of the foresaidis titles hereafter, unto the Feast of *Whit-*
sunday, the zeir of God, ane thousand, five hundred, three scoir sex zeires, without licence of our said Sovere-
aine Ladie els obtained, or to be obtained in writ their-upon. And never-the-lesse that the saidis occupiars,
kindlie tennentes and possessours pay their mailles, fermes and dewties, according to their tackes, or use of
payment of before, and attoure it is in likewise statute and ordained be the Queenis Grace, with advise of
the Estaites foirsaides, that na Elect, Possular, Arch-bishoppe, Bishoppe, Abbot, Priour, Commen-
datar, Prioreffe, Dean, Archedaan, Parson, Vicar, or uther person bruiand benefices, or pretendand
themselves to bruike the samin, as Kirk-men of quhat-sum-ever estate, degree or condition they be of, within
this Realme, set fra thine furth ony of their Kirk-landes in few or lang tackes, to ony person or persones, for
the space of three zeires tixt to-cum, *Videlicet*, unto the Feast of *Whit-sunday*, the zeir of God, ane thou-
sand, five hundred, threescore sex zeires, without the Queenis Grace licence els obtained, or to be ob-
tained in writ their-upon.

78. *Anent the admission of Notares, and prorogation of the samin.*

ITEM, For-sa-meikle as it was statute and ordained of before, be ane act maid in the Parliament halden
at *Edinburgh* the xxij. daye of Junij, the zeir of God, ane thousand, five hundred, iv. zeires, rhar all
Notars within this Realme, baith Spiritual and Temporal, suld have bene caused to cum be their Ordinares
and Schireffes, Stewarres, Baillies, *respective*, to the Burgh of *Edinburgh*, there to have compeired per-
sonallie before the Lordes of Councell, or that the saidis Lordes suld direct their letters, requiring and
chargeing all Notares within this Realme, to compeir before them, as said is, bringing with them their crea-
tions and haill protocollis, betuixt the said xxij. day of Junij, and the Feast of *Whit-sunday* nixt there-
after, at sik dayes, as suld be assigned and appoynded be the saidis Lordes, to be examined, and their creations
vified be them, their protocollis produced, to be marked be the Lords, and the leaves numbred, and the
blankes in likewise to be marked, and the saidis protocol buikes not to be sene, nor red, bot ro be marked in
presence of the Notar and delivered againe to him, but onie inspection: And as they war fundin qualified, to
be admitted be the Lordes of Councell, to use office of Notarie thereafter: And that na Notar, be quhat-
sum-ever power he be creat, use the office of Notarie, within this Realme thereafter, bot gif he first pre-
sented himselfe to the saidis Lordes, schawand his creation, and be admitted be them as qualified therro:
And that na Notares, that suld happen to be discharged be the saidis Lordes, or not admitted be them, there-
after sulde use the office of Notarie, under the paines after specified. And attour it was ordained, that all
Notares to be admitted, as said is, givand Instrumentes and requirand witnes therro; they suld require the said
witnesses, quhair they dwelt, or sum uther evident taikin of them, and insert the samin in their said Instru-
mentes, that the witness maie be knawen, being present at that time. Further, gif onie Notar beis convict
of

of falset, or not admitted be the Lords in maner foresaid and use the office of Notarie, they fall be punished, as said is, that is to say, their hail moveabil gudis to be escheitred and applyed to our Sovereine Ladies use, and they to want their richt hand, and to be banished the Realm for ever. And further, suld be punished to the tinsell of their life *inclusive*, as the qualitie of the cause required, be sicht and discretion of the Judge, And the causers of the falsettes to be done, to receive the samin punition in their perones and gudes: And because in ane uther act, maid be our Sovereine Ladie in the Parliament foresaid, all Notares were suspended to the last day of March thereafter, unto the time of their admissioun be the Lordes foresaid, it being considered, that the said act tuikie nor then dew execution: Therefore the Queenis Grace with advise of the three Estaites, dispensed and supplid onie fault be that part of the said act, and all instrumentes given sensyne and thereafter, unto the Feast of *Whit-sunday* nixt after the daie of the said act, as at mair length is contained in the samin: And it being now understandin to the Queenis Majestie, and the three Estaites of this Realme, in this present Parliament, that the said act hes not bin dewlie observed nor universallie cum in use, and that be reason the samin came not to the knowledge of the hail lieges of this Realme, quhair-throw thay may be prejudged and hurt be taking and receiving of sik instrumentes, by the tenour of the foresaid act, therefore and for uther reasonable considerations, the Queenis Hienes and the three Estaites foresaidis, hes dispensed and dispensis with the said act, and declairis all Instrumentes, tane and maid be quhat-sum-ever Notar or Notares, sen the daie of the said act, to be sufficient and vailzeable in the selfe, siva the said Instrumentes be maid be loyal Notares, not improven nor defamed, before the making of sik-like Instrumentes, like as her Majestie and Estaites foresaidis dispenses with the samin act and contentes theirof, anent all Instrumentes maid in onie times by-gane be loyal Notares, as said is, sen the twentie two daies of Junij, the zeir of God foresaid, and to be maid hereafter, quhill the first day of March nixt to-cum, in this instant zeir of God, ane thousand, five hundreth, threescore three zeires. And in the meane time ordainis letters to be direct to command and charge all Notares, quhilk are not as zit examined, and admitted be the Lordes of Councell, according to the tenour of the said act, be open proclamation at the mercat croce of the head Burrowes of all Schires, within this Realme, to compeir within the Burgh of *Edinburgh*, and there to be examined be the saides Lordes in maner foresaid, benixt and the said first daie of March nixt to-cum, with certification to them and they failzie, the pains contained in the said acte fall be execute upon them with all rigoure, and all Instrumentes taken in Notares handes not admitted and examined be the saidis Lordes, before the said day to be null and of nane avail, and to have na faith thereafter.

79. *All Notares suld be presented be the Queene, and admitted be the Lordes of Session.*

ITEM, Because our Sovereine Ladies lieges are greatumlie hurt be unworthy and in sufficient Notares, not qualified, as effeiris to be, in making of Instrumentes and uthers writtings, according to their office: IT is statute and ordained be our Sovereine Ladie, with the advise of the three Estaites, that na person tak upon hand to use nor exerce the office of Notarie, be na maner of creation, to be maid in onie time to-cum fra this day furth, under the paine of death, without they be maid and creat be the Queenes Majesties special letters, and thereafter examined and admitted be the Lordes of Session and Colledge of Justice, quha fall tak their aithes for dew and lauchfull using of the said office of Notarie, and cause register their signe and subscription, quhilk they fall use in all times after their said admissioun. And gif onie person or perones, attemptis or dois in contrair heirof, in creating or making Notares, or using of the said office utherwaies nor said is, they fall be punished to the death, and their instrumentes, nor notes to mak na faith.

80. *Anent giving of saisinges.*

ITEM, For-sa-meikle as in umquhile our Sovereine Ladies dearest Fathers time that last deceased, It was statute and ordained, that all saisinges, quhilkis passis upon precepts of the Chancellarie, to be given be the Schireffe Clerk or his depures: Sen the quhilk acte, there is be occasion of weires and grear troubles, divers saisinges given be uthers Notars, upon preceptes past furth of the said Chancellarie: Therefore our Sovereine Ladie, with advise of the three Estaites of Parliament, dispensed with that fault of all saisinges given be uthers Notares, sen the making of the foresaid acte, and ordained the said acte to be published and have effect in times cumming, with this addition, that upon all precepts past foorth of the Chancellarie, the Schireffe, Steward, or Baillie, alswell Regalitie as Royaltie, or their depures, suld be required to passe and give saisinges with the Schireffe Clerk, and his Depures, and gif the Schireffe, Steward, or Baillie, or their depures, refused to passe and give the saisng, then the party, haver of that precept, to put ony uther Baillie to give saisng as he fall think maist expedient, as at mair length is contained in the said acte, of the daie the twenty daie of *Junij*, the zeir of God, ane thousand, five hundreth, fiftie five zeires: And now the Queenis Grace and the three Estaites of this Realme understandand that the said acte lies not bene dewlie observed nor universallie cum in use, and that be reason the samin comes not to the knowledge of the hail lieges of this Realme, quhair-throw they may be prejudged and hurte be taking of sik saisinges, by the ordour of the said acte: Therefore, and for uther reasonabill considerations, the Queenis Hienes and the three Estaites foresaidis, hes dispensed, and dispensis with the said acte, and declairis all saisinges tane and given be quhat-sum-ever person

or persones, sen the dates of the saides actes *respective*, be authentick Notares, to be sufficient and vailzieabill in the selfe, swa that the Notares givers theirof be loyal, not improven nor defamed before the giving of sik saifinges, like as her Majestie and Estaites foresaidis, dispensis with the famin acte and convinging thereof, anent all saifinges tane in ony times by-gane, the Clerkes and Notares thereof, be and loyal, as saidis, sen the said twentie day of *Junij*, in the zeir of God foresaid, and to be maid hereafter, quhill the first daie of *March*, nixt to-cum, in this instant zeir of God, ane thousand, five hundreth, three-score three zeires.

81. *Anent resignationes maid ad perpetuam remanentiam.*

ITEM, For-sa-meikil as it was statute and ordained of before be ane acte maid in the Parliament halden at *Edinburgh*, the twentie daie of *Junij*, the zeir of God, ane thousand, five hundreth, fiftie five zeires, that all resignations to be maid be vassalles of their proprieties in the superiours hands, *ad perpetuam remanentiam*, being maid be procuratorie, the said procuratorie sulde be sealed and subscribed be the vassalles hands, and gif he could not write to be subscribed with his awin hand at the pen, led be ane authentick Notar, and sealed with his seale, and gif the said resignation beis maid be the vassal personallie, *ad perpetuam remanentiam*, that the instrument theirof be sealed with the seale of the resigner, and subscribed with his awin hand, and gif he cannot write, to be subscribed with his hand at the pen, led be ane Notar in maner foresaid, and na resignation *ad remanentiam* to have strength in times to cum, utherswaies nor is abone specified: And it being now understand to the Queenis Majestie, and the three Estaites of this Realme, that the said acte hes not bene dewlie observed, nor universallie cum in use, and that be reason the famin came not to the knowledge of the haill Lieges of this Realme, quhair-throw they may be prejudged and hurt in making and receiving of sik resignations, be the tenour of the foresaid Acte: Therefore, and for uther reasonable considerations, the Queenes Hienes and the three Estaites foresaides, hes dispensed, and dispensis with the said acte, and declaris all resignations maid in the superiours handes, be quhat-sum-ever vassal, tennent or uther person *ad perpetuam remanentiam*, sen the dait of the said acte, to be sufficient and vailzieable in the selfe, not-with-standing the said acte, swa that the famin may be verified and provin to have bene maid be instruments, or uther authentick writings, or sufficient probation, that wald have maid faith and sufficient and lauchfull verification theirof, be the use and consuetude of this Realme, observed and keiped in sik-like case, anent the making of resignations *ad perpetuam remanentiam*, before the making of the said acte, like as her Grace and Estaites foresaides, dispensis with the said acte and contentis theirof, anent all resignations *ad remanentiam* maid in onie time by-gane, sen the said xx. day of *Junij*, and to be maid hereafter, quhill the first daye of *March*, nixt to-cum, in this instant zeir of God, ane thousand, five hundreth, three-score three zeires.

82. *That five or sex of the principal Burrowes be warned, for concluding of weir, peace, or taxationes.*

ITEM, The Queenis Grace being of will and minde, that all Provestes, Alder-men, Baillies, Council and communitie, and inhabitantes of Burrowes of this Realme, be rather augmented in their privileges maid be her Grace and her predecessours to them, nor diminished their-intill: Hes statute and ordained be the advife of the three Estaites of this present Parliament, that five or sex of the principalls, Provestes, Alder-men, and Baillies of this Realme, fall in all times to-cum be warned to all conventions that fall happen the Queenis Grace and hir successours to conclude upon peace or weir, with quhat-sum-ever her Hienes confederates, or Enemies, or making or granting of generall taxationes of this Realme. And that her Hienes or Councell, fall not conclude nor decerne upon peace, weir, nor taxationes foresaidis, without five or sex of the saidis principalles, Provestes, Aldermen, and Baillies of Burrowis be warned theirow lauchfullie, as effectis.

83. *Anent the stancheing of tumultes within Burrowes.*

ITEM, It is statute and ordained be our said Sovereine Ladie, with advife of the three Estaites foresaidis, for stancheing and suppressing of tumultes, uproares and troubles, that hes happened within Burrowes in all times by-past: That nane of our Sovereine Ladies Lieges presume, pretende, or take upon hand to make onie privie conventions nor assemblies within Burgh, put on armour, cleith themselves with weapones or make sound of Trumper or Talbrone, or use culveringes, displayed banners, hand seinzeirs, or uthers instruments bellical quhat-sum-ever, in onie time heireafter, without the special licence of our said Sovereine Lady, and her Hienes Magistrates within the Burgh, quhair the said tumult and uproare chauncis to be, had and obteneid theirow, under the paine of death: Providing, that the raising and convening of the inhabitants of the saidis Burrowes be the Magistrates, for execution or repressing of malefactours be Justice, be not comprehended under this acte.

84. *That na coales be had furth of the Reaime.*

ITEM, Our Sovereaine Ladie and Estaites foresaides, havand confideration of the great multitude of coales continually caried furth of this Realme, not onlie be strangers, bot alsua be the lieges and inhabitants of the famin, quhilk is now becommen the commoun ballast of emptie Schippes, and gives occasione of maist exorbitant dearch, and scantnesse of fewall within the famin: Therefore it is statute and ordained, that na maner of person, stranger nor liege, nor inhabitants in this Realm, take upon hand to transport, carie or tak furth onie coales be Schippe, Crayer or onie bair, or uther vessell quhat-sum-ever, in onie time hereafter, under the paine of rinell and confiscation of the Schip, coales and all the guds that the awner of the coales hes within the said Schip, to our said Sovereaine Ladies use, except sa monie as are neidfull for fire during the time of their voyage.

85. *That beiff and mutton cum to the mercat with skin and birne.*

ITEM, It is statute and ordained be our said Sovereaine Ladie with advife of the three Estaites foresaides: That all beiff, mutton, veale and like bestial, slaine to land-wart, and Burgh, or presented to free Burrowes or free mercattes, bring with them in all times cumming their hide, skin, and birne, under the paine of confiscation, and escheiting of sik-like bestial, and gudes, as wantis the said hide, skin and birne, to be applyed to our Sovereaine Ladies use.

86. *The ratification of the priviledges of Burrowes.*

ITEM, Our said Sovereaine Ladie, with advife of hir saidis three Estaites in this present Parliament, ratifies, apprievis, and confirmis all actes of Parliament, statutes, priviledges, and immunities quhat-sum-ever given and granted be our said Sovereaine Ladie, or uthers her predeceffoures quhat-sum-ever, in favoures of the Burrowes, Provestes, Aldermen, Baillies, Communities, and indwellers within the famin, with all letters and excuratorialles, that hes past or may passe theirupon, givand expresse command be thir presentes, to the Lordes of our Sovereaine Ladies College of Justice and Session, to give and direct sik reasonable letters, as they or onie of them will desire, or hes had of before: Commanding and chargeing all our Sovereaine Ladies lieges and subjectes, that nane of them take upon hand to attempt, or pretend to attempt, violate or breake the foresaides Lawes, actes of Parliament, statutes, ordinances, immunities, or uthers priviledges quhat-sum-ever, given and granted in favoures of the saides Burrowes, under the paines contened in the famin, and under all paine and offense, that they and everie ane of them may incur, against our Sovereaine Ladies authority royal their-throw.

F I N I S.

T H E T E N T H

P A R L I A M E N T

O F

MARIE, QUEENE OF SCOTLAND,

Halden at Edinburgh, the fiftene day of December, the zeir of God, ane thousand, five hundredreth, and sextie foure zeires.

87. *Declaration of our Sovereaine Ladies perfite age.*

NENT The artickle proponed to the Queenis Majestie and to the Lordes of the Artickles, makand mention of ane acte of Parliament, maid be King James the Second of gude memorie, of the dait, the twentie daie of *March*, the zeir of God, ane thousand, foure hundredreth, thirty seven zeires, and of ane uther acte maid be King James the fourth in his Revocation, makand mention of xxj. zeires of his age, of the dait the fiftene day of *Februar*, the zeir of God, ane thousand, foure hundredreth, fourescore nine zeires, like as the saidis actes *respective*, at mair length proportis: Desirand therefore the saides Lordes of artickles to declair the saides actes and uthers actes following, anent the lauchfull and perfite age of the Prince, gif it be at xxj. zeires compleit: Quha hes declared

claired and declairis, that the Queenis Majesties predecessoures, Kinges of this Realme, wer be the saides actis halden of lauchfull and perfite age at xxj. zeires compleit, like as her Hienes being of xxj. zeires of age compleit, is of perfite and lauchfull age, Swa that her Hienes Predecessoures, and successeoures, after the said age of xxj. zeires, compleit, might have done and may do all thinges, that thereafter ane Prince of lauchfull and perfite age, might have done, or may doe of the Lawe.

88. *Anent the confirmation of sewes.*

THE Quhilk day the Queenis Majestie, having considered the earnest sute of her subiectes, maid to hir Hienes, for her Grace's confirmation to be obtained upon infestmentes of few-ferme of the Kirk-landes set be the Prelates of her Hienes Realme, sen the aucht daie of *March*, the zeir of God, anethousand, five hundreth, fiftie aucht zeires, in time of trouble, contrair the tenour of her Graces letters of inhibition, published and proclaimed in diverse partes of her Realme, and als of uthers infestmentes of Kirk-landes obtained before the said aucht daie of *March*, and now is advised, and intendis to grant sik confirmationes, willing that the samin be sure to sik as fall obtene them: Therefore her Hienes with advise of her three Estaites in Parliament, will's, grantis, statutis and ordainis that all confirmationes to be granted be her Majestie of the said infestmentes, fall be als lauchfull, and of als great strength and availe, as gif the samin had bene obtained and purchased fra the Pape or fate of Rome, and of als great strength and effect, as onie uthir confirmationes of sik infestmentes obtained be onie uthers persones within this Realme, be authoritie of the Pape, or fate Apostolik in onie times by-gane: Providing that the infestmentes of Kirk-landes obtained be onie person or persones, sen the said aucht daie of *March*, not dewlic confirmed be hir Hienes, be of nane availe, force, nor effect.

F I N I S.

A N E T A B L E

Of the

*PARTICULAR ACTS and others omitted in the Parliametes maid be
QUEENE MARIE.*

V. Parliament. 1. Februar. 1551.

THE Declaration of the Lord Angus.
Anent cursed persones that compellis Priestes to say messe in their presence.
Anent Malt-makers.
Anent Beggers.
Anent slaying of Daes, and Raes.
Anent packing and peilling.
Anent fore-stallers.
Anent the having of gubite fishe furth of the Realme.
Anent Monsieur Dosell.
Ratification of the contract maid betuixt the Lord Governour and Sir James Hammiltoun.
Ratification of the act maid betuixt the Queenis Grace and the Lord Governour.

VI. Parliament. 20. Junij. 1555.

Anent the libertie of balie Kirk.
The acte maid anent the slaughters of parties in persute and defence of their actions and causes.
Anentis all measouris and weichtes.
Anentis Lambes.
Anentis ferriares.
Anentis the slaughter of powtes and pertricks &c.
Anentis planting of wooddes, Parkes, Forrestes and Orchardes.
Anentis Beggers.

VII. Parliament. 14. December. 1557.

*The disposition of the wards mariages, non-entresses, benefices, tackes and steadings waikand throw
 their deceis.*
Na proces to be led against them during their service.

IX. Parliament. 4. Junij. 1563.

For eschewing of dearth of viuers and victualles.
Anentis measures and weichtes.
Anentis schutting wilde beastes, and foules.
Anent the letters of Marque.
Ane provision to be maid for the instruction of the youth.
For sending ane Ambassadour to the King of Denmarke.

F I N I S.







T H E F I R S T
P A R L I A M E N T
O F
K I N G J A M E S T H E S E X T .

Halden at Edinburgh the XV. day of December, 1567. Be JAMES Earle of MURRAY, &c. Regent to this Realme and Liegis.

1. *Auent the constitution of James Earle of Murray in Regent, to our Sovereine Lord, his Realme and Liegis.*



TEM, It is foundin, declared, and decerned be our Sovereine Lord, with advise of the three Estaitis, and hail bodie of this present Parliament, that he nominatioun, constitution, and ordination of our said Sovereine Lords dearest Cousing, JAMES Earle of Murray, Lord Abernetbie, in Regent to his Hienes, his Realme and Liegis thereof, during the tme of his Majesties minoritie, and lesse age, specified and expressed in the Queenes Majesties Letters, under her subscripcioun and privie seale, of the date the 24. day of Julij last py-past, togidder alswa with the consent and approbation of the Earles, Lordes, Prelates, Commissioners of Burrowes, Barronnes, and uthers faithfull subjects, convened and assembled to that effect. And the acceptation of the said office of Regentrie, be the saide JAMES Earle of Murray, upon the 22. day of August last by-past, was, is, and in all times cumming fall be halden, repute, &

estee medlawfull, sufficient, and persfite. And all and whatsumever things, quhilks he hes done be vettew of his said office of Regentrie, sen his acceptatioun thereof, or quhilks he fall do hereafter, in our said Sovereine Lords name and authoritie, during the time of his hienesse Minoritie, specified in the said commissioun and procuratioun produced, advised and considered, be the said three Estaites, to be as dewlie, lawfullie; sufficiently, and righteously done, and to have als great avall, strength, force & effect, in all respects and conditions, as ony things done be quhai-sumever Regents, Governours or Protectours of this Realme, in the minorities and lesse aiges of ony uthers native Princes of the same. And ratifies, apprevis and confitmis; the same nominatioun and acceptatioun, for now and in time cumming.

MARIE Be the Grace of God Queene of Scots, to all and findrie our Judges, & ministers of our Lawes; liegis & subjects, quhom it effeiris, to quhais knowledge thir our letters fall cum; greeting: For-sameikle, as after lang, greate and intollerable paines, and labours taken bee us, sen our arrivall within our Realme, for Government thereof, and keeping of the Liegis of the famin in quietnes, we have not onely beene vexed in our spirit, body, and senses thereby, bor als at length are altogidder sa wearyed thereof, that our habilitie, and strength of body, is not abill langer to indure the famin.

THEREFOIR, and because na thing earthlie can be mair comfortabill and happy to us in this Earth, nor in our life time to see our deare Sonne, the native Prince of this our Realme, placed in the Kingdome thereof, and the Crowne Royall set on his head, we of our awin free-will, and speciall motive, have dimitted and renounced the Governement, guying and governing of this our Realme of

SCOT.

SCOTLAND, lieges and subjects thereof, in favours of our said Sonne, to that effect that in all times hereafter, he may peaceable and quietlie enjoy the famin, without trouble, and bee obeyed as native King and Prince of the famin, be the lieges thereof. And understanding, that be reason of his tender zouth, he is not of habilitie in his awin pertoun, to administrate in his Kingly roome and government, as equitie requyres, quhill that hereafter he come to the zeiris of discretioun. And als knowing the proximitye of blude standand betwix us, our saide Sonne, and our dearest Brother JAMES Earle of *Murray*, Lord *Abernetbie*, &c. And havand experience of the natural affectioun and tenderlie love, he hes in all times borne, and presentlie beares towards us, honour and estate of our saide Sonne. Of quahis love and fawoure towards him, wee cannot bot assure our selfe. To quhome na greater honour, joy, nor felicitie in earth can come, nor to see our saide Sonne inaugurate in his Kingdome, feared, reverenced and obeyed be his lieges thereof. In respect quhair of, and of the certaintie, and notorietye of the honestie, habilitie, qualification and sufficiencye of our saide dearest Brother, to have the cure and regiment of our said Sonne, Realme and lieges foresaids, during our saide Sonnes Minoritie: Wee have made, named, appointed, constitute, and ordained, and be thir our Letters, names, appointes, makes, constitutes and ordains our said dearest Brother JAMES Earle of *Murray*, Regent to our saide dearest Sonne, Realme, and lieges foresaids, during his Minoritie and les age, and ay and quhill he be of the age of sevenetene zeirs compleit. And that our said Brother be called during the said space, Regent to our said Sonne, his Realme and Lieges. Swa that our said Sonne, after the compleeting of the zeiris foresaids, in his awin persoun, may tak upon him the said government, and use and exerce all and findrie privileges, honouris and utheris immunities, that appertainis to the office of a King, alsweill in governing his Realme and people, according to the Lawis, as in representing the violence of sik as wald invade, or unjustlie resist him or them, or his Authoritie royall: With power to our said dearest Brother JAMES Earle of *Murray*, in Name, Authoritie and behalfe, of our said maist deare Sonne, to receive resignatiounis of quhat-sum-ever Lands halden of him, or zit of Offices, Castelles, Towres, Fortalices, Mylnes, Fichings, Woods, Benefices, or pertinentis quhat-sum-ever: the famin againe in our said Sonnes Name, to give and deliver: signaturis thereupon, and upon the gifts of Wardes, non-entrefis, and relevis of Landis, and Mariages of Airis falland, or that fall happen to fall in our said Sonnes hands as superiour thereof. And als upon presentatioun of Lands, Benefices, Escheitis of guddis movabill and un-movabill, debtis and takkis, respittis, remissionis, superfedereis, and upon the dispositioun of Offices vacand, or quhen thay fall happen to vaik, to subscribe, and cause be past the seillis. The said office of Regentrie, to use and exerce in all thingis, privileged, and commodities, sik-like als freely, and with als great libertie, as ony Regent or Governour to us, or our Predecessouris used in any times by-gane, and sik-like as gif every head, privilege and Article, concerning the said Office, were at length exprest and amplified in thir our Letters. PROMISAND to hold firme and stabill, in the word and faith of ane Prince, quhat-sum-ever things our said dearest Brother in the premissis happinnis to doe. Charging heirfore zou all and findrie, our Judges and Ministers of Law, Liegis and subjectis foresaids, to ansver and obey to our said dearest Brother, in all and findrie thingis, concerning the said office of Regentrie, as ze and ilk ane of zou, will declar zou loving subjectis, to our said maist deare Sonne, and under all paine, charge and offense, that ze and ilk ane of zou may commit and inrinne, against his Majestie in that part. Subscribed with our hand, and given under our privie seill, At *Lochevin* the 24. day of Julij, And of our Reigne, the twentie five zeir.

2. *Anent the abolishing of the Pape, and his usurped autoritie.*

ITEM, Our Sovereine Lord, with advise of his dearest Regent, and three Estaitis of this present Parliament, ratifyis and apprievs the Act under writen, maid in the Parliament haldin at *Edinburgh* the 24. day of August, the zeir of God 1560 zeiris. And of new in this present Parliament, statutis and ordainis the said Act to be as ane perpetual Law, to all our Sovereine Lordis Lieges, in all times cumming. Of the quhillk the tenour followis. ITEM, the three Estaites understanding that the jurisdiction and autoritie of the Bischop of *Rome*, called the Pape, used within this Realme in times by-past, hes not onely bene contumelious to the Eternall God, but also very hurtfull and prejudiciall to our Sovereines autoritie, and common weill of this Realme: THEIR FOIR It is statute and ordained, that the Bischop of *Rome*, called the Pape, have na Jurisdiction nor autoritie within this Realme, in any time cumming. And that naue of our said Sovereines subjectis, in any times heirafter, sute or desire title or richt of the said Bischop of *Rome*, or his sect, to any thing within this Realme, under the paines of Barratrie, that is to say, proscription, banishment, and never to bruike honour, office, nor dignitie within this Realme. And the contraveners heirfoir to be called before the Justice or his deputies, or before the Lords of the Session, and punished therefoir, conforme to the Lawes of this Realme. And the furnischers of them, with finance of money, and purchassers of their title of richt, or maintainers, or defenders of them, fall incurre the samis paines. And that na Bischop nor uther Prelat of this Realme, use ony Jurisdiction in time cumming, be the said Bischop of *Romes* autoritie, under the paine foirsaid. And therefore of newe decernis and ordainis, the contraveners of the famin, in any time hereafter, to be punished according to the paines in the foresaid Act above rehearsed.

3. *Anent the annulling of the Actes of Parliament, made against God his word, and maintenance of Idolatrie in ony times bypast.*

ITEM, Our Soveraine Lord, with advise of his dearest Regent, and three Estaites of this present Parliament, ratifyis and appreis the Acte under-written, made in the Parliament holdin at *Edinburgh*, the 24. day of August, the zeir of God, ane thousand, five hundred, threescore zeires. And of new in this present Parliament statutis and ordainis the said Act, to be as a perpetuall Law to all our Soveraine Lordis liegis in all times cumming. Of the quhilk the tenour followis. THE quhilk day, For-sameikle as there hes beene divers and findrie Acts of Parliament, made in King JAMES the First, Second, Thrid, Fourth and Fifth's times, Kinges of SCOTLAND for the time, and als in our Soveraine Ladies tyme, not agreeing with Gods haly word, and be them divers perones tuke occasion to maintaine Idolatrie and superstition within the Kirk of GOD, and repressing of sik perones, as were professours of the said word, quhairthrow divers innocents did suffer. And for eschewing of sik inconvenientes in time cumming, the three Estaites of Parliament, hes annulled, and declared all sik Acts made in times bypast, not agreeing with God his word, and now contrary to the Confession of Faith, according to the said word, published in this Parliament, to be of nane availe, force nor effect. And decernis the said Acts, and every ane of them, to have na effect nor strength in time to cum, bot the samin to be abolished and extinguished for ever, in sa far as any of the foirsaidis Acts are repugnant, and contrarie to the Confessioun of Faith, and word of GOD foirsaid, ratified and approved be the Estaites in this present Parliament. And therefore decernis and ordainis, the contraveners of the samin Act, in ony time hereafter, to be punished, according to the Lawes. Of the quhilk Confession of the Faith, the tenour followes.

T H E

C O N F E S S I O N

Of the

F A I T H A N D D O C T R I N E.

Beleeved and Professed be the Protestantes of SCOTLAND, exhibited to the Estatis of the same in Parliament, and be their publick votis authorized, as a doctrine grounded upon the infallible Word of God.

I. Of God.



E confesse and acknowledge ane onely GOD, to whom onelie we must cleave, whome onelie we must serve, whom onelie we must worship, and in whom onelie we must put our trust. Who is Eternal, Infinir, Unmeasurable, Incomprehensible, Omnipotent, Invisible, ane in substance, and yet distinct in three personnis, the Father, the Sonne, and the Holie Ghost. Be whom we confesse and beleave all thingis in heaven and earth, aswell Visible as Invisible, to have bene created, to be retained in their being, and to be ruled and gwyded be his inscrutable Providence, to sik end, as his Eternal Wifdome, Goodnes, and Justice hes appoynted them, to the manifestation of his awin glorie.

Mat. 28. 19. 1 John 5. 7. Gen. 1. 1. Heb. 11. 3. Act. 24. 21. Prov. 16. 4.

2. Of the Creatioun of man.

WE confesse and acknowledge, this our GOD to have created man, to wit, our first Father *Adam*, to his awin Image and similitude, to whome he gave wifdome, Lordship, Justice, Free-will, & cleir knowledge of himselfe, sa that in the haill nature of man, there could be nored no imperfection. Fra quhilk honour and perfection, man and woman did both fall: the woman being deceived be the Serpent, and man obeying the voyce of the woman, both conspyring against the Soveraine Majestie of GOD, who in expressed words had before threatned death, gif they presumed to eat of the forbidden tree.

Gen. 2. 26, 27, 28, &c. Colof. 3. 10. Eph. 4. 24. Gen. 3. 6. Gen. 3. 17.

3. Of Originall sinne.

BE Quhilk transgressioun, commounlie called Originall sinne, wes the Image of God utterlie defaced in man, and he and his posteritie, of nature, become Enimies to GOD, slaves to Sathan, and servandis

Rom. 7. 5.

unto

unto sin, in fameikle that death everlasting hes had, and fall have power and dominioun, over all that have not been, ar not, or fall not be regenerated from above, quhilk regeneratioun is wrocht be the power of the holie Ghost, working in the hartes of the elect of God, ane assured faith in the promise of God, reveiled to us in his word, be quhilk Faith we apprehend Christ Jesus, with the graces and benefites promised in him.

4. Of the Revelation of the promise.

FOR This we constantlie beleeve, that God, after the feirfull and horrible defection of man fra his obedience, did seek *Adam* againe, call upon him, rebuke his sin, convict him of the same, and in the end made unto him ane most joyfull promise, to wit, that the seed of the woman sould break down the Serpents head, that is, he sould destroy the works of the devill. Quhilk promise, as it was repeated, and made mair cleare from time to time: so was it imbraced with joy, and maist constantlie received of all the faithfull, from *Adam* to *Noe*, from *Noe* to *Abraham*, from *Abraham* to *David*, and so forth to the incarnation of Christ Jesus, all (we meane the faithfull Fathers under the Law) did see the joyfull daie of Christ Jesus, and did rejoyce.

5. The continuance, increase, and preservatioun of the Kirk.

WE Maist constantly beleeve, that God preserved, instructed, multiplied, honoured, decored, & from death called to life, his Kirk in all ages fra *Adam*, till the cumming of Christ Jesus in the flesh. For *Abraham* he called from his Fathers cuntry, him he instructed, his seede he multiplied, the same he marvellouslie preserved, and mair marvellouslie delivered, from the bondage and tyrannie of *Pharaoh*, to them he gave his Lawes, constitutions and ceremonies, them he possessed in the Land of *Canaan*, to them after Judges and after *Saul*, he gave *David* to be King, to whome hee made promise, that of the fruite of his loynes sould ene sit for ever upon his Regall seat. To this same people from time to time he sent Prophets, to reduce them to the right way of their God: from the quhilk oftentimes they declined, be Idolatry, and albeit that for their stubborne contempt of Justice, he was compelled to give them into the hands of their enemies, as befor was threatned be the mouth of *Moses*, in sa-meikle that the haly Citie was destroyed, the Temple burnt with fire, and the haill Land left desolate the space of lxx. zears: Zit of mercy did he reduce them againe to *Jerusalem*, where the Citie and Temple were reedified, and they against all temptations and assaultes of Sathan did abide, till the Messias came, according to the promise.

6. Of the incarnation of Christ Jesus.

QUHEN The fulnes of time came, God sent his Sonne, his eternall Wisdome, the substance of his awin glory, in this world, quha tuke the nature of man-head of the substance of woman, to wit, of a Virgine, and that be operatioun of the holie Ghost: And so was borne the just seede of *David*, the Angel of the great Counsell of God, the very Messias promised, whome we confesse and acknowledge, *Emmanuel*, very God and very man, two persit natures united, and joyned in one persoun. Be quhilk our Confessioun we condemne the damnable and pestilent heresies of *Arius*, *Marcion*, *Eutyches*, *Nestorius*, and sik others, as either did denie the eternitie of his God-head, or the veritie of his humaine nature, or confounded them, or zit devided them.

7. Why it behooved the Mediator to be very God and very Man.

WE Acknowledge and confesse, that this maist wonderous conjunction betwixt the God-head and the man-head in Christ Jesus, did proceed from the eternall and immutable decree of God, from quhilk all our Salvation springs and depends.

8. Electioun.

FOR that same Eternall God and Father, who of meere grace elected us in Christ Jesus his Sonne, befoir the foundation of the world was laide, appointed him to be our head, our Brother, our Pastor, and great Bishop of our fauls. Bot because that the enmitie betwixt the Justice of God and our sins was sik, that na flesh be it selfe culd, or might have attained unto God: It behooved that the Sonne of God sould descend unto us, and take himself a bodie of our bodie, flesh of our flesh, and bone of our bones, and so become the Mediator betwixt God and man, giving power to so many as beleeve in him to be the Sonnes of God, as himselfe dois witnesse. I passe up to my Father, and unto your Father, to my God, and unto your God. Be quhilk maist holie fraternitie, quhatsoever wee have tynt in *Adam*, is restored unto us againe. And for this cause, ar we not affrayed to call God our Father, nor sa-meikle because he hes created us (quhilk we have common with the Reprobate) as for that, that he hes given to us his onely Sonne, to be our Brother, and given unto us grace, to acknowledge and imbrace him for our onlie Mediatour, as before is said. It be-

hooved

booyed farther the Messias and Redeemer to be very God, and very man, because he was so underlie the punishment due for our transgressions, and to present himselfe in the presence of his Fathers Judgement, as in our person, so suffer for our transgression and inobedience, be death to overcome him that was author of death. But because the onely God-head could nor suffer death, neither zit could the onlie man-head overcome the famine, he joyntly both together in one persone, that the imbecillitie of the one, sould suffer and be subject to death, (quihilk we had deserved) And the infinit and invincible power of the uther, ro wit, of the God-head; sould triumph and purchesse to us life, libertie and perpetual victory: And so we confesse, and maist undoubtedly beleve.

9. Christs death, Passion and Burial.

THAT Our Lord Jesus offered himselfe a voluntary Sacrifice unto his Father for us, that he suffered contradiction of sinners, that he was wounded and plagued for our transgressions; that hee being the cleane innocent Lamb of GOD, was damned in the presence of ane earthlie Judge, That we sould be absolved befor the tribunal fear of our God. That he suffered not onlie the cruel death of the Crosse (quihilk was accounted be the sentence of God) bot also that he suffered for a season the wrath of his Father, quihilk sinners had deserved. Bot zit we avow that he remained the onely well beloved and blessed Sonne of his Father, even in the midst of his anguish and torment, quihilk hee suffered in bodie and saule, to make the full satisfaction for the sinnes of the people. After the quihilk we confesse and avow, that there remains na uther Sacrifice for sinne, quihilk gif ony affirme, we nathing doubt to avow, that they ar blasphemous against Christs death, and the everlasting purgation and satisfaction, purchased to us be the same.

10. Resurrection.

WE undoubtedly believe, that insameikle as it was impossible; that the dolours of death sould retaine in bondage the Author of life, that our LORD JESUS crucified, dead and buried, quha descended into Hell, did rise againe for our Justification, and destroying of him quha wes the Author of death, brocht life againe to us, that wer subject to death, and to the bondage of the same. We know that his Resurrection, wes confirmed be the testimonie of his verie Enemies, be the Resurrection of the dead, quha his Sepulchres did open, and they did rise, and appeared to mony, within the Citie of Jerusalem. It was also confirmed be the testimonie of his Angels, and be the senses and Judgements of his Apostles, and of others, quha had conversation, and did eate and drink with him, after his Resurrection:

11. Ascension.

WE nathing doubt, bot the self same bodie, quihilk was borne of the Virgine, was crucified, dead, and buried, and quihilk did rise againe, did ascend into the heavens, for the accomplishment of all things: quherein our names, and for our comfort, he hes received all power in heaven and earth, quhere he sittes at the rich hand of the Father in augurate in his Kingdome, Advocate and onlie Mediator for us. Quihilk Glorie, honour, and prerogative, he alone amanges the Brethren sall possesse, till that all his Enemies be made his futesule, as that we undoubtedly beleve, they sall be in the final Judgement: To the Execution whereof we certainlie beleve, that the same our Lord JESUS sall visiblie retorne, as that hee was sene to ascend. And then wee firmly believe, that the time of refreshing and restitution of all things sall cum, in sa-meikle that thir, that fra the beginning have suffered violence, injurie, and wrang, for righteousness sake, sall inherit that blessed immortalitie promised fra the beginning. Bot contrairwise the stubborn, in-obedient, cruel oppressours, filthie personis, Idolaters, and all such sortes of unfaithfull, sall be cast in the dungoun of utter darkeness, where the worme sall not die, neither zit their fyre sall bee extinguished. The remembrance of quihilk day, and of the Judgement to be executed in the same, is not onlie to us ane brydle, whereby our carnal lustes are restrained, bot alsua sik inestimable comfort, that nether may the threatening of worldly Princes; nether zit the feare of temporal death and present danger, move us to renounce and forsake that blessed societie, quihilk we the members have with our head and onlie Mediator CHRIST JESUS; whom we confesse and avow to be the Messias promised, the onlie head of his Kirk, our just Lawgiver, our onlie hie Priest, Advocate, and Mediator. In quihilk honours and offices, gif man or Angel presume to intrude themselves, we utterlie detest and abhorre them; as blasphemous to our Sovereine and supreme Governour CHRIST JESUS.

12. Faith in the holy Ghost.

THIS Our Faith and the assurance of the same, proceeds not fra flesh and blude, that is to say, fra natural powers within us, bot is the inspiration of the holy Ghost: whome we confesse GOD equal with the Father, and with his Sonne, quha sanctifyis us, and brings us in all veritie be his awin operation. without whome we sould remaine for ever enemies to GOD, and ignorant of his Sonne Christ Jesus. For of nature we are so dead, so blind, and so perverse, that nether can we feill when we ar pricked, see the licht when it shines, nor assent to the will of God when it is reveiled, unless the Spirit of the

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Lord Iesus quicken that quihilk is dead, remove the darknesse from our myndes, and bowe our stubburne hearts to the obedience of his blessed will. And so as we confesse, that God the Father created us, when we were not: as his Sonne our LORD JESUS redeemed us, when wee were enemies to him: so also do we confesse that the holy Ghost doth sanctifie and regenerat us, without all respect of ony merite proceeding from us: be it before, or be it after our Regeneration. To speake this ane thing zit in mair plaine words: As we willingly spoyle our selves of all honour, and gloir of our awin creation, and redemption: so do we also of our Regeneration and Sanctification: for of our selves we ar not sufficient to think one gude thoct, bot he quaha hes begun the wark in us, is onlie he that continewis us in the same, to the praite and glorie of his un-deserved grace.

14. *The cause of gude warkes.*

SA That the cause of gude warkes, we confesse to be not our free-will, bot the Spirit of the LORD JESUS, who dwelling in our hearts be trewe faith, bringis furth sik warkes, as God hes prepared for us to walke in. For this wee maist boldelie affirme, that blasphemy it is to say, that Christ abydes in the heartes of sik, as in whome there is no Spirit of sanctification. And therefore we feir not to affirme, that murthers, oppressers, cruell persecuters, adulterers, huremongers, filthy persons, Idolaters, drunkards, thieves, and all workers of iniquity, have nether trewe faith, nether ony portion of the Spirit of the LORD JESUS: so long as obstinatlie they continew in their wickednes. For how soone that ever the Spirit of the Lord Iesus (quihilk Gods elect children receive be trewe faith) takis possession in the heart of ony man, so soone dois he regenerate and renew the same man. So that he beginnis to haite that quihilk before he loved, & begins to love that quihilk before he hated, and fra thine cummis that continuall battell, quihilk is betwixt the flesh and the Spirit in Gods Children: while the flesh and naturall man, according to the awin corruption, lustes for things pleisand and delectable unto the self, and grudges in adversity, is lyfted up in prosperity, and at every moment is prone and reddie to offend the Majestie of God. Bot the Spirit of God, quihilk gives witnessing to our Spirit, that we are the Sonnes of God, makis us to resist filthie pleasures, and to groane in Gods preface, for deliverance fra this bondage of corruption: And finally to triumph over sin, that it reigne not in our mortall bodyis. This battell hes not the camall men, being destitute of Gods Spirit, bot dois follow and obey sinne with greedines, and without repentance, even as the Devill, and their corrupt lustes do prick them. Bot the Sonnes of God, as before wes said, do secht against sinne, do sob and murne, when they perceive themselves tempted in iniquitie: and gif they fall, they rise againe with earnest and unfained repentance, and thir thingis they do not be their awin power, bot be the power of the Lord JESUS, without whom they were able to do nothing.

15. *What warkes ar reputed gude befor God.*

WE Confesse and acknowledge, that God hes given to man his holy Law, in quihilk not only ar forbidden all sik warkes as displeis and offend his Godly Majestie, bot alswa ar commanded all sik as pleis him, and as he hes promised to rewaird. And thir warkes be of twa sortes. The ane are done to the honour of God, the uther to the profite of our Nichtbouris: and both have the reveiled will of God for their assurance. To have ane God, to worship and honour him, to call upon him in all our troubles, reverence his holy name, to heare his word, to beleive the same, to communicate with his holy Sacraments, are the warkes of the first Tabill. To honour Father, Mother, Princes, Rulers, and superiour powers: to love them, to support them, zea to obey their charges (not repugning to the commandment of God) to save the lives of Innocents, to repress tyrannie, to defend the oppressed, to keepe our bodies cleane and halie, to live in sobernes and temperance, to deal justlie with all men both in word and deed: and finally, to repress all appetite of our Nichtbouris hurt, are the gude warkes of the secund Tabill, quihilk are maist pleasing and acceptabill unto God, as the warkes that are commanded be himselfe. The contrary quahirof, is sinne maist odious, quihilk alwayes displeis him, and provokes him to anger: As not to call upon him aloue, when we have need, nor to hear his word with reverence, to contemne and despise it, to have or worship Idols, to maintene and defend Idolatrie, lichtlie to esteeme the reverend name of God, to prophane, abuse, or contemne the Sacraments of Christ Iesus, to disobey or resist ony that God hes placed in Authoritie (quihill they passe not over the boundes of their office) to murder, or to consent thereto, to beare hatred, or to let Innocent blude be shed, gif wee may withstand it. And finally, the transgression of ony uther commandment in the first or secund Tabill; we confesse and affirme to be sinne, by the quihilk Gods anger and displeasure is kindled against the proud unthankfull world. So that gude warkes we affirme to be thir onlie, that are done in faith, and at Gods commandment, quaha in his Lawe hes exprest what the thingis be that pleis him. And evill warkis we affirme not only thir, that exprestly ar done against Gods commandment: bot thir alswa that in materis of Religion, and worshipping of God, hes na uther assurance bot the invention and opinioun of man: quihilk God fra the beginning hes ever rejected, as be the Prophet *Ezay*, and be our Maister CHRIST JESUS we ar taucht in thir words, *In vaine do they worship me, teaching for doctrines the precepts of men.*

16. *The perfectionn of the Law, and the imperfecioun of man.*

THE Law of God we confesse and acknowledge maist just, maist equall, maist halie, and maist perfite, commaunding thir thingis, quhilk being wrocht in perfectionn, were abill to give life, and abill to bring man to Eternall felicitie. Bot our nature is sa corrupt, sa weake, and sa unperfite, that we ar never abill to fulfill the warkes of the Law in perfectionn. Zea, gif we say we have na sinne, evin after we ar regenerated, we deceive our selves, and the veritie of God is not in us. And therefore, it behoovis us to apprehend Christ Jesus with his Justice and satisfaction, quha is the end and accomplishment of the Law, be quhome we ar set at this liberty, that the curse and malediction of God fall not upon us, albeir we fulfill not the same in all poyntes. For God the Father beholding us, in the body of his Sonne Christ Jesus, acceptis our imperfite obedience, as it were perfite, and covers our warkes, quhilk ar defyled with mony spots, with the Justice of his Sonne. We do not meane that we ar so set at liberty, that wee awe na obedience to the Law (for that before wee have plainly confessed) bot this we affirme, that na man in earth (Christ Jesus onlie except) hes given, gives, or shall give in worke, that obedience to the Law, quhilk the Law requiris. Bot when we have done all thingis, we must fall downe and unfeinedly confesse, that we are unprofitable servants. And therefore, quhosoever boastis themselves of the merits of their awin warkes, or put their trust in the warkes of Supererogation, boast themselves in that, quhilk is nocht, and put their trust in damnable Idolatry.

17. *Of the Kirk.*

AS We believe in ane God, Father, Sonne, and halie Ghaist: sa do we maist constantly believe, that from the beginning there hes bene, and now is, and to the end of the world shall be, ane Kirk, that is to say, ane company and multitude of men chosen of God, who richtly worship and imbrace him, be trew faith in Christ Jesus, quha is the only head of the same Kirk, quhilk alswa is the bodie and spouse of Christ Jesus, quhilk Kirk is Catholike, that is, universall, because it continis the Elect of all ages, of all Realmes, Nations, and Tounes, be they of the Jewes, or be they of the Gentiles, quha have communion & societie with God the Father, and with his Son Christ Jesus, throw the sanctificatioun of his haly Spirit, and therefore is it called the Communion, not of prophane persons, bot of Sanctis, quha as citizenis of the heavenly *Jerusalem*, have the fruitioun of the maist inestimable benefites, to wit, of ane God, ane LORD JESUS, ane Faith, and ane Baptisme: out of the quhilk Kirk, there is nouthir lyfe, nor Eternall felicitie. And therefore we utterly abhorre the blasphemie of them that affirme, that men quhilk live according to equitie and Justice, shall be saved, quhat Religioun that ever they have professed. For as without CHRIST JESUS, there is nouthir life nor Salvation: so fall there nane be participant thereof, bot sik as the Father hes given unto his Sonne CHRIST JESUS, and they that in time cum unto him, avowe his doctrine and beleve into him, (we comprehend the Children with the faithfull parentes) this Kirk is invissible, knawen onlie to God, quha alane knawis whom he hes chosen, and comprehends alswell (as said is) the Elect that be departed, commonlie called the Kirk Triumphant, and they that zit live and secht against sin and Sathan, as they that shall live hereafter.

18. *The immortalitie of the Saules.*

THE Elect departed are in peace and rest fra their labours: not that they sleep, and come to a certaine Oblivion, as some Phantasticks do affirme: bot that they are delivered fra all feare and torment, and all temptatioun, to quhilk we and all God his Elect are subject in this life, and therefore do beare the name of the Kirk Militant: As contrariwise, the reprobate, and un-faithfull departed have anguish, torment, & paine, that cannot be expressed. Sa that neither are the ane nor the uther in sik sleepe, that they feele nor their torment, as the Parable of Christ Jesus in the 16. of *Luke*, his words to the thiefe, and thir wordes of the saules crying under the Altar: *O Lord, thou that art righteous and just, How lang shall thou not revenge our blude upon thir that dwellis in the Earth*, dois declair.

19. *Of the notes, be the quhilk the ired Kirk is decerned fra the false, and quha shall be Judge of the doctrine.*

BECAUSE That Sathan from the beginning, hes laboured to deck his pestilent Synagoge with the title of the Kirk of GOD, and hes inflamed the heartes of cruell murtherers, to persecute, trouble and molest, the trewe Kirk, and members thereof, as *Cain* did *Abel*, *Ismael* *Isaac*, *Eseu* *Jacob*, and the haill Priesthead of the Jewes; Christ Jesus himselfe, and his Apostles after him. It is ane thing maist requisite, that the true Kirk be decerned fra the filthy Synagogues: be cleare and perfite nores, least we being deceived, receive and imbrace to our awin condemnation, the ane for the uther. The nores, signes, and assured takens, whereby the immaculate Spouse of Christ Jesus is knawen fra the horrible harlot, the Kirk Malignant: We affirme are neither Antiquitie, Title usurped, Lineal descent, place appoynted, nor Multitude of men approving ane error: for *Cain* in age and title was preferred to *Abel* and *Setib*: nor

Jerusalem had prerogative above all places of the Earth, where also were the Priests lineally descended from *Aaron*. And greater number followed the Scribes, Pharisees, and Priestes, then unfainely beleevd and approved Christ Jesus and his doctrine: and zit as we suppose, no man of sound Judgement, will grant that any of the forenamed, were the Kirk of God. The notes therefore of the trew Kirk of God, we beleieve, confesse and avow to be, first the trew preaching of the word of God, unto the quhilk God hes revealed himselfe unto us, as the writings of the Prophets and Apostles dois declair. Secondly, the right administration of the Sacraments of Christ Jesus, quhilk mon be annexed unto the word and promise of God, to seale and confirme the same in our hearts. Last, Ecclesiastical discipline uprightlie ministred, as God his word prescribes, whereby vice is repressed, and vertew nursid. Whersoever then thir former notes are seene, and of any time continue (be the number never so fewe about two or three) there without all doubt is the trew Kirk of Christ: who according unto his promise, is in the midst of them. Nor that universal, of quhilk we have before spoken, bot particular, sik as was in *Corinthus*, *Galatia*, *Ephesus*, and other places, in quhilk the Ministrie was plantid by Paul, and were of himselfe named the Kirks of God: and sik Kirks, we the inhabitantis of the Realme of SCOTLAND, professours of Christ Jesus, professis ourselfis to have in our Cities, Townes, and places reformed, for the doctrine taught in our Kirks, contained in the written worde of God, to wit, in the buiks of the auld, and new Testaments, in those buiks we meane, quhilk of the ancient have bene reputed canonical. In the quhilk we affirme, that all thingis necessary to be beleevd, for the salvation of man-kinde, is sufficiently expresed. The interpretation quhair of, wee confesse, neither appertaines to private, nor publick persone, neither zit to any Kirk, for ony preheminance, or prerogative personallie or localle, quhilk ane hes above ane uther, bot appertaines to the Spirite of God, be the quhilk also the Scripture was written. When controversie then happenis, for the right understanding of any place or sentence of Scripture, or for the reformation of any abuse within the Kirk of God, we ought not fa-meikle to like what men before us have said or done, as unto that quhilk the haly Ghaist uniformelic speakes, within the body of the Scriptures, and unto that quhilk Christ Jesus himselfe did, and commanded to be done. For this is ane thing universallie granted, that the Spirite of God, quhilk is the Spirite of Unitie, is in nathing contrarious unto himselfe. Gif then the interpretation, determination, or sentence of any Doctor, Kirk, or Councell, repugne to the plaine worde of God, written in any uther place of the Scripture, it is a thing maist certaine, that there is not the true understanding and meaning of the haly Ghaist, although that Councells, Realmes, and Nations have approved and received the same: For we daren not receive nor admit any interpretation, quhilk repugnes to any principal poynt of our faith, or to any uther plaine text of Scripture, or zit unto the rule of charite.

20. The authoritie for the Scriptures.

AS We beleieve and confesse the Scriptures of God sufficient to instruct, and make the man of God persite: so do we affirme, and avow the authoritie of the same, to be of God, and nether to depend on men, nor Angels. Wee affirme therefore, that sik as allege the Scripture, to have na uther authoritie, bot that quhilk it hes received from the Kirk, to be blasphemous against God, and injurious to the trew Kirk, quhilk alwayes heares and obeyis the voyce of her awin spouse and Pastor, bot takes not upon her to be Maistres over the famin.

21. Of general Councells, of their Power, Authoritie, and cause of their Convention.

AS We do not rashlie damne that quhilk godly men assembled together in generall Councell lawfully gathered, have proponed unto us, so without just examination, dare we not receive quharsoever is obrudged unto us by men under the name of general Councells: for plaine it is, as they wer men, so have some of them manifestlie erred, and that in matters of great weight and importance. So farre then, as the Councell previs the determination and commandment that it gives, bee the plaine worde of God: so soome do we reverence and embrace the same. Bot gif men under the name of a Councell, pretend to forge unto us, new Articleles of our faith, or to make constitutionis repugning to the word of God: then utterlie we must refuse the same, as the doctrine of Devils, quhilk drawis our faules from the voyce of our oilie God, to follow the doctrines and constitutionis of men. The cause then quhy that generall Councellis convened, was nether to make any perpetual Law, quhilk God before had not maid, nether zit to forge new Articleles of our beleife, nor to give the word of God authoritie, meikle les to make that to be his word, or zit the trew interpretation of the same, quhilk was not before, be his haly will, expresed in his word: bot the cause of Councellis (we meane of sik as merite the name of Councellis) was partlie for confutation of heresies, and for giving publick confession of their faith, to the posterite following, quhilk baith they did by the authoritie of Gods written word; and not by any opinion or prerogative, that they culd not erre, be reason of their generall assemble: And this we judge to have bene the chiefe cause of general Councellis. The uther was for guide policie and ordour, to be constitute and observed in the Kirk, quhilk (as in the house of God) it becommis all thingis to be done decently and in ordour. Nor that we think, that any policie, and an ordour in Ceremonies, can be appoynted for all ages, times and places: for as ceremonies, sik as men have devised, ar bot temporal: so may and aucht they to be changed, when they rather foster superstition, then that they edifie the Kirk, using the same.

22. Of the Sacramentes.

AS The Fatheris under the Law, besides the veritie of the Sacrifices, had twa chiefe Sacramentes, to wit, Circumcision, and the Passe-over, the despisers and contemners whereof, were not reputed of Gods people: so do we acknowledge and confesse, that we now in the time of the Evangell, have twa chiefe Sacramentes, onelie instituted be the Lord Jesus, & commanded to be used of all they, that will be reputed members of his body: To wit, Baptisme, and the supper or Table of the Lord Jesus, called the Communion of his body and blude. And thir Sacramentes alsweill of auld, as of new Testament, now instituted of God, not onelie to make ane visible difference, betwixt his people, and they that was without his league: but also to exerce the faith of his Children, and be participation of the same Sacramentes, to seill in their hearts the assurance of his promise, and of that most blessed conjunction, union and societie, quhilk the elect have with their head Christ Jesus. And thus wee utterlie damne the vanitie of they, that affirme Sacramentes to be nothing else but naked and baire signes. No, we assuredlie beleewe, that be Baptisme, we ar ingrafted in Christ Jesus, to be made partakers of his Justice, be quhilk our sinnes ar covered and remitted. And alsua, that in the Supper richtlie used, CHRIST JESUS is so joyned with us, that hee becommis very nourishment and fude of our faules. Not that we imagine anie transubstantiatioun of Bread into Christes body, and of Wine into his naturall blude, as the Papistes have perniciouslie taucht, and damnable beleevd: but this unioin and conjunction, quhilk we have with the body and blude of Christ Jesus in the richt use of the Sacraments, is wrocht be operatioun of the haly Ghaist, who by trew faith caryis us above all things that are visible, carnall, and earthly, and makes us to feede upon the body and blude of Christ Jesus, quhilk wes anes broken and shed for us, quhilk now is in heaven, and appearis in the presence of his Father for us: And zit notwithstanding the far distance of place, quhilk is betwixt his body, now glorified in Heaven, and us now mortall in this earth: zit we man assuredlie beleewe, that the bread quhilk we break, is the communion of Christes bodie, and the cupe quhilk we blesse, is the communion of his blude. So that we confesse, and undoubtedlie believe, that the faithfull in the richt use of the Lords Table, do fo eat the bodie and drinke the blude of the Lord Jesus, that he remains in them, and they in him. Zea, they are so maid flesch of his flesch, and bone of his bones, that as the eternall God-head hes given to the flesch of Christ Jesus (quhilk of the awin condition and nature wes mortall and corruptible) life and immortalitie: so dois Christ Jesus his flesch and blude eatin and drun kin be us, give unto us the same prerogatives. Quhilk albeit we confesse, ar nether given unto us at that time onelie, nether zit be the proper power and vertue of the Sacrament onelie: zit we affirme that the faithfull, in the richt use of the Lords Table, hes conjunction with Christ Jesus: as the naturall man cannot apprehend: zea, and farther wee affirme, that albeit the faithfull oppressed be negligence, and namelie infirmite, dois not profite sameikle, as they wald, in the verie instant action of the Supper: zit fall it after bring frute furth, as livelie seid fawin in gude ground. For the haly Spirit, quhilk can never be divided fra the richt institutioun of the Lord Jesus, will not frustrat the faithfull of the fruit of that mysticall action, but all thir we say cummis of trew faith, quhilk apprehendis Christ Jesus; who only makis this Sacrament effectuell unto us. And therefore whosoever sclanders us, as that we affirme or belevis Sacraments to be naked and baire Signes, do injurie unto us, and speaks against the manifest truth. But this liberalie and franklie wee confesse, that we make ane distinctioun betwixt Christ Jesus in his eternall substance, and betwixt the Elements of the Sacramentall Signes. So that wee will nether worship the Signes, in place of that quhilk is signified be them, nether zit doe we despise and interpret them, as unprofitable and vaine, but do use them with all reverence, examining our selves diligentlie, before that so we do. Because we are assured be the mouth of the Apostle, that sik as eat of that bread, and drink of that cupe unworthelie, are guiltie of the bodie and blude of Christ Jesus.

23. Of the richt administratioun of the Sacramentes.

THAT Sacraments be richtlie ministrat, we Judge twa things requisite: The ane, that they be ministrat be lauchfull Ministers, whom we affirme to be onely they, that ar appointed to the preaching of the word, into quihais mowthes God hes put sum Sermon of exhortation, they being men lauchfullie chosen thereto be sum Kirk. The uther, that they be ministrat in sik elements, and in sik fort, as God hes appointed, else we affirme that they cease to be the richt Sacraments of Christ Jesus. And therefore it is, that we sly the doctrine of the Papistlicall Kirk, in participation of their Sacraments: first, because their Ministers are na Ministers of Christ Jesus, zea (quhilk is mair horrible) they suffer wemen, whome the haly Ghaist will not suffer to teache in the Congregatioun, to Baptize: and secundly, because they have so adulterated both the one Sacrament and the uther, with their awin inventions, that no part of Christs action abydes in the originall puritie. For Oyle, Salt, Spittil, and sik-lyke in Baptisme, ar bot mennis inventions. Adoration, Veneration, bearing throw streitis and townes, and keiping of bread in boxes or buistes, ar phanatioun of Christs Sacraments, and na use of the same. For Christ Jesus saide, Take, eat &c. do ze this in remembrance of me. Be quhilk word and charge, he sanctified bread and wine, to the Sacrament of his haly bodie and blude, to the end, that the ane suld be eaten, and that all suld drinke of the uther, and of that thay suld be kepted to be worshipped and honoured, as God, as the Papistes have done heirtofore. Who also committed sacrilege, steilling from the people the ane parte of the Sacrament, to wit, the blessed

bleſſed cupe. Moreover, that the Sacraments be richtly uſed, it is required, that the end and cauſe, why the Sacramentis were inſtitute, bee underſtand and obſerved, alſweill of the Miniſter, as of the receiveris. For gif the opinion be changed in the receiver, the richt uſe ceaſſis, quhilk is maift evident, be the rejection of the Sacrifice, as alſo gif the teacher planely teache ſals doctrine, quhilk were odious and abhominable before God (albeit they were his awin ordinance) becauſe that wicked men uſe them to an uther end, then God hes ordained. The ſame affirme we of the Sacraments in the Papiſticall Kirk: in quhilk we affirme the haill action of the Lord Jeſus to be adulterated, alſweill in the externall forme, as in the end and opinion. Quhat Chriſt Jeſus did, and commanded to be done, is evident, be the Evangelifteſ, and be Saint Paul: quhat the Preiſt dois at his Altar, we neid not to rehearſe. The end and cauſe of Chriſts inſtitution, and why the ſelſe ſame ſuld be uſed, is expreſſed in thir words, Doe ze this in remembrance of me, alſ oft as ze ſall eat of this bread, and drinke of this Cupe, ze ſall ſhaw furth, that is, extol, preach, magnifie, and praiſe the Lords death, till he cum. Bot to quhat end, and in what opinioun the Prieſtes ſay their Meſſe, let the worde of the ſame, their awin Doctouris and wrytings witneſ. To wit, that they, as Mediatoris betuixt Chriſt, and his Kirk, do offer unto God the Father, a Sacrifice propitiatorie, for the Sinnes of the quick and the dead. Quhilk doctrine, as blaſphemous to Chriſt Jeſus, and making derogation to the ſufficiencie of his only Sacrifice, once offered for purgation of all they that ſall be ſanctified, we utterly abhorre, deteſt and renounce.

24. To whome Sacraments appertaine.

WE Confesse and acknowledge, that Baptiſme apperteinis aſweill to the infants of the faithfull, as unto them that be of age and diſcretion, and ſo we damne the error of the Anabaptiſts, who denies baptiſme to appertene to Children, before that they have faith and underſtanding: bot the Supper of the Lord, we confeſſe to appertaine to ſik onely, as be of the houſhold of Faith, and can trie and examine themſelves, alſweill in their faith, as in their dewtie towards their Nichtbouris. Sik as eate and drink at that haly Table without faith, or being at diſſention and diviſion with their Brethren; do ear unworthelie: And therefore it is that in our Kirk, our Miniſters take publick and particular examination, of the knowlege and converſation of ſik, as are to be admitted to the Table of the Lord Jeſus.

25. Of the Civill Magiſtrate.

WE Confesse and acknowledge Emphyres, Kingdomes, Dominiouns, and Citties, to be diſtincted and ordained be God: the powers and authoritie in the ſame, be it of Emperours in their Emphyres, of Kings in their Realmes, of Dukes and Princes in their Dominiouns, and of uthers Magiſtrates in the Citties, to be Gods haly ordinance, ordained for maniſeſtation of his awin glory, and for the ſingular profite and commoditie of mankind: So that whoſoever goeth about to take away, or to confound the haill ſtate of Civile policies, now long eſtabliſhed: we affirme the ſame men, not onely to be enimies to mankind, but alſo wickedly to ſecht againſt God his expreſſed will. Wee farther confeſſe and acknowledge, that ſik perfouris, as are placed in authoritie, art to be loved, honoured, feared, and halden in moſt reverent eſtimation: becauſe that they are the Lieutenents of God, in whoſe Seſſiouns, God himſelf dois ſit, and Judge: zea, even the Judges and Princes themſelves, to whom be God is given the ſword, to the praiſe and deſenſe of gude men, and to revenge and puniſh all open malefactoris. Maitover to Kings, Princes, Rulers and Magiſtrates. wee affirme that chieſlie and moſt principallie the conſervation and purgation of the Religioun appertaines, ſo that not onlie they are appointed for Civill policie, bot alſo for maintenance of the trew Religioun, and for ſuppreſſing of Idolatrie and Superſtitious whatſoever. As in *David, Joſaphat, Ezechias, Joſias*, and uthers highlie commended for their zeale in that caice, may be eſpyed. And therefore wee confeſſe and avow, that ſik as reſiſt the ſupreme power, doing that thing quhilk appertains to his charge, do teſtiſt God his ordinance: And therefore cannot be guiltles. And farther we affirme, that whoſoever denies unto them ayde, their Counſell and comfort, quhiles the Princes and Rulers vigilantly travell in execution of their office, that the ſame men deny their help, ſupport and Counſell to God, quha be the preſence of his Lieu-tennent, dots crave it of them.

26. The giſtes freeſlie given to the Kirk.

ALBEIT That the word of God trewly preached, and the Sacraments richtlie miniſtred, and Diſcipline executed, according to the word of God, be the certaine and infallible Signes of the trew Kirk, we meane not that everie particular perſon joyned with ſik company, be an Elect member of CHRIST JEſUS: For we acknowledge and confeſſe, that Dornell, Cockell, and Caſſe, may be ſawen, grow, and in great abundance lie in the miſt of the Wheat, that is, the Reprobate may be joyned in the ſocietie of the Elect, and may externally uſe with them the benefites of the word and Sacramentis. Bot ſik being bot temporall profeſſours in mouth, bot not in heart, do fall backe and continew not to the end. And therefore have they na fruite of Chriſts death, Reſurrection, nor Aſcenſion: bot ſik as with heart unfainedly beleve, and with mouth bauldely confeſſe the Lord Jeſus, as before we have ſaid, ſall moſt aſſuredly receive thir giſtes. Firſt in this liſe remiſſion of ſinnes, and that be onely faith in Chriſts blude.

In fameikle, that albeit sinne remaine and continuallie abyde, in thir our mortall bodies, zit it is not imputed unto us, bot is remitted, and covered with Christs Justice. Secondly, in the generall Judgement, there shall be given to every man and woman resurrection of the flesh. For the Sea shall give her dead; the Earth they that therein be inclosed, zea the Eternall our God shall stretch out his hand on the dust, and the deade shall arise uncorruptible, and that in the substance of the selfe same flesh that every man now beiris, to receive according to their warkes, glory, or punishment. For sik as now delyte in vanity, cruelty, filthyenes, superstition; or Idolatry, shall be adjudged to the fire unquenecheable. In quihilk they shall be tormented for ever, allswell in their awin bodies, as in their saules, quihilk now they give to serve the Devill in all abhominacion. Bot sik as continew in weil doing to the end, bauldely professing the Lord Jesus: we constantly beleeve, that they shall receive glorie, honour, and immortality, to reigne for ever in life everlasting, with Christ Jesus, to whose glorified body all his Elect, shall be made lyke, when he fall appeir againe in Judgement, and fall rander up the Kingdome to God his Father, who then shall bee, and ever fall remaine all in all things God blessed for ever. To whome with the Sonne, and with the haly Ghaist, be all honour and glorie, now and ever. So be it.

Rom. 7. 6.
1 Cor. 15. 21
Job. 5. 25.
29.
Apo. 20. 23.
Job 19. 25.
26.
Mat. 25. 37.
Apo. 14. 10.

Rom. 7. 6.
7. 8. 9. 10.
Phil. 1. 21.
1 Cor. 15.
24. 25.

Arise (O Lord) and let thy enimies be confounded, let them flee from thy presence, that hate thy godlie Name. Give thy servants strength, to speake thy word in bauldnesse, and let all Nations cleave to thy trew knowledge. Amen.

Num. 2. 13.
Psal. 68. 1.
Ab. 4. 29.

Thir Acts and Artickles ar red in the face of Parliament, And ratified be the three Estaitis, At *Edinburgh* the 17. day of August, the zeir of God 1560. zeiris.

5. *Anent the Messe abolished, and punishing of all that bear is or sayis the samin.*

ITEM, Our Sovereine Lord, with advise of his dearest Regent, and the three Estaitis of this present Parliament ratifyis and appreyves the Act under written, maid in the Parliament halden at *Edinburgh* the 23. day of August, the zeir 1560. zeires. And of new in this present Parliament statuts and ordainis, the said Act to be as an perpetuall Law, to all our Sovereine Lords lieges in all times to cum; Of the quihilk, the renour followes. The quihilk day, for sameikle as almighty God be his maist trew and blessed word, hes declared the reverence, and honour quihilk suld be given unto him. And be his Sonne JESUS CHRIST hes declared the trew use of the Sacraments, willing the same to be used, according to his will and word. Be quihilk it is notour, and perfetlie knawen, that the Sacramentes of Baptisme, and of the Bodie and Blend of JESUS CHRIST, hes bene in all times by-past corrupted, be the Papistick Kirk, and be their usurped Ministers. And presencly, notwithstanding the reformatioun already made, according to Gods word: Zit there is sum of the said Papist Kirk, that stubbumely prefeveris in their wicked Idolatrie, sayand Messe, and Baptizand, conforme to the Papist Kirk, prophanand therethrow the Sacraments soirsaides, in quiet and secreete places, therethrow nouthir regardand God, nor his word. **T H E R E F O I R E**, It is statute and ordained in this present Parliament, that na maner of persoun, or personis, in onie time cumming, administrat ony of the Sacraments soirsaides, secretly, or ony uthir maner of way, but they that are admitted, and havand power to that effect. And that na maner of persoun nor personis, say Messe, nor zit hear Messe, nor be present thairat, under the paine of confiscatioun of all their gudis movabill, and unmovabill, and punishing of their bodies at the discretioun of the Magistrat, within quhais Jurisdictioun sik personis happinnis to be apprehended, for the first fault. Banishment of the Realme, for the second fault: And Justifying to the death, for the thrid fault. And ordainis all Schireffes, Stewards, Baillies, and their deputies, Provestes, and Baillies of Burrowes, and uthers Judges quhatsumever, within this Realme, to take diligent sute and inquisitioun, within their bounds, quhair ony sik usurped Ministerie is used, Messe saying, or they that beis present at the doing thereof, ratifyand, and approovand the samin, take and apprehend them, to the effect, that the paines above writen may be execute upon them. And therefore of new decernis, and ordaines the contraveners of the samin, in ony tyme heirafter, to be punished according to the paines of the aforesaid Acte above rehearfed.

6. *Anent the trew and haly Kirk, and of them that ar declared not to be of the samin.*

ITEM, For sameikle as the Ministets of the blessed Evangell of JESUS CHRIST whom God of his Imercie hes now raised up amangst us, or heirafter shall rayse, agreeing with them that now livis, in doctrine and administratioun of the Sacraments, and the peopill of this Realme, that professis CHRIST, as he now is offered in his Evangell, and do communicat with the haly Sacraments (as in the reformed Kirkes of this Realme they are publickly administrat) according to the Confessioun of the Faith: Our Sovereine Lord, with advise of my Lord Regent, and three Estaitis of this present Parliament, hes declared, and declaris, the foresaid persones, to be the onely true and haly Kirk of JESUS CHRIST Within this Realme. And decernis and declaris, that all and findrie, quha outhir gainfayis the word of the Evangell, received and approved, as the heades of the Confessioun of Faith professed in Parliament before, in the zeir of God 1560. zeires, as also specified in the Actes of this Parliament mair particularlie

dois expresse, and now ratified and approved in this present Parliament, or that refusis the participatioun of the halle Sacramentes, as they are now Ministrat, To be na members of the said Kirke, within this Realme now presently professed, sa long as they keep themselves sa divided fra the Society of Christs Bodie.

7. *Admission of Ministers: of laick Patronages.*

ITEM, It is statute, and ordained be our Sovereine Lord, with advise of his dearest Regent, and three Estaitis of this present Parliament, that the examination and admission of Ministers, within this Realme, be only in the power of the Kirk, now openlie, and publickly professed within the samin. The presentation of laick Patronages alwaies reserved to the Just and auncient Patrones. And that the Patroun present ane qualified person, within sex Monethes (after it may cum to his knowledge, of the decease of him, quha bruiked the Benefice before) to the Superintendent of thay partis, quhair the Benefice lyes, or others havand commission of the Kirk to that effect; utherwaies the Kirk to have power to dispone the samin to ane qualified person for that time.

PROVIDING that in caise the Patron present ane person qualified to his understanding, and faileing of ane, ane uther within the said sex Moneths, and the said Superintendent or Commissioner of the Kirk, refusis to receive and admit the person presented be the Patron, as said is: It fall be lesum to the Patron to appeale to the Superintendent, and Ministers of that Province quhair the Benefice lyes, and desire the person presented to be admitted, quhilk gif they refuse, to appeale to the generall Assemblie of this haille Realme, be quhome the cause beand decyded, fall take end, as tney decerne and declair.

8. *Auent the Kingis aith, to be given at his Coronation.*

ITEM, Because that the increase of vertew, and suppressing of Idolatrie craves, that the Prince and the people be of ane persite Religioun, quhilk of Gods mercie is now presently professed within this Realme: **THEREFORE** It is statute, and ordained be our Sovereine Lord, my Lord Regent, and the three Estaites of this present Parliament, that all Kinges and Princes, or Magistrates whatsoever, holding their place, quhilkis hereafter in any time fall happen to reigne, and beare rule over this Realme, at the time of their Coronatioun, and receipt of their Princely authoritie, make their faithfull promise be aith, in presence of the Eternall God, That induring the haille cours of their lives, they fall serve the samin Eternall God, to the uttermost of their power, according as he hes required in his maist haly word, reveiled and contained in the new and auld Testaments. And according to the samin worde fall mainteine the trew Religion of Christ Jesus, the preaching of his halle word, and dew and richt ministratioun of the Sacraments now received, and preached within this Realme: And fall abolish and gainstand all fals Religioun contrare to the samin: And fall rule the peopill committed to their charge, according to the will and command of God, reveiled in his foresaide word, and according to the lovabill Lawes, and constitutions received in this Realme, na wise repugnant to the said word of the Eternall God. And fall procure to the uttermoist of their power, to the Kirk of God; and haille Christian peopill, trew and persite peace in all time cumming. The richtis and rentis, with all just privileges of the Crowne of SCOTLAND, to preserve and keip inviolated, nouthier fall they transfer nor alienate the samin. They fall forbid and repress in all Estaites, and degriès, reise, oppression, and all kinde of wrang. In all judgements, they fall command, and procure that Justice and equitie be kept to all creatures, without exception, as the Lord and Father of all mercyis, be mercifull to them. And out of their landes and Empyre, they fall be carefull to rute out all herenikes, and enimies to the trew worship of God, that fall be convict be the trew Kirk of God, of the foirsaidis crymes. And that they fall faithfullie affirme the things above written, be their solemne aith.

9. *Na person may be Judge Procurator, Notar, nor member of Court, quha professis not the Religion.*

ITEM; The Kingis Grace with advise of my Lord Regent, and the three Estaites of this present Parliament, statutes and ordainis, that no maner of person nor persons, be received in any times heirafter, to beare publicke office remoyabill of Judgement, within this Realme, bot sik as professis the puritie of Religion and doctrine, now presentlie established. And that nane be permitted to procure, nor admitted Notar, or created a member of Court, in any time cumming, without he in likewise professis the Evangel, and Religion foirsaid. Providing alwayes, that this Act be on na wise extended, to any maner of person or persones, havand their offices heritable or in life-rent, bot that they may use the samin, conforme to their infestments and dispositions granted to them thierof.

10. *Auent the thridis of benefices, granted in the Moneth of December, the zeir of God 1561. zeires, for sustaining of the Ministers and uther affaires of the Prince.*

ITEM, Because the Ministers hes beie lang defrauded of their stipendis, swa that they ar becomming in great povertie and necessity. And notwithstanding lies continued in their vocation, without payment of

of their stipendis, be an great space. Quhair-throw they ar and fall be constrained to leive their vocation without remeid be provided. THEREFORE our Sovereine Lord, with advise of my Lord Regent, and the three Estaites of this present Parliament, hes statute and ordained, that the hail thrids of the hail Benefices of this Realme, fall now instantlie, and in all times to cum, first bee payed to the Ministers of the Evangel of Jesus Christ, and their successeurs. And ordaines the Lords of the Session to grant, and give letteris, charging all and fundrie intromettours, or that beis adebted in payment of the samin, to answere to and to obey the saidis Ministers and their Collectours, to be nominate be the saidis Ministers, with advise of my Lord Regent, in forme as effectis, Notwithstanding anie discharge given be our Sovereine Lordis Mother, to quhat-sum-ever person or persons, of the said thride, or ony part thereof, ay and quhill the Kirk come to the full possession of their proper Patrimonie, quhilk is the reindes. PROVIDING alwayes, that the Collectors of the saidis Ministers, make zeirle compt in the Checker of their intromission. Swa, that the Ministers may be first answered of their stipendis, apperteyning to everie ane of them. And the rest and super-plus to be applied to our Sovetaine Lords use.

11. *The teacheris of zouth suld be tryed be the visitoris of the Kirk.*

ITEM, For-sa-meikle, as be all Lawes and constitutionis, it is provided, that the zouth be brocht up and instructed in the feare of God, and gude maneris: and gif it be utherwise, it is tinsel baith of their bodies and faules, gif Gods word be not ruted in them. QUHEIRFOIRE, our Sovereigne Lorde, with advise of my Lorde Regent, and the three Estaites of this present Parliament, hes statute and ordained, that all Schulis to Burgh and land, and all Universteis and Colleges be reformed: And that nane be permitted nor admitted, to have charge and cure their of in time cumming, nor to instruct the zouth privadie or openlie: bot sik as fall be tryed be the Super-intendentes or visitouris of the Kirk.

12. *Anent the disposition of Provestries, Prebendaries, and Chaplaneries, to burfaris be found in Colleges.*

ITEM, For-sa-meikle as the zouth is not onelie seene to preserve the commoun weill, bot alswa of them mon rise sik, as after this mon serve in the Kirk of God, within this Realme, and to the commoun weill of the samin. And because the povertie of many is sik fort, that they may not hald their Children at letteris, quhairby the maist part of the zouth of this Realme wantis the giftis and graces of learning, requisite to that charge. For remeid heirof: OUR SOVERAINE LORD, with advise and consent of my Lord Regent, and the three Estaites of this present Parliament, hes statute and ordained, that all Patronis havand Provestries, or Prebendaries of Colleges, Alterages or Chaplaneries, at their giftis and disposition, may in all times cumming, at their pleasure present the samin to Burfaris, quhoris they pleise to name, to studie vertew and letteris, within ane College of ony of the Universties of this Realme, there to remaine for sik space, as the Patron soirsaid pleasis to hald him at vertew and learning, within the soirsaid College, and as fall be aggried upon be the Patronis of the saidis Provestries, or Prebendaries, with the Principal and Maisters of the College of the Universties. And after the Patron removeth that Burfar furth of the said College, to present ane uther. And swa furth fra ane to ane uther, to the effect soirsaid, at the Patronis pleasure, notwithstanding ony fundatioun, or confirmatioun past, be quhat-sum-ever autoritie in ony times by-gane. Anent the quhilk our Sovereine Lord, my Lord Regent, and the three Estaites of this present Parliament, dispensis: Swa that the saidis Patronis may dispone their Provestries, and Prebendaries, to sik Burfaris, as they fall think expedient, also oft as neid beis. Quhilk fall be na hurt, nor prejudice to their Patronage, notwithstanding their fundatiounes, and Confirmatiounes quhat-sum-ever, or ony provision contained there-intill. And therefore our SOVERAINE LORD, my Lord Regent, and the three Estaites foresaides, heartelie requests all Patrones of Colleges, Prebendaries, and Provestries, to graunt and dispone their Provestries and Prebendaries to the Burfaris foresaidis, in maner above specified. Swa that letters may be authorized, and the zouth sufficientlie brought up in vertew and learning, to the glory of God, and comfort of the common weill of this Realme.

13. *Anent the filthie vice of Fornication, and punishment of the samin.*

ITEM, His statute, and ordained be our Sovereine Lord, with advise and consent of his dearest Regent, and the three Estaites of this present Parliament, that gif ony person, or personis within this Realme, to Burgh or to land, fall commit the filthie vice of Fornication, and beis convict thereof, that the committeris thereof, fall be punished in maner following. That is to say, for the first fault, alswell the man, as the woman, fall pay the summe of fourtie pundis: Or then baith he, and she, fall be imprisoned for the space of aucht dayes, their fude to be breade and small drinke. And thereafter presented to the mercat place of the Towne or Parochin bair-headed, and there stand fastened, that they may not remooove, for the space of twa houres: as fra ten houres to twelve houres at noon. For the second fault being convict, they fall pay the summe of ane hundred marks, or then the foirnamed dayis of their imprisonment fall be doubled, their fude to be bread and water allanerlie. And in the end, to be presented to the said mercat place, and baith the headis of the man and the woman to be schaven. And for the thrid fault, being convict thereof, fall pay

ane hundreth pundis, Or else their above imprisonment to be tripled, their fude to be breade and water allanerlie. And in the end, to be tane to the deapest and foulest pule, or water of the Towne, or Parochin, there to be thrife dowed, and thereafter banished the said Towne, or Parochin for ever. And fra thine furth, how oft that ever they be convict, of the foresaide vice of Fornication, that sa oft the said thrid penaltie be execute upon them. And that the Provost and Baillics of ilk Burgh, the Justice general, and his depures, or sik uthers perones, as fall please our said Sovereine Lord to give commissioun unto, be Judges to the perones suspect, and delated of Fornication: and being convict, they fall lift and uptake the above written pecunial paines, of the perones responfal, and rather willing to pay the samin, nor to be demaied in their perones. And that the saidis corporal paines of imprisonment, banishing, and uthers above specified, be execute upon all sik perones, as ourther refusis to pay the pecunial paines, or that ar not responfal to pay the samin. And that the samin pecunial paines, quhilkis fall happen to be received, be surelie keiped in aue close box, and be converted *ad pios usus*, in they pariss, quhair the cryme is committed, as it fall please our said Sovereine Lord, and his dearest Regent to commande. And the receivers of the said paynes, to be ready to give accompt thereof, quhen ever they fall be requyred thereunto.

14. *Auent them that committis Incest.*

ITEM, For-sa-meikle as the abhominable, vile, and fiithie lust of Incest, is sa abhominable in the presence of God, and that the samin Eternal God, be his expresse word, hes condemned the samin, and zit nevertheless the said vice is sa used within this Realme, and the word of God is in sik sort contemned be the users thereof, that God be his just Judgements hes occasioun to plague the Realme, where the said vice is committed, without God of his mercie be mair gracious, and remeid be provided, that the said vice cease in time cumming. **THEREFOR** our Sovereine Lord, with advise and consent of my Lord Regent, and the three Estaites of this present Parliament, statutes and ordaines, that quhat-sum-ever person or perones, that committes the said abhominable cryme of Incest, That is to say, quhat-sum-ever person or perones they be, that abuses their bodie with sik perones in degrie, as God in his word hes expresse forbidden, in ony time cumming, as is contained in the xvij. Chapter of *Leviticus*, fall be punished to the death.

15. *Auent lawfull mariage of the awin blude, in degries not forbidden be God in his word.*

ITEM, Our Sovereine Lord, with advise and consent of my Lord Regent, and the three Estaites of this present Parliament, hes statute, and ordained, that the haile band of mariage, made be all Estaites and sorts of men and women, to be als lawfull and als frie, as the Lawe of God hes permitted the samin, to be done, without exception of person or perones. And hes declared, and declares, that secunds in degries of consanguinitie, and affinitie, and all degries outwith the samin contained in the word of the Eternal God, and that are not repugnant to the said word, might, and may lawfully marry at all times sen the vij. day of March, the zeir of God, ane thousand, five hundreth, fiftie aucht zeiris, notwithstanding any Law, statute, or constitution maid in the contrare. And ratifyis and appreis all the said mariages done sen the said day. And the bairnis gottin, or to be gottin in sik Mariage, to be as lauchfull, as weill toward their successioun to landis, heritages, or ony uther liberties, as ony bairnes gottin in Mariage, and to be repute and esteemed, in all time to come, lauchfullie gottin, in lauchfull Mariage, notwithstanding any Lawes, statutes, constitutionis, or Actis, maid, or to be maid in the contrare.

16. *Auent slaying of Hart, Hynde, and utberis beastes and foulis with Culveringis.*

ITEM, For-sa-meikle as there hes bene divers Acts and statutes made of before, that na maner of person, nor personis suld schut with Culveringis, Crosbow, or handbow ony time, at Dae, Rae, Hart, Hynde, Hair, Cuning, Dow, Herron or foule of river, under special pains, contained in the saidis acts and statutes. And notwithstanding the samin, and that na execution hes followed of before, upon the perones contraveners of the saidis Actes, they ar sa lichtlie esteemed, that the saidis Beastes and Foulis, are at all times slaine down, and destroyed be sik perones, that nouthir hes regard to the commoun weill, nor policie of the countrie.

Theirfoir it is statute and ordained, be our Sovereine Lord, with advise of his Regent, and the three Estaites of this Realme, that quhat-sum-ever person or personis, of quhat Estait, degrie or condition that ever they be of, schutis in ony times cumming, with Culvering, Crosbow, or Handbow, at Dae, Rae, Hart, Hynde, Hair, Cuning, Dow, Herron, or foule of river, within this Realme, fall soirfault and tynie their haill moveabil gudis, that are halfe thereof to our Sovereine Lordis use, and the uther halfe to be applied to the Judge, and apprehender of him that committis the crime, to be divided equallie betuixt them. And to that effect, ordains all Schireffes, Stewards, Baillics of Regalie, and all uther ordinar Judges, with sik uthers, as fall please our Sovereine Lord, and his Regent to give power and commissioun to, to call the contraveners of this present Act, at particular dietis. And gif they be convict of the crime, to escheit all their moveabil gudis, to be applied in maner soirfaid. And gif the committer of the cryme be ane vagabound not havand

19. *Falſe Cunzie ſuld be clypped.*

ITEM, For-ſa-meikle for the abolishing of great quantitie of falſe cunzie, quhairwith the common weil of this Realme is greatlie troubled, to the heave damage, and ſkaith of the haill lieges thereof; **THEREFOIRE**, It is deviſed, ſtatute, and ordained, be our Sovereigne Lorde, with adviſe of his Regent, and the three Eſtates of this preſent Parliament, that certaine men of Judgement, having underſtanding of cunzie, be choſen and elected, within everie Burgh of this Realme. Quha being ſworne thereto, all ſummes of money ſhall bee delivered in their preſence, and quhair ever they apprehend, or finde any falſe money, to clip the ſamin. And the deliverer to tyne the ſaid falſe money, and the clipper to haveane penny of ſik pound, for his labours of the receiver of the money, quhilk ſhall be received. And to that effect, ordaines the Proveſt and Baillies, and all uthers officiaris of Burrowes, to make ſufficient clipping houſes, in ſik places of their Burgh, as ſhall be ſufficient for the premiſſes. And the perſonis, quhom to they commit that charge, that they be able to anſwer for their office in that behaife.

20. *Approbation of giftis of benefices and penſionis, ſen the Moneth of Auguſt 1560. zeiris, granted and given, be our Sovereaine Lordis Mother.*

ITEM, It is found, declared, ſtatute, and ordained, be our Sovereaine Lord, his Regentes Grace, and the three Eſtates of this preſent Parliament, that all giftes and proviſionis of benefices elective, penſionis, or uthers quhat-ſum ever, given and diſponed under the privie ſeill, be the Quens Grace, our Sovereaine Lordis Mother, in her Reigne, ſen the Parliament halden, in the zeir of God 1560. zeiris, unto the Coronation of our ſaide Sovereaine Lord, were, ar, and in all time cumming ſhall be, to the poſſeſſouris, beverteu thereof; lauchfull, full, and perſite tytles and richtis, and als valzeabil in all reſpectis, quhair ever they be produced, as gif the ſaidis proviſionis, and giftis had paſt upon ſupplicationis, direct to the Court of *Rome*, and Bullis paſt thereupon, in maiſt ample forme.

Providing, that this preſent Act be not prejudicial to the Act off ſecreteit Councell, granted in favouris of the Miniſters, anent the giving to them of all benefices, within zeirlike rent of three hundreth markis, ſen the daie of the ſaid Act, nor zit be prejudicial to laick Patronages.

21. *Anent theift, and receipt of theift, taking of prifoneris be thievis, or bandis for ranſomis, and puniſhment of the ſamin.*

ITEM, Anent the Article proponed be the Barronnes, Free-halderis, and Inhabitantes of the Schireffdomes of *Selkirk, Roxburgh, Lanark, Peblis, Dumfreis, Edinburgh*, and uthers inhabitantis of the remanent Schires of this Realme: beirand, that it is not unknowin of the continual theift, reif, and oppreſſion, committed and done, within the boundis of the ſaidis Schireffdomes, be thieves, traitouris, and uthers ungodlie perſones, havand nouthir feare of **GOD** nor man, and ſpeciallie in thir troubles, be receiteris, forſifieris, and mainteneris of the ſaidis evil given perſonis, amangis the inhabitantis and indwelleris of the ſaidis Schireffdomes *reſpective*, within divers partis of the ſamin, quhilk is the chiefe cauſe, and fortification of the ſaid theift. And ſik-like, that the thieves, and broken men, inhabitantis of the ſaidis Schireffdomes, and uthers boundis of the marches of this Realme, formentis the partis of *England*, not onlie committis daylie theiftis, reiffis, heircſhippes, murtheris, and fyre-raifings, upon the peaceable ſubjects of the countrie: bot als takis ſindrie of them, deteinis them in captivity as prifoners, ranſoumis them, or lettis them to borrowis for their entrie againe. And in like maner, divers ſubjects of the Inland, takis and ſittis under their aſſurance, payand them black-maill, and permittand them to reif, herrie, and oppreſſe their Nichtbouris, with their knowledge, and in their ſicht, without reſiſtance or contradiction. For eſchewing and ſtopping of the quhilkis inconvenientis ſoifaid:

IT Is ſtatute and ordained, be our Sovereaine Lord, his deareſt Regent, and the three Eſtates of this preſent Parliament, that quhat-ſum-ever perſon, or perſones, receipts, fortifyis, mainteinis, or givis meate, harbourie, or aſſiſtence to any thievis in their thiſteous ſtealling, and deedes, outhir in their cumming thereto, or paſſing therefra, at any time cumming, or intercommonis, or tryſtis with them to that effect, any maner of way, without licence of the keeper of the countrie, quhair the thief remaines, had thereto, to the effect it may be knawin, for quhat purpoſe they intercommoned with the ſaidis thieves within xlvij. houris after, or before the committing of the ſaid cryme, that the receiver, fortifier, maintener, aſſiſter, meat-giver, and intercommoner with ſik perſones, ſhall be called therefore at particular dietis criminally, as air and pairt of their thiſteous deidis, or utherwayis civilie at the inſtance of the partie offended upon 15. dayis warning allanerlie, without diet or tabill. And als that the Schireffis of all Schires, Stewartes, Baillies of Regalitie, and their deputes, and all uthir Judges ordinar, at every head Court, put the ſaidis matters to the inquiſition of ane aſſyſe of the countrie, at the deſire and complainte of the partie, and as beis foundin, to report the ſamin to the Juſtice, Juſtice Clerk and their deputes, within 15. dayis next after the matter be tryed. So that this preſent Act and ſtatute, may be put to execution upon them, as the ſaidis Schireffes, Stewartes, Baillies of Regalitie, and Judges ordinar ſoifaidis, will anſwer to our Sovereaine Lord, and his deareſt Regent, upon the execution of their office: And alſwa for etchewing of the ſaid great,

great, continual, and odious crimes and offenses, and pacifying of the lieges in all partis oppressed within this Realme, and for the common weill thereof,

It is statute and ordained that na thief, take ony Scottisman, at onie time heireafter, under the paine of treason and lese-majestie. And that nane of our Sovereaine Lordes trew and faithfull liegis, quhilks have bene takin be the saids thieves and broken men, fall be halden to enter to them, norwithstanding ony band given for their entrie, discharging them and their foverties *simpliciter* in that behalfe.

And gif ony of the saids thieves callis or charges the principal men takin be them, or their foverry for their entres, for paymente of the paines contained in the bands, or ony parte thereof, be ranfom or band, nor payed to the saids thieves, outhir bygane or in time cumming, they fall (be the doing of the same) incurre and underlie the paines of treason, and lese-majestie foirsaide.

And als that our said Sovereaine Lordis faithfull, and obedient subjectis, quhilks heirefter fall happin to take and apprehende ony of the saids thieves, in their passing to committe theft, or in the actual doing thereof, or in their returning therefra, on na wise let them to libertie and freedome, bot presente them before the Justice, and his deputis in the Tolbuth of *Edinburgh*, within fiteene dayis after their apprehension, gif their takeris (havand power) Justifye them not to the death themselfis. And als that nane take assurance, or sitte under assurance of the saids thieves, or pay them blak mail, or give them meate, drinke, receipt, maintenance, or supply in their thieftous deidis in time cumming, under the paine of death, and confiscation of all their gudis movabil. And in like maner, quhen ony thieves repairs in steilling or reising, within the Incountrie, that all our Sovereaine Lordis liegis, dwelland in the bounds, quhair they resort; rise, crye, raise the fray, and follow them, alsweill in their cumming as outpassing, on horse and fute, for redding and recovering of the guddis stolin and rest, & apprehending of their persones to be brocht to Justice, and concurre with the awners of the guddis, and uthers followers to that effect, under the paine to be halden pattakers of the said thift. And quhafoever beis suspected, or delated to doe in the contrare, that the Justice Clerke grant letters, at the instance of any partie, for calling of them to underly the Law therefore, at ane particular dyet, complenand upon the premises, or ony poynt thereof. Or accuse them, for the samin at general Justiceairis, executand the paines contained in this present Act, against the contravenetis thereof, bot favour or delay. And gif it fall happen ony open notorious thief, to resort, or cum to ony maner of personis house, it fall be lawfull to the awner of the saide house, to take and apprehend that thief, without reproch or dishonour, and bring him to the Justice, to be punished conforme to the Lawis.

22. *That na horse be caried furth of the Realme, as common Merchandice.*

ITEM, For-sa-meikle as albeit there was divers Actes and ordinances maid of before, inhibiting the carying of ony Horse foorth of this Realme, zit thir twa zeiris last bypast, divers persones, partlie under pretence of privileges and licences: and partlie without ony leise, hes transported Horse foorth of this countrie, to *Bourdeaux*, and uthers partes bezond sea, and maid an common trade and mercat thereof, to the great skaith of the common weill, and rayfing of dearth of Horse, gif remeid be not provided.

THEIR FOIR, It is statute and ordained, by the Kings Grace with advise of his dearest Regent, and the three Estaites of Parliament, that nane of the liegis of this Realme, take upon hand, privatlie or openlie, to catty or transport foorth of the samin by Sea, ony maner of Horse in time cumming. And in likewise, that na skipperis and maisteris of Schippis, indwellers of this Realme, or strangers, receive within their Schippes ony Horse, to bee transported to uthir Countreis, under the paine of confiscation of the Horse, Schippes and tennant guddis movabil, of the transporteris, and punishing of their persones, at the Kingis Majesties will, and his said Regentis.

23. *The denunciation of the Rebellion suld preceid the gift of escheit.*

ITEM, Our Sovereaine Lorde, with advise and consent of his dearest Regent, and the three Estaites of this present Parliament, hes statute and ordained, that in all times cumming, na gift of escheit passe, with this clause following, (Or quhen it fall happen the offendar to bee denounced rebell, and put to the horne) bot that the horning, be execute befor the gift of the escheit bee disposed, uthewise the gift of escheit to be of nane effect.

24. *Anent privileges granted to Kirk-men.*

ITEM, Our Sovereaine Lord, with advise and consent of his Regent and the three Estaites of this present Parliament, hes ratified, and ratifies, all civil privileges, granted and given be our Sovereaine Lordis Predecessouris to the spiritual estate of this Realme, in all poynts, after the forme and tenour thereof.

25. *The ratification of the priviledge of the Barronnes.*

ITEM, Our Sovereaine Lord, with advise and consent of his dearest Regent, and the three Estaites of this present Parliament, hes ratified and approved, all privileges, and liberties, granted and given to the Nobilitie

Nobilitie and Barronnes of this Realme, and actes of Parliament, made in their favouris, and ordainis the same to be put to execution in all poyntes, after the forme and tenour thetEOF.

26. *Anent priviledges granted to Burrowes.*

ITEM, Our Sovereigne Lord, with advise of his Regent, and the three Estaites of this present Parliament, hes ratified and apprevd, and be thir presentes ratifies and apprevs, all Actes and constitutions of Parliament, maid bee quhat-sum-ever our Sovereigne Lordis predeceffours of befoir, in favouris of the Burrowes and Burgeses of all this Realme, inhabitantes of the samin, with all priviledges, freedomes, immunities and liberties, granted and given to them, and everie ane of them, in ony times by-past. And decernis and declaris, the samin to have full strength, force, and effect, in all times heirafter, swa that the samin may be put to full and dew execution in all poyntes, and to stand as ane perpetual Law to them and thir successours.

27. *Saisings within Burghs, fuld be given be ane Baillie, and the Clerke.*

ITEM, For-sa-meikle as the great hurt, done of befoir within Burgh, be giving of saisings privatlie, without anic Baillie, and ane common Clerke of Burgh, quhair-throw our Sovereigne Lordis liegis, may bee defrauded greatlie: **T**HEREFORE it is statute, and ordained be our Sovereigne Lord, with advise and consent of his Regent, and the three Estaites of this present Parliament, that na saisng begiven within Burgh of ony maner of land, or tenement within the samin, in ony time cumming, bot be ane of the Baillies of the Burgh, and common Clerke theirow. And gif ony saisng beis utherwaies given heirafter to be null, and of nane avail, force nor effect.

28. *Anent the declaratioun of the Commisseries, how they fall proceed in benefical materis.*

ITEM, Anent the Artickle proponed be the Commisseries of EDINBURGH, beirand that there is divers and fundrie benefical Actiounes depending before them, upon the richt and propertie of the Benefices. Quhairin the ane part hes their provisioun of the gift of the Queene, and the uther of the ordinar, partlie bee dimisioun in his handes, partlie be collation, as vacand. And sum given be the ordinar, with the Queenes confirmation thereupon, and that sen the reformation of the Religion. And therefore desiring the determination to be given to them, quhilk of the gifts fall have place in time by-gane, sen the said reformation, as alswa in time cumming. Our Sovereigne Lorde with advise of his Regent, and the three Estaites of this present Parliament, hes decerned and declared, and decernis and declaris, that the saidis Commisseries, fall at all times proceede, and minister Justice in the saidis causis, be verrev of all giftis and dispositions, granted and given be our Sovereigne Lords dearest Mother, sen the Moneth of August, the zeir of God, ane thousand, five hundreth, threefoir zeiris, and na utherwise. And sik-like, conformer to the giftes, to be granted be our Sovereigne Lord, and his Regent hereafter. And ordainis all giftis, and dispositions, given be her, sen the said time, to have place, and to proceede according thereto, but prejudice to the benefices of the laick patronages, quhiikis ar not comprehended in this Act.

29. *Malt-men fuld not have ane Deakon.*

ITEM, It is statute and ordained, be our Sovereigne Lorde, his Regent, and the three Estaites of this present Parliament, for the common weill of this Realm, that there be na Deakon of Craft of Malt-men, outhir to Burgh or to land, or ony uther part within this Realme. And gif ony writing, gift, or priviledge be given ony time befoir: Our Sovereigne Lorde, with advise of his Regent, and the three Estaites foirsaidis, decernis and declaris the samin to have bene fra the beginning, and to be in all time cumming null, and of nane avail, force nor effect. Sa that it fall never be lesum to ony of the Malt-men of this Realme, to have Deakons, bot to be repute na Craft.

30. *Anent black fish, cutting of greene-wood, and slaughter of Smoltes.*

ITEM, It is statute and ordained, be our Sovereigne Lord, be advise of his Regent, and the three Estaites of this present Parliament, that the Acts of Parliament, made be our Sovereigne Lordis Predeceffours of befoir, anent the slaughter of black fishe, Smoltes, and cutting of greene-wood, be put in execution in all poyntes. And that, the paynes be execute upon them with all extremitie, and with this addition: That all Judges ordinar, alswa in Regalie as Royaltie, and sik utheris, as fall please our Sovereigne Lord, and his Regent to give power and commission to that effect, to take up ditray of the persons contravenaris of the saidis Actis, and hauld twa Courts ilk zeir, that is to say, ane Court at Pasche, and ane uther at Martine-messe, for punishment to be maid, in maner foirsaid. (Providing alwaies, that this present Act be na wife extended to the slaying of reid fishe in the water of Tweede) and quha beis convict of the said crime, fall pay the paynes contained in the said Act. And als fall finde caution, to pay an hundreth pundis, als of be contravenis the saidis Actis, to be applied to our Sovereigne Lordis use.

31. *Anent abrogating of all actes contrarie to the Religioun.*

IN The Parliament halden at *Edinburgh*, the 19. day of April, the zeir of God 1567. zeiris. The quhill day, the Queens Majestie having considered the Estate of hir Majesties Realm, that it stude ar, the time of hir arrival furth of *France*, and zir presently standis at. Forseing alsua the common weil of hir countrie greatumlie to be increased, and established be the keeping of the common peace and quietnes, amangs all her subjects: and like as hir hienes sen hir soirsaid arrival, hes attempted nothing contrare the estate of religion, quhillk her Majestie fand publikke and univiersallie standing, at hir arrival soirsaid, quhair by hir Majestie is maist worthy to be served, honored, and obeyed. Richt sa hir Hienes intends to continew in the samin gudnes and government, in all times cumming, quhairby all her gude subjects, professours of the religion soirsaid, sail have occasion to praise God, for her gude, happy and gracious government. And to crave of God fra the bottom of their hearts, that he wald of his infinit gudnes, prosper and blisshir Majestie and hir posterity, with lang life, gude and happy government, to rule and reigne over them. And to the effect alsua, that all hir Hienes gude subjects, professours of the religion soirsaid, may assure themselves to be in full suretie therof, and of their landis, lives, benefices, dignities, jurisdictions, privilegedges, guddis, fame, and honouris in time cumming. And with the better will jeopardde and hazard their lives and guddes in her Hienes service, against all enemies to hir Majestie, and to the commoun weil of this Realm at all times neidfull as their predecessours hes maist frankly done heitsoir. And that without fear of any paine, punishment, tinfell of landis, benefices, and guddis, for professing, exercising and using of the said religion, in times by-gane, and to be impute unto them, or their aires, notwithstanding any lawes, actis, and constitutionis, canon, civil or municipal, or uther quhat-sum-ever ordinance heitsoir institute in the contrare. And for their great surety soirsaid, our Sovereine with the advise of the hail three Estaites of this Parliament, hes thoct neidfull, and convenient to dispense, casse, abrogat, and annull, like as her Majestie presently dispensis, cassis, abrogatis, and annullis all and quhat-sum-ever lawis, acts and constitutionis, canon, civil, or municipal with all other constitutions and practicks penall, introduced contrair to the soirsaid religion and professors of the samin: and ordainis them, and their posterity, in all times to cum, to be free, and exeemed from all paine corporal, infamie, reproch, depriving fra benefices, dignities, or offices, or uther crime or paine quhat-sum-ever, that may be incurred; or imputed to them, be vertew of the saidis acts, lawes, ordinances, canon, civil or Municipal, and practique, for contravening of the samin: renunceand the samin, and strength therof, in favors of our saidis subjects, to the effect soirsaid. And sik-like, the Queenis Majestie of her autoritie royal, granted to hir be God, with the advise of the three Estaites soirsaidis, takis to hir selfe, and her posteritie, all her gude subjects, their benefices, lands, offices, guddis, and honouris, to be under sure saiffard, maintenance, protection, and defence perpetually, against quhat-sum-ever forreine authority, power, jurisdiction, and persute be it Ecclesiastical or temporal. Eximand hir soirsaidis subjects, fra all comperance, summoning or obedience, pretended heirafter against them, for the causes soirsaidis. Be quhat-sum-ever forreine person, or uther pretendand jurisdiction, or autoritie throw them: Willing hir subjects to dwell in perpetual security, and quietnes within this Realme, be making of their maist humble and faithfull obedience to hir Hienes and hir posterity, in all times cumming heirafter allanerly. Like as alsua her Majestie (God willing) in times convenient, fall rake further ordour, in all other poynts, concerning the estate of Religion, as may best serve for the glorie of God, commoun weil of this Realme, and continuing of commoun peace and quietnesse univiersallie amangs all her subjects. Commanding them, and everie aine of them, in all times heirafter, to keep mutual, perfite, and maist heartie kindnesse, love, friendship, and Nichtbourhead, ilke aine to uthers, under all hiest paine and charge, that heirafter may follow, for breaking of this present Act of Parliament, and her Majesties maist lawfull commandement.

32. *Anent the prenting of the Acts, maid in this present Parliament, and of the Act maid in our Sovereaines Grandschirs time, anent the rayeing of fire and burning.*

ITEM, The xxix. day of December, the zeir of God, 1567. zeires, quhillk was the last day of this Parliament, the samin being continued, to the xj. day of Julij nixt-to-cum: Our Sovereine Lord, with advise of his Regent, and the three Estaites of Parliament, hes ordained, and ordainis, all and findrie the soirsaidis Acts of Parliament, to be authenticklie imprented: As alsua, ordainis the Act of Parliament, maid in our Sovereaine Lordis unquhill dearest Gudschirs Parliament, halden at *Edinburgh*, the xij. day of November, the zeir of God 1526. zeiris, made anent burning of houses, and utheris specified therein, to be alsua imprented. Swa that name of our Sovereaine Lordis liegis, may pretend ignorance of the samin.

33. *Anent the rayeing of fire, and burning.*

ITEM, In the Parliament halden at *Edinburgh*, the xij. day of November, the zeir of God 1526. zeires. The quhillk day, Anent the Artickle of slaughteris, murderis, burning: IT IS statute and ordained, that the acts maid thereupon of before, and the auld Lawes be kept, with this addition, that quha cummis and burnis folkis in their houses, and cornes, and wilfull fyre-rayeing, be treason, and lese-majestie, because sik deides ar exorbitant, and maid against the common weil, then uther crymes. And particular Justice aires, or general Justice aires, beset thereto, as fall pleis the Kings Majestie, his Counsel, and

the Justice for the time, with their consent. Providing, that it fall be lessum, to ony man to persew, and follow common thieves, and rebellis to take them. And gif they enter in houses, that it fall be lawfull to invade, break or destroy the saidis houfis, be fyre or urtherwise, to the intent and effect of taking, or slaying of the saidis thieves, or rebelles, for the quhilk there fall follow upon the doeris, na paine, accusation, cryme, bot to be free theirof at all times.

F I N I S.

ACTS Omitted in this First PARLIAMENT

O F

KING JAMES THE SEXT.

A Nent the dimission of the Crown in favoures of our Soveraine Lord, and his Majesties Coronatioun.
A nent the jurisdiction of the Kirk.
A nent the Act of Parliament maid of befoir of the declaratioun of our Soveraine Lordis Mothers persite age.
A nent the retentioun of our Soveraine Lords Mother in prison.
T he declaratioun of Parliament maid to the Laird of Lochlevin, *A* nent the keeping of the Kingis Mother in the house and fortalice of Lochlevin.
A commission to certaine Lordes of the Estaites, to consider sik Artikles as ar committed to them, and to report the samin againe in the next Parliament.
A nent the residence and sitting of the Lords of Sessoun for ministratioun of Justice.
A nent the demolishing of the Castel of Dumbar, and Forte of Inchekeith.

F I N I S.

THE

T H E S E C O N D

P A R L I A M E N T

O F

K I N G J A M E S T H E S E X T ,

Halden at Striviling, the 28. daie of August, 1571. and the fifth zeir of his Reigne: Be his Gudschir of gude memorie, MATTHEW Earle of LENNOX &c. And ended the 7. day of September followand thereafter, be JOHN Earle of MAR, &c. Regents to his hiennesse, Realme and lieges.

34. *Anent the nomination, election, acceptation, and approbation, of the Earle of MAR in Regent.*



IT IS found, declared, and decerned, be our Sovereine Lord, with advise of the three Estaites, and haill body of this present Parliament, that the nomination, constitution, election, and ordination of the Nobill & michtie Lord, *John*, Earle of MAR, Lord ERSKIN, &c. in Regent to our Sovereine Lord, this his Realme and liegis theirof, during the time of his Majesties minoritie and lesse age, specified and exprest in the Queene his hiennesse mothers letters, under hir subscription and privie-seale, of the dait the xxij. day of Julij, the zeir of God, 1567. zeiris. Togidder alsiva with the content, and approbation of the Earles, Lordes, Prelates, Commissioneres of Burrowes, Barronnes, and utheres faithfull subjects, conveyed and assembled to that effect. And the acceptation of the said office of Regentrie be the said Earle of MAR, upon the vj. daie of September instant, wes, is, and in all time cumming fall be

halden, repure, and esteemed lauchfull, sufficient, and persite. And all, and quhat-sumever things quhilkes he hes done, be vertew of his said office of Regentrie, sen his acceptation theirof, or quhilkes he fall do heirafter, in our Sovereine Lordis name and autoritie, during the time of his hiennesse minoritie, specified in the said Commission, to be als dewlie, lauchfullie, sufficientie, and richteously done, and to have als great avaiill, strength, force and effect, in all respects and conditions, as any thing done, be quhat-sumever Regentes, Governors, or Protectours of this Realme, in the minorities and les ages of any uthers native Princes of the same. And ratifies, appoves, and confirms the same nomination, election, constitution, and acceptation for now, and in time cumming.

35. *Ratification of the freedome, and libertie of the trew Kirk of God.*

ITEM, Our Sovereine Lord, with advise and consent of his said Regent, the three Estaites, and haill bodie of this present Parliament, hes ratified, and be this present acte ratifies and appoves, all, and quhat-sumever actes, and statutes made of befoir, be our Sovereine Lord, or his predecessours, anent the freedome and libertie of the trew Kirk of God, and Religion, now publickly professed within this Realme.

36. *Anent Alienationes, and dispositiones of persones foresald for the slaughteris of our Sovereine Lordis Father, or Regentes.*

ITEM, It is decerned, and declared be our Sovereine Lord, with advise of his Regentis Grace, and the three Estaits, that all Alienationes, Resignationes, dimissiones, and uthers dispositiones quhat-sumever, maid or to be maid, be any person, or persones convict, or that heirafter fall happen in ony wise to be convict, or foresald for airt and pairt of the treasonabill murtheres, and slanchteris of umquhile our Sovereine Lordis dearest Father, or Regentis, of quhat-sumever landes, heritages, offices, benefices, rowmes, or possessiones, sen the times *respectue*, fra the committing thereof, ar, and fall be null of themselves, and of nane avaiill, strength, force, nor effect in all times cumming, with all that followed, or fall happen to follow thereupon.

37. *Anent the Vassalles and free tennentes, of sik as ar foresald in this Parliament.*

ITEM, It is statute, ordained, and declared in plaine Parliament, be our Sovereine Lord, with advife and consent of his said Regent, three Estaites, and haill bodie of this present Parliament, that all per-sones; our Sovereine Lordis trew and faithfull subjectes, quhilk hes served, and serves his hienes, in main-tenance of his authoritie: having landes, heritage, annual-rentes, life-rentes, pensiones, or possessiones quhat-somever, halden of ony persones, called and foresald in this present Parliament, of quhat-somever crymes of treason, and lese-majestie, fall bruik and joys their tenandries quhat-somever, notwithstanding the foresalking of their superiouris their of, and hald the samin of their nixt immediat su-periour.

Providing alwaies, that in-case ony of the saidis Vassalles, or uthers that fall happen to claime ony bene-fite, be vertew of this Act, at any time heirafter, make defection fra our Sovereine Lordis authoritie, & obedience, or cum in the contrair their of, that they, nor nane of them fall have, nor bruike the priviledge, and benefite of this present Act, and the samin fall na wife be extended unto them.

38. *Anent Landes, rowmes, and possessions halden of Frieres, or Nunnes within this Realme.*

ITEM, For-sameikle as there ar diverse lieges, and subjectes of this Realme, quhilkles hes fundrie landes, rowmes and possessiones, obteneid be them, or their predeceffouris, in fewe and heritage, of the Prioures or Prioreffes, Motheses, and Conventes of fundrie Frieres and Nunnes places, within this Realme, hal-den of them and their successeours. And now sen the reformation of Religion the saidis superiours, ar for the maist part deceassed, and nauthers placed, nor to be placed in their rowmes, swa that within schort space, they fall all decay, quhairthrow the airis of the saidis seweris, and uthers heritable tennentes of the saides places, fall get na entrie to their lands and heritages, halden of Prioures and Nunnes. For remeid thereof, it is statute and ordained in this present Parliament, that all persones, fevris or heritabill tennents of sik Frioures and Nunnes places, and their aires after the decease, decay or inlaik of their said superiours, hald, and fall hald their fewes, and tenandries of the samin, of our Sovereine Lord, and his successeours, in all times cumming sik-like, and as freely as they held the samin, of the places foirsaidis, Prioures, Prio-resses, or uthers being theirin for the time. And the few mailles services and dewties specified, and con-tained in their infestments, to pertain to our Sovereine Lord, and his successeours, to be intronetered, up-taken, and disposed at their pleasure. And that the aires of the saidis sewares, and heritabill tennentes foirsaidis, fall enter to their fewes and tenandries, be brieves of our Sovereine Lordis Chappell sik-like, and als freele, and in the samin maner as the sewares, and heritabill tennentes of our Sovereine Lordis ptoper-tie, in all times cumming.

39. *Anent alienationes, and uthers dispositiones, maid be ony Burgeses, within this Realme, that hes maid defection, fra the Kings authoritie.*

ITEM, Our Sovereine Lord, with advife and consent of his said Regent, the three Estaites, and haill bodie of this present Parliament, hes statute, ordained, decerned, and declared, that all and fundrie a-lienations, resignations and uthers dispositions, quhat-somever maid, and given in ony wife, be ony per-sones Burgeses, or inhabitantes, within the Burgh of *Edinburgh*, or ony uthers Burrowes of this Realme, quhilkles hes maid defection fra our Sovereine Lordis authoritie, and assisted and taken part with the conspira-tours, declared Traitors, to ony person or persones, sen the committing of the saidis crimes be them, or ony of them, of quhat-somever their landes, heritages, offices, takkes, steadinges, rowmes or possesi-ions quhat-somever, ar and fall be in time cumming, null in themselves, and of nane avail, strength, force, nor effect.

40. *That na schippes saill, without our Sovereine Lordis Cocquet.*

ITEM, It is statute and ordained, be our Sovereine Lord, his Regent foirsaid, the three Estaites, and haill body of this present Parliament, that na Schippes passe toorth of this Realme, to the Realme of *France*, or ony others paitres, without our Sovereine Lordis Cocquet.

41. *Anent Kirk-men that happinnis to be slaine in our Sovereine Lordis service, in defense of his hienes authoritie.*

ITEM, Our Sovereine Lorde with advife of his Regents Grace, the three Estaites, and haill body of this present Parliament, hes statute and ordained, that in case ony our Sovereine Lordes trew lieges, bene-ficed men happinnis to be hurt, slayne or wounded to the death, and thereafter of the saidis hurtes, or woundes to die in our Sovereine Lordes service, and in defense of his Authoritie, at any time, against the foresald and declared Fraytours, presently being within the Castell and Burgh of *Edinburgh*, and uthers his Majesties open and manifest enemies, resisters and conspiratours against his hienes authoritie, during all

THE THRID

PARLIAMENT,

Halden at Edinburgh, the XXVI. daie of Januar, the zeir of God, 1572. zeires; Be JAMES the Sext, be the Grace of God, King of SCOTTES; with advise and consent of JAMES, Earle of MORTOUN, Lord DALKEITH, &c. Regent to his Majestie, his Realme and lieges.

44. *Anent the approbation and confirmation of the Regiment.*

THE quhilk day it is fundin, declared and decerned, be our Sovereine Lord, with advise of the three Estaites, and haill body of this present Parliament, that the nomination, constitution, election and ordination, of the Nobill and mightie Lord, JAMES, Earle of Mortoun, Lord Dalkeith, &c. In Regent to our Sovereine Lord, his Realme, and lieges thereof, during the time of his Majesties Minoritie and lesse age. Togidder with the consent and approbation, of the Earles, Lordes, Prelates, Commissioners of Burrowes, Barounes, and uther faithfull subiectes, convened and assembled to that effect. And the acceptation of the said office of Regentrie, be the said JAMES Earle of Mortoun, upon the xxiiiij. day of November last by past, was, is, and in all time cumming fall be halden, repute and esteemed lauchfull, sufficient, and perfite. And all, and quhat-somever things, quhilks hee hes done, be vertew of the faide office of Regentrie, sen the acceptation thereof, or quhilks he fall do heirafter, in our Sovereine Lordis name and authoritie, during the time of his hienes minoritie, to be as dewlie, lauchfullie, sufficientlie, and richtously done, and to have als great avail, strength, force and effect, in all respects and conditions, as any thing done be quhat-somever Regentes, Governours or Protectours of this Realme, in the minorities and lesse ages of ony uthers native Princes of the famin. Quhilkes confirmation, nomination, election, constitution, acceptation, actes and proceedings: Our said Sovereine, with advise, & consent of the saides three Estaites, and haill bodie of this present Parliament, ratifies, appreyves and confirmes, for now and in all time cumming.

45. *Papistes relapse, and Not-communicantes, suld be admonished, and they, remayning obstinate ar infamous.*

ITEM, For-sameikle as there was ane Acte made in the Parliament, halden in the first zeir of our SOVERAINE LORDIS Regent that now is, Intitular; *Anent the trew and balie Kirke, and of theme that ar declared not to be of the same Kirke.* Quhilk Act, our Sovereine Lord, with advise and consent of his Regentis grace, the three Estaites, and haill body of this present Parliament, ratifies, appreyves, and for his hienesse and his successours, perpetually confirmes. And seeing the education of our Sovereine Lord, is in the trew Religion of Jesus Christ, and that the famin Religion be Lawes and Acts of Parliament, made in his hienesse Reigne, is established: and that it is baith godlie and expedient, that all his hienesse subiectes, worship the only trew God, in the uniformitie of Religion, and his hienes obedience. Therefore it is statute and ordained, be our said Sovereine, with advise of his said Regent, the three Estaites and haill body of this present Parliament, that the lauchfull Arch-bischoppes, Bischoppes, Super-intendentes, and and Commiissioneres of Dioces, and Provinces of this Realme, be themselves, and the Ministers and Readers, serving at the Kirkes, within their charges, *respecttue*, with all diligence, after the publication of this present act, note the names of the persons, asweill men as women, suspected to be *Papistes*, or that hes not communicate with the Sacramentes, as they ar now trewlie ministrat, in the reformed Kirkes of this Realme, and with the like diligence, lauchfullie admonish them, according to the ordour of the Kirk. And in case, they be forth of the Realme, upon threescoir dayes warning, to recant their Papistical errors, give their Confession of their faith, according to the forme approved, in our Sovereine Lordis Parliament, be participant with the Sacramentes, and submit themselves to the discipline of the trew Kirk, within certaine reasonable space, under the paine of excommunication. And if they failzie, to pronounce the sentence of excommunication against them. And in case of the contumacie and none-comperance, of ony persones, swa admonished, or compeirand, gif they refuse to obey the admonition: Or quha hes returned to their errours, after their confession anes given, that everie lauchfull Arch-bischop, Bischop, Super-intendent or Commiissioner, present ane Roll and Catalogue, of the names of the disobedientes, obstinat, or relapse persones, to our Sovereine Lord, and his Regent, betuixt and the first day of Julij nixt-to-cum, to the effect that the famin may be imprented, divulgat, and affixed on the Tol-buith of Edinburgh, & uthers Tol-buithes, and publick places of Judgement, within this Realme, under the paines following: That is

to say, everie Arch-bisshop or Bisshoppe, that fall be found remisse, or negligent therein, be the generall Assemblie of the Kirk, under the paine of tynself of the fruites of his benefice, for ane zeir to our Sovereine Lordis use, and everie Super-intendent or Commissioner under the paine of tynself of his stipend, for ane zeir alsua, to our Sovereine Lordis use, and removing of him soorth of his office, and placing of ane uther mair diligent therein. And that the disobedient, obstinat, and relapse persones, to be contained in the said Catalogue (after the publication thereof) fall be halden, repure, and esteemed infamous, and unabill to sit or stand in Judgement, persw, beare office, nor fall not be admitted, as previes, witnesses, or assisoures, against any professing the trew Religion, ayand quhill they have reconciled themselves to the trewe Kirk, submitting themselves to the discipline thereof, and obtaine Testimoniall thereupon, quhill inhabilitie, being alleged against any Judges principall, or deputes, members of Court, officieres, parties, or procuratores, persones of inquest, or witnesses, fall be relevant exception of the Law, to declyne them fra Judgement, office, perswte, procuracion, inquest, or bearing witness, without they then presentlie produce sufficient testimoniall, witnessing them to be received, as members of the trew Kirk. As alsua the depure of the Judge principall, quha is the excommunicate, or the procuratour, quha will compeir for the Excommunicate, fall not be suffered to proceede, nor heard in Judgement (the Excommunication being opponed and verified, against the maker of the depure, or constituent of the Procurator) except that the principall be quhome they proceede, or use their Procuracion, first be received to the Kirk, and have sufficient testimoniall thereupon. And that the said exception, be not admitted, against any, quhill fall not be speciallie comprehended in the said Catalogue. And in case the Judge proceed, notwithstanding the said exception, the samin being lauchfullie proponed, and ratified, be the Catalogue foresaid, sik contemptuous proceeding, testified be ane Instrument, and produced before the Lordes of Council, fall be ane sufficient cause of suspension, and discharge of the Execution of the decret, to bee giveⁿ in that matter.

46. *All Ecclesiasticall persones shuld subscribe the confession of the Faith. Of Heretickes.*

ITEM, For-sameikle as the conservation, and purgation of the Religion, chiefly pertienes to the Christian Princes and Godlie Kings, Rewlers, and Magistrats; and that it is mair requisite, that the Kirk within this Realme, be served be Godlie persones of sound Religion, obedient to the authoritie of the Kings Majestie, our Sovereine Lord: It is theirfor concluded, statute and ordained, be his Majestie, with advise of his Regent, the three Estaites, and hail bodie of this present Parliament: That everie person, quha fall pretend to be an Minister of Gods word and Sacraments: Or quha presentlie dois, or fall pretend to have, and bruike ony Benefice, use of fruites, stipend, pension, or portion soorth of Benefice, and ar not already under the discipline of the trew Kirk, and participates nor with the Sacraments thierof, fall in the presence of the Arch-bisshop, Super-intendent, or Commissioner of the Diocese, or Province quhair he hes, or fall have the Ecclesiasticall living, give his assent, and subscribe the Articles of Religion, contained in the Actes of our Sovereine Lords Parliament, and give his aith for acknowledging, and recognoscing of our Sovereine Lord, and his authoritie, and fall bring ane testimoniall in writing thereupon. And openly on sunn-day, in time of Sermon, or publick prayers in the Kirk, quhair be reason of his Ecclesiasticall living, heaucht to attend, or of the fruites quhair of be receives commoditie, reade baith the testimoniall and confession: and of new mak the said aith, within the space of ane Moneth, after the publication of this present Act. And gif he be soorth of the Realme, within threescoir dayes after the publication heirof. And in time cumming, within ane Moneth after his admission, under the paine that everie person that fall not do, as is above appoynted, fall be, *ipso facto*, deprived, and all his Ecclesiasticall promotions and living, fall be vacand, as gif he war then naturalie dead. And gif ony person Ecclesiasticall, or quhill fall have Ecclesiasticall living, fall willfullie maintene ony doctrine, directlie contrair or repugnant, to ony of the saidis Articles: and being convened and called, as followes, fall persist therein, and not revoke his error, or after his revocation, fall of new affirme sik unrew doctrine, sik mainteining, affirming and persisting, fall be just cause, to deprive him of his Ecclesiasticall living. And it fall be lauchfull to them, befor quhome he is called and convened, to deprive him. Quhill sentence of deprivation pronounced, he fall be deprived in deede, and his living vacand, as gif he war naturalie deade. And that all Arch-bisshoppes, Bisshoppes, Super-intendents, Possessoures, or Titulares of Prelacies be called, and convened for this effect, befor the generall assemblie of the Kirk, and all inferiour persones befor the Arch-bisshoppes, Bisshoppes, Super-intendentes, or Commissioners of the Diocese or provinces, within the quhilkes they dwell,

47. *Adversaries of the trew Religion, ar not subjects to the King. Of Apostates.*

ITEM, For-sameikle as there hes bene great rebellion, and disobedience against our Sovereine Lords authority in time by-past, and seeing the cause of Gods trew Religion, and his hieneffie authoritie forsaide, ar sajoyned, as the hurt of the ane, is common to baith. It is theirfor declared, statute and ordained, be our Sovereine Lord, with advise and consent of his Regentis Grace, with the three Estaites, and hail bodie of this present Parliament: That nane fall be repure as loyall, and faithfull subjectes to our said

Soveraine Lord, or his authoritie, bot be punishable, as rebellares, and gaine-standeres of the samin, quhilk fall nor give their Confession, and make their profession of the saide trew Religion. And that all sik, as makis profession thereof, and zirhes maid defection fra their dewe obedience, aucht to our Soveraine Lord, fall be admonished be the Pastours and Ministers of the Kirk, to acknowledge their offense, and returne to their dewtiful obedience: and gif they failzie therein, to be excommunicate and seclused, from the societie of the Kirk, as rebellious and corrupt members, betuixt and the first day of Junij nixt-to-cum. And that alwaies, befor sik personnes as hes maid defection, be received to our Soveraine Lordis mercie and favour: they fall give the Confession of their Faith of new, and promise to continew in the Confession of the trewe Religion, in time cumming, mainteine our Soveraine Lordis authoritie: and that they fall at the uttermaist of their power, fortifie, assist and mainteine the trew Preachoures and professours of Christs Religion, against quhat sumever enemies, and gaine-standeres of the samin: And namelic, against all sik of quhat sumever Nation, Estait or degree they be of, that hes joyned, and bund themselves, or hes assisted, or assistes to set forward, and execute the cruell decreittes of the Councell of Trent, (quhilk maist injuriouslie is called be the adversaries of Gods truth, the Haly League) contrarie the Preachoures, and trew professors of the word of God.

48. *The explanation of the Act maid avent Manses and Glebes.*

Forsameikle as be act of Parliament, halden and begunne at *Edinburgh*, the fourth day of Junij, the zeire of God, ane thousand, five hundredth, threescor three zeires; It was statute, and ordained, that na Parson, Vicar, nor uther Ecclesiasticall person, suld set in few, or lang takkes, ony of their Manses, or glebes pertaining to the Kirkes. And alswa that they that ar appoynted, or to be appoynted to serve or Minister at ony Kirk, within this Realme, suld have the principall Manse of the Parson or Vicar: or famiekle thereof, as suld be fund sufficient, for staiking of them, to the effect that they may the better await upon the charge appoynted, or to be appoynted to them, whither the saides glebes wer set in few, or rakke of befor, or not: Or that ane reasonabill and sufficient house, wer bigged to them beside the Kirke, be the Parson or Vicar, or uthers havand the saidis Manses in few, or lang takkes. And farther, sameikle land to be annexed to the saidis dwelling places, of them that serves, or Ministers at the Kirk, as thereafter, with gude advisement, suld be appoynted, like as the said act, at air length, proportis. Quhilk being in divers pairtes doubtfull and incertaine, na gudde execution hes followed thereupon, in time by-past. Therefore our Soveraine Lord, with advise of my Lord Regents grace, the three Estaites, and hail body of this present Parliament, findis and declaris, that the Manses, outhir pertaining to the Parson or Vicar, maist ewest to the Kirk, and maist commodious for dwelling, pertienes and fall perteine, to the Minister or Reader, serving at the samin Kirk: Togither with four acres of land of the glebe at least, lyand *contigue*, or maist ewest to the said Manse, gif there be sa-mekle: And failzeing thereof, sa-mekle as there is; to be marked, and speciallie designed be the Arch-bischope, Bischope, Super-intendent, or Commissioner of the diocese or province, the time of their nixt visation, be the advise of ony twa of the maist honest and godlie of the Parochiners, quhilkes he fall require (not being possessours of the said Manses or glebes themselves) to joyne with him in execution hereof, whither the saidis Manses and glebes be set in few, or rakkes of befor, or not. And upon the said marking and designation, the Arch-bischope, Bischope, Super-intendent, or Commissioner, fall give his testimoniall, bearing, how he with advise of sik twa of the Parochiners, hes visited the Manse and glebe, of sik an Kirk, and findes the samin occupied be sik persones. And that they have appoynted, marked, and designed the said Manse, with four acres, or sik quantite of land adjacent thereto, to the use of the Minister, or Reader, that fall serve and Minister at the said Kirk, in time cumming. And upon the Ministers or Readers supplication, quhair withall the said testimoniall fall be presented to the Lordes of Councell, letters fall be directed, charging the occupiers, and possessours of the saidis Manses and acres of land, whither the samin be set in few or takes of befor, or not: to remove, desist and cease theifra, and enter the said Minister or Reader, to the possession of the samin, within ten dayes, under the paine of rebellion, and gif they failzie, to put them to the horne. And in case they be denounced, letters of caption, and uthers executorialles to be direct upon them, according to the Lawes of this Realme. Quhilkes Manses and acres of land sa marked, and designed, as said is, it fall not belesum to the Ministers, or Readers present, or to cum, to sell, analic, set in few, or takkes, or to put ony in possession of the samin, in prejudice of their successors: bot the samin to remaine alwayes free to the use and casement of sik, as fall be admitted to serve, and Minister at the said Kirk. And quhair ony persones upon pretence of fewes or takkes, obtained of Manses or Glebes, hes maid sumptuous biggings thereon, fra the quhilkes they think heave to be dispossefied, or removed, that then the Arch-bischope, Bischope, Super-intendent or Commissioner, the time of their visation, travell to agree the fewer or takkes-man, and the Minister or Reader, be delivering to the samin Minister or Reader of ane uther Manse, quhilk fall be als gude, and ewest as the uther, be just estimation, the time that it was set in few, or takkes: to be bigged betuixt this and the first daye of October nixt-to-cum: togidder alswa with certaine acres of land adjacent thereto, in maner foresaid, for eschewing of debat and contention. Bot gif the fewer, or takkes-man, refusis willingly to consend to the samin, then the execution to proceed, for removing fra the principall Manse, & sa manie acres of land, as is before specified,

rebellious and inobedient subjects, and quyeting of the countrie. And that the saidis Regents and Nobilitie, and utheris subjects, their assisteris and partakeris, fall incurre na skaith or danger thairthrow, in their persones, landes, or gudes, nor fall not be called, nor accused for the famin, criminallie nor civille, be ony manner of way in time cumming. Dischargeing be this present Act, all and findrie his Majesties Judges, and Ministeris of his Lawes present, and to come thereof, and of their offices in that part for ever. And this Act to be ample extended and interpreted, in the favoures of all sik, as professed our Sovereine Lordis Authoritie and obedience, against them quihilkis were disobedient thereto, their assisteris and partakers. And in like maner, it is declared and decerned be our said Sovereine Lord, his dearest Regent, the three Estaites and haill body of this present Parliament, that all pretended Proceffe, Judgements and executions of Lawes criminall, or civil, outhir in pretended Parliaments, Councell, or before Schirefies, Stewar-des, Baillies, Provestes, Aldermen, Baillies of Burrowes, or uthers Judges, or Ministeris of Lawes quharsumever, in name, or by cullour of ony uther authoritie, sen our Sovereine Lordis Coronation fore-said, hes bene, is, and in all time cumming, fall be repute, halden and esteemed as unlauchfull, usurped, vaine, and of na force, strength, nor effect: and to have na maner execution, for any time by-gane, or to cum, without any proceffe of reduction.

51. *Anent purchasing of the Papes Bulles, or giftes of the Queene our Sovereine Lordis Mother.*

FOr-sa-meikle, as be Act of Parliament, halden at *Edinburgh*, the xxiv. day of August, the zeir of God, anethousand, five hundreth, threefoir zeires ratified, and approved be act of Parliament, halden the first zeir of the Reigne of our Sovereine Lord, that now is. It was statute and ordained, that the Bishop of *Rome*, called the Pape, suld have na jurisdiction, nor authoritie within this Realme, in ony time thereafter, and that nane of the subjects of this Realme, in ony time cumming thereafter suld sute, or desire title, or right of the said Bishop of *Rome*, or his sect, to ony things within this Realme, under the paines of Bar-ratie, that is to say, proscription, banishment, and never to bruik office, honour, nor dignitie within this Realme, like as is conteined at main length in the said act, sen the quihilk time, diverse the subjects of this Realme hes wickedlie, and contemptuously purchased the said Papes Bulles, dispensations, letters, and priviledges at *Rome*, or hes caused counterfakte the famin in *Flanders* or uthers parts, with ante-daittes, as als wa, sum uthers hes purchased, or counterfakted giftes, and provisions of benefices, with ante-daittes, or blanks, as maid be the Queene Mother, to our Sovereine Lord, intending be sik fals and culloured meanes, to bruik the tytle, and possession of Benefices, or pensiones, after the decease of the present possessours thereof. And theirethrow, baith to defraud our Sovereine Lord of his richt and Parronage, and als wa the qualified persones, professing the trew Religion, of their livings, quhairupon they suld be sustented, if remeid be not provided their-intill. It is therefore decerned, and declared, be our Sovereine Lord, with advise and consent of my Lord Regents grace, the three Estaites, and haill body of this present Parliament, that all persones, suspected to have ony false counterfakted blankes, and ante-daittes, bulles, provisions, confirmations of feses, takkes, or giftes of benefices, pensiones foorth of benefices, commoun Kirkes, or landes, annualles and Frier-landes, fall be called, quhen it fall please our Sovereine Lord, and his said Regent, to compeir, befoire sik of the privie Councell, or uthers, that fall be constitute Commissioners in Ecclesiasticall causes, be his hieneffe Commission, at sik day, or dayes, as they fall appoynt: bringand with them their saidis bulles, provisions, confirmations of feses, takkes and giftes of benefices, and uthers before specified, to be seene and considered gif the famin be lauchfull titles, and orderly past, and be worthie to serve, and have faith in time cumming, or not. And in case the peeces produced, be found lauchfull and sufficient, the famin to be registrat, marked, and to have full faith, and validitie in time cumming. And gif the famin fall be foundin to have bene purchased in *Rome*, sen the said xxiv. day of August, the zeir of God, anethousand, five hundreth, threefoir zeiris, or utherwayes, to have bene counter-fakted, ante-daited, or purchased blank senfyne, to be decerned and declared be the saidis Commissioners null, invalide, and insufficient, and to make na faith in time cumming, but ony farther Proceffe of reduction. And in case the persones being charged to compeir for production of their saidis Bulles, provisions, takkes, confirmations, giftes, and uthers before specified, failzie therein, being lauchfullie charged sa to do, decreit fall be given against them, declairand the famin Bulles, provisions, takkes, giftes & uthers abone exprimed to be null, invalide, and insufficient in all time cumming, and it fall be lauchfull to dispo-ne the famin of new, notwithstanding, ony allegiance of validitie, that may after be proponed.

52. *An approbation of the Act maid anent the disposition of Benefices, to the Ministers of Christs Evangell.*

ITEM, Because there hes bene sum question, baith befoire the Lordes of Session, and the Commissaires of *Edinburgh*, anent the declaration of the Queene, our Sovereine Lordis Mother, with advise of the Lordes of Secreit Councell for the time, and thereafter ratified in Parliament, anent the disposition of all benefices, not exceeding three hundreth Markes of zeirly rent, or within, to qualified Ministers.

Quhilk

Quhilk act, our Sovereine Lord, with advise and consent of his Regents grace, the three Estaites, and haill body of this present Parliament, ratifies, appoves, and confirmes: ordainand the samin to have full effect, fra the day and dait thereof, notwithstanding, ony exception proponed, or to be proponed, of none publication of the said act: Seing the Queene, our Sovereine Lordis Mother was sworne therein, *In verbo Principis*; never to cum in the contrair thereof. And that the said Act hes generallie taken effect, sen the making of the samin. Providing alwayes, that this present act, prejudice not the laick Parrones.

53. *Excommunicate persones, suld be denounced Rebelles.*

THE QUHILK day, our Sovereine Lord, with advise of his Regents Grace, the three Estaites, and haill body of this present Parliament, statutis and ordainis, that against all persones excommunicate be ordour of the trew reformed Kirk, within this Realme, letters fall be direct, be the Lords of Council, in all the four formes, at the instance of the partie; our Sovereine Lords Advocate, or the Procurators of the Kirk, charging the excommunicate persones (they being excommunicate forty dayes) to satisfie the sentence or decret pronouncd again st them, and to reconcile themselves to the Kirk, and submit themselves to the Discipline thereof: under the paine of Rebellion, and gif they failzie, to put them to the horne, with letters of Caption, and uthers executorialis to passe thereupon, sik-like, and in the samin maner, as was given in the Reigne of our Sovereine Lordis umquhile Gudschir, against them that susteined the processe of Cursing, attour the space of fourtie dayes.

54. *Anent the reparation of the Paroche Kirkis.*

FOR sa-meikle, as there was ane Act made in the Parliament halden in the Moneth of Junij, the zeir of God 1563. zeiris, declairand, that whatsumever ordour suld be maid and set forth, be the Lords of secreit Council, for uphalding and reparrelling of Kirkes, and Kirk-zairds, and the execution to be declared be them thereupon, to be sufficient, and to have als great strength and effect, as and the samin had bene expresselie contained, in the said Act of Parliament, as the samin at mair length proportis. According to the quhilk, ane Act of secreit Council was maid, for the bigging, mending, and reparation of Paroche Kirkes, of the dait, At *Strivling* the xiiij. day of September, the zeir of God foresaid. Quhilk Act, as zit, hes not tane execution in na place, because of the sleuth and unwillingnes of the Parochiners, quhilks were slaw, and refused to chuse persones to taxe their Nichtbouris: and that als wa, there was not Kirk-maisters or Deakons, appointed in the Parochin to receive the taxation appointed. FOR remeid quhair of, our Sovereine Lorde, with advise of his Regents grace, the three Estaites, and haill bodye of this present Parliament, ratifies and appoves the foresaidis Actes of Parliament, and of secreit Council in all poyntes, with this addition: That quhair the Parochiners being required to elect and chuse persones, for making of the taxation, to the effect foresaid, refusis or delayis, or quhair there is na Kirk-maisters or Deacons appoynted; That then the Arch-bishop, Bishop, Super-intendent, or Commissioner of the Kirkes, in time of their visitation, quhilk fall be betwixt and the first day of Junij nixt to cum: Sall at their discretioun, nominate and appoint persones in every Parochin, for making and setting of the taxation: as als wa for receiving of the samin. And decernis and declaris the said nomination and appoyntment to be sufficient, and sik-like execution fall passe, for compelling of them, as micht have bene given and granted, be vertue of the said Act of secreit Council, in case they had bene elected be the Parochiners. And becaufe, there hes bene diverse Paroche Kirkes, within this Realme demolished, casten downe and destroyed, for the maist part, and thar certaine particular persones hes applyed the stanes, tymber, and uther graith pertaine thereto, to their awin particular use and profite. Therefore, ordainis ony ane of the Parochiners of sik Kirkes to give their complaint to the Arch-bishop, Bishop, Super-intendent, or Commissioner thereof, upon sik persones, as they please to complene upon, and they being lauchfullie called, and just tryal taken in the said matter: And according to sufficient probation, to be led and deduced their-intill, that the said Arch-bishop, Bishop, Super-intendent, or Commissioner pronunce, and give forth their decret their-intill: Quhilk decret, our Sovereine Lord, with advise of his said dearest Regent, and the three Estaites foresaidis, decernis and declaris, to be als sufficient, as and the samin was given befor ony Judge Ordinar. And ordainis, the Lordes of Council and Session, to direct letters of horning or poynding thereupon, at the will and pleasure of the partie, quha fall happen to complene. And sik-like, our Sovereine Lord, with advise of his said dearest Regent, the three Estaites, and haill bodye of this present Parliament, ordainis the Persones of all Paroche Kirkes withi in this Realme, to furnissh bread and wine to the Communion, how oft the samin fall be ministrat, within the samin Kirkes.

F I N I S.

Acte omitted in this thrid PARLIAMENT.

A Nent the establisshing of the Regiment, in case at Gods pleasure, that charge zit waik, during the Kings Majesties minoritie.

F I N I S.
G g 3

T H E

T H E F O U R T H
P A R L I A M E N T,

Halden at Haly-rude-hous, the last daie of April, the zeir of God, ane thousand, five hundred, threescoir thretten zeires: Be JAMES the Sext, be the Grace of God, King of SCOTTES, with advyse and consent of JAMES Erle of MORTOUN, Lord DALKEITH, &c. Regent to his Majestie, his Realme and subjectes.

55. *Anent them that divertes fra uthers, being joyned of befoir, in lauchfull Mariage.*



THIS foundin, and declared be our Sovereine Lorde, his Regentis Grace, the thre Estites, and haill bodie of this present Parliament: That in all times by-past, sen the trew and Christian Religion was publickly preached, avowed, and establisht within this Realme, namelie, sen the Moneth of August, the zeir of God, ane thousand, five hundred, threescoir zeires. It hes beene, and in all times cumming fall be lauchfull; That quhat-sum-ever person, or perones, joyned in lauchfull Matrimonic, husband or wife, divertis fra uthers companie, without ane reasonable cause alledged, or reduced befoir an Judge, and remains in their malicious obstinacie, be the space of four zeires, and in the meane time, refusis all privie admonitions: The husband of the wife, or the wife of the husband, for dew adherence: That then the husband, or the wife, fall call and persew the obstinate person offender, befoir the Judge Ordinar for adherence. And in case no sufficient causes be alledged, quhair-foir na adherence suld be, bot that the sentence proceedis against the offender, refusand to obey the samin: The husband or the wife, fall meene themselves, to the superiour Magistrare, *videlicet*, the Lords of Session, and fall obteine letters, in the four formes, conforme to the sentence of adherence: Quhilke charge being contemned, and therefoir being denounced rebell, and put to the horne: Then the husband, or the wife, to sure the spiritual jurisdiction and power, and require the lauchfull Arch-bisshop, Bisshop, or Super-intendent of the countrie, quhair the offender remains, to direct privie admonitiones to the said offender, admonisching him or her, as befoir, for adherence. Quhilkes admonitiones, gif he or she contemptuously disobeyes: That Arch-bisshop, Bisshop, or Super-intendent, to direct charges to the Minister of that Parochin, quhair the offender remains, or in case there be nane, or that the Minister will not execute, to the Minister of the nixt adjacent Kirk theirt: Quha fall proceede against the said offender, with publick admonitions, and gif they be contemned, to the sentence of Excommunication. Quhilke anis being pronounced, the malicious and obstinat defection of the partie offender, to be ane sufficient cause of divorce, and the said partie offender to ryne and lose their tocher, & *donationes propter nuptias*.

56. *Salt suld not be transported.*

FORSAMEIKLE, As it is understandin, the great and exhorbitant prices, the small Salt is latelie risen to, within this Realme: Quhilke heitsofor lies nevet bene seene or heard within the samin. And there is na reason, that the said strange dearth and noveltie, suld be suffered to continew, but the occasion thereof, to be timouslie remedied. **THEREFORE, OUR SOVERAINE LORD**, with advyse and consent of his dearest Regent, the three Estites, and haill bodie of this present Parliament, statuts and ordains: That na small Salt bee transported foorth of this Realme, at onie time hereafter, at the least, for the space of three zeiris, nixt after the daie of this present Acte, under the paine of confiscation of the Salt, as alwaie of the Schippes, Veschelles, and uthers movabel guddes of the perones transporters thereof.

PROVIDING alwaies, that the paine of this Acte, extend nor against strangers of *Norway*, and uthers of the East partes, quhilke brings in tymbre in this Realme, for quhilke, they ar priviledged be this present Acte, to transport Salt, for the exchange of their money, conforme to the Actes maid of befoir.

57. *The measure of Salmond, Herring and qubite fish.*

ITEM, **FORSAMEIKLE** as it is considered, that be packing of Salmond, Herring, and qubite-fishes, be the Merchandes, and uthers inhabitantes of this Realme, there is great hurte and damage susteined be the buyers thereof, and great selander susteinis the haill Nation, throw the default of a few number, in sa fare as everie trafficker with sik Merchandice, causis the Cowpers make his barrells and trees, of sik quantitie, as he pleases, for his awin particular profite, not keepand rherein ane universal measure. **AND** therefoir it is statute and ordained bee our Sovereine Lorde, with advyse and consent of his dearest Regent, the three Estites, and haill bodie of this present Parliament, that everie Salmond barrell

to be maid heirafter, fall containe twelve gallones, of the *Strivling* pynte, and that everie Barrel of Herring and quhite-fisch, containe nine gallones of the samin stoep. And that the Cowper, maker of the Barrel, fall burne and marke the samin with his awin proper marke, swa that the buyer may be assured the samin contains sik quantities. And quha ever failziez heirin, being called, and convict thereof, fall be punished according to the Lawes maid thereupon of befor.

58. *Anent the annuallies of burnt and demolished houses and tenements, within the Burgh of Edinburgh, Cannongate, and others Sub-urbes thereabouts.*

ITEM, For-sa-mekle as it is considered, the heavie damage and skaith, fustained be the Neighbours of *Edinburgh, Cannongate*, and others the Sub-urbes thereabout, quha left their landes, heritages, and guddes, for acknowledging our Sovereaine Lordes maist just authoritie: be the quhilk, their landes and heritages, was demolished, wracked and burnt, be his Hiennesse declared traytours and rebelles, being within the Castle and Burgh of *Edinburgh*, and their assistares. The saidis landes being addebt in sundrie annuall-rents. Quhilk persons, heritours of the saidis annuallies, ar now perseward the saidis lands, for the by-runnies awand them, notwithstanding, they ar demolished and burnt, as said is. Therefore, our Sovereaine Lord, with advyse and consent of his Regents Grace, the three Estaites, and haill bodie of this present Parliament, declaris the saidis landes burnt and demolished, as said is, not to be oblischit to make compleit payment of the annuallies awand fourth thereof, bot the samin to be defalked, according to the acts maid of befor, anent the payment of the annuallies awand fourth of the lands, lyand within the said Burgh, burnt of befor, be the power of *England*, then enymies to this Realme. And the parties ayneris of the saidis annuall-rents, not to have farther action, but according to the acte of Parliament, maid anent the payment of annuallies awand fourth of the saidis burnt landes. Seing the demolition foirsaid, is done be our Sovereaine Lordis declared Traytours, quhilk is alike to the personnes dammaged, as gif the samin had bene done be forreine enymies. Providing this act extend to nane, bot to sik as assisted and tuke part with our Sovereaine Lord, during the time of thir lait troubles, and continues therein.

59. *Anent the transporting of forbidden guddes out of this Realme.*

ITEM, It is statute and ordained, be our Sovereaine Lord, with advyse and consent of his Regents Grace, the three Estaites, and haill bodie of this present Parliament, that the actes and statutes, maid of befor, against the carying of forbidden guddes forth of this Realme, be diligentlie put to execution in time cumming. And sik-like, that nane of the subjects of this Realme, take upon hand, to carry or transport fourth of this Realme, ony maner of Linning claith, Linget seed, maid Candel, or uther Talloin quhat-sum-ever; cating butter, cheesc, barked hydes, or maid schoone, under the paine of escheit thereof, and the haill remanent guddes of the buyers, and transporters thereof, to our Sovereaine Lords use.

60. *Herring and quhite fish, suld be brocht to free Portes within the Realme.*

ITEM, For-sa-mekle as it is heavily complemed, how that the haill slayers of all kind of fisches within this Realme, not regarding the Actes maid be our Sovereaine Lordis dearest Predecessours of befor, quhilk is, that quhen herring and quhite-fish is slayne, they aucht to bring the samin to the nixt adjacent Burrowes and Townes, quhair the persones slayers thereof, dwelles, to the effect that our Sovereaine Lordis lieges may be first served, and gif abundance occurred, that they might be salted, and transported, be free Burgessees. Throw none-doing of the quhilk, our Sovereaine Lord is greatlie defrauded of his customes, and his Hiennesse lieges wants the fruit of the Sea, appoynted be God for their nurisichement, and the Burgessees and free-men of Burrowes dis-appoynted of their trafficque and commoditie.

Therefore our Sovereaine Lord, with advyse and consent of his Regents Grace, the three Estaites, and haill bodie of this present Parliament; Ordaines that all maner of fischeres, that occupyes the Sea, and uthers persones quhat-sum-ever, that happenis to slay herring, or quhite-fish upon the Coast, or within the fles, or outwith the samin, within the Firthes, bring them to free Portes, there to bee saulde commonlie; to all our Sovereaine Lordis lieges, and the rest to free-men, quhairby his Majesties Customes be not defrauded, and his Hiennesse lieges not frustrat of the commoditie appoynted to them be God, under the paine of confiscation, and tinfell of the veschelles of them, thar cummes in the contrair heir of, and escheitting of all their movabil guddes, to our Sovereaine Lords use.

F I N I S.

Acte omitted in this fourth PARLIAMENT.

Anent the hame-bringing of Wine, and prices thereof.

F I N I S.

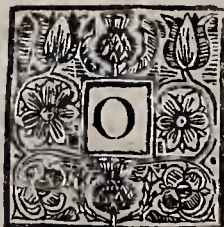
T H E

THE FIFTH

PARLIAMENT,

*Halden at Striviling, the XXV. daie of Julij, the zeir of God, 1578. zeires; Be
JAMES the Sext, be the Grace of God, King of SCOTTES, and the three
Estaites of this Realme.*

61. *The ratification of the libertie of the trew Kirk of God and Religion.*



OUR Sovereine Lord, with advise of his three Estaites of this present Parliament, hes ratified and apprevd, and be the tenour heirof, ratifies and apprevs, all and quhat-sum-ever acts of Parliament, statutes and constitutions past, and maid of befor, aggreable to Gods word, for maintenance of the liberty of the trew Kirk of God and Religion, now presentlie professed within this Realme, and puritie theirof. And decernis and declaris the samin to have the effect in all poynts, after the forme and tenour theirof.

62. *The Glebes of the Ministers and Readers fall be free of Teindes.*

ITEM, Anent the Article proponed, gif Ministers and Readers aucht and suld pay teind for their Glebes and Kirklands, designed to them, conforme to the act of Parliament, maid thereunto; for answer thereto: Our Sovereine Lord, with advise and consent of the three Estaites of this present Parliament, findis and declaris, that the saidis Ministers and Readers, aucht and suld pay na Teind, for their saidis Glebes and Kirk-landes, extending to four aikers of land, designed to them, conforme to the said act. Bot decernis and declaris them to be free of their saidis Teindes, and dischargeth them *simpliciter* thereof in all time cumming.

63. *Anent the vilitation of the Hospitalles.*

ITEM, Becausc diverse Hospitalles hes bene erected by our Sovereine Lordes maist Noble Progenitours, & uthers zelous and devout men within the countrie, quhilks alwaies ar becommen in decay, be negligence of sik to quhom the cure thereof perteines, and ar set in few and rakkes, without all gude ordour, in respect that the victualls and uthers profitis, pertaining to the saidis Hospitalles, ar converted in small summes of money: Swa that the pure and Beddelles of the saidis Hospitalles, hes small or nothing to live upon. For remeid of the quhilk: Our Sovereine Lord, with advise and consent of the three Estaites of Parliament, ordainis the Chancellor for all Hospitals founded be our Sovereine Lordis maist Nobil Progenitours, and the Bischops and Commissioners of diocefes, quhair na Bischoppes ar provided, for all uthers Hospitalles, to trie the quantite of their rent, the ordour of their fundation, and the Estait quhairin the rent presentlie is. And to that effect, that the Lordes of Councell and Session, direct letters, chargeing the havers of the foundations and crectiones of the saidis Hospitalles, fwares and rakkes-men of the lands, and uthers pertaining thereto, to produce the samin befor the saidis Chancellor, Bischoppes, and Commissioners, at sik dayes and places, as they fall appoynt, to be seene and considered be them, to the effect, that ordoure may be tane, upon the reformation of the decay of the samin Hospitalles, under the paine of rebellion, and putting of them to the Horne: with certification to them and they failzie, letters fall be direct to put them to the Horne, and that the saidis Chancellor and uthers foirsaidis, report their answer to the Kingis Grace, and Lordes of secreit Councell, betuixt and Pasche nixt-to-cum.

64. *The ratification of the Priviledge of Burrowes, with addition.*

OUR Sovereine Lord, with advise of his three Estaites of this present Parliament, hes ratified and apprevd, and be the tenour heirof, ratifies and apprevs of new, all actes and constitutiones of Parliament, maid be quhat-sum-ever our Sovereine Lordis predecessours of befor, in favours of the Burrowes and Burgeses of this Realme, inhabitantes of all the Burrowes of the samin, with all priviledges, freedomes, immunities and liberties, granted and given to them, and everie one of them, and decernis and declaris the samin, to have full strength, force and effect in all times heirafter, swa that the samin may be put to full and dew execution in all poynts, and to stand as ane perpetual Law to them and their successors, with this addition: Giv and them freedome and priviledge, to convene four times in the zeir, for sik matters as concernes their Estait: And that in quhat Burgh it fall be thocht maist expedient, be the maist pairt of the saidis Burrowes.

Burrowes. Providing alwaies for eschewing of tumultes, that there be present, at the saidis conventiones for everie Burgh in number, ane: except the Towne of *Edinburgh*, to have ane maa, nor the uther Burrowes.

65. *The ratification of the act maid of befor, anent the alienation of landes and dimission of Benefices, be them that ar, or fall happen to be conviict, of the murtheres of our Sovereine Lordis Father, and of his twa Regents.*

OUR Sovereine Lord, with advise of his three Estaites of this present Parliament, hes ratified and approved, and be the tenour heiref, ratifies and approves the act of Parliament under-written, maid in the Parliament halden at *Strivling*, upon the xxvij. day of August, the zeir of God, ane thousand, five hundredth, threescoir and eleven zeiris, and all poynts, clauses and articles contained therein, after the forme and tenour theirof, of the quhilk, the tenour followes. I T E M, It is decerned and declared, be our Sovereine Lord, with advise of his Regents Grace, and the three Estaites, that all Alienations, resignations, dimissions, and uthers dispositions quhat-sum-ever, maid be ony person or persones conviict, or that fall happen in ony waies heirafter to be conviict, or fore-faltd, for airt and pairt of the treasonabil murthers and slaughters, of umquhile our Sovereine Lordis dearest Father, or Regents of quhat-sum-ever landes, heritages, offices, benefices, rowmes or possessions, sen the times *respective*, of the committing thereof: ar, and fall be null of themselves, and of nane avail, force nor effect in all times cumming, with all that followed, or fall happen to follow thereupon, with this addition: that our said Sovereine Lord, with advise of his saidis three Estaites of Parliament, hes declared and decerned, and presentlie declaris and decernis, that the soir-said Act of Parliament, is and was gude and valiabil, fra the beginning, and that the samin suld have had in times by-gane, and fall have in all times cumming, full effect: and that all things (gif ony be done in the contrair) is and fall be null, and of nane avail, force nor effect, notwithstanding ony alleged practique, maid in the contrair.

66. *Anent dowbil confirmation of fowes of Kirk-landes, and landes halden immediatlie of our Sovereine Lord.*

FORSAMEIKLE as it is statute and ordained, be act of Parliament, maid in our Sovereine Lordis dearest Mothers time, that na infestment of Kirk-landes, set sen the vij. day of March, the zeir of God, ane thousand, five hundredth, lvij. zeiris, suld be of ony force or effect, without the samin war dewlie and lauchfullie confirmed be our Sovereine. And als, for-sameikle as it happenis, that doubil infestmentes of few-ferme, of ony portion of land, is given be ane Ecclesiastical person, to divers persones: and sum times be divers Ecclesiastical persones, to wit, the predecesour and successour, to divers persones in few-ferme, and zit nouthor of the saidis infestments can take effect, or be of avail, without they be dewlie and lauchfullie confirmed be our Sovereine Lord. And als, it is ofimes seene, that confirmations ar granted of baith, the saidis divers infestmentes, at divers times be the sute of the parties: like as it is founden be sundry ordinances of the privie Councel, that our Sovereine Lord, and his Hienesse Compositours, aucht not to deny his confirmation, upon the reasonabil expenses of the partie, suitand upon their awin peril. And likewise, divers alienationes of landes, halden immediatlie of our Sovereine Lord, being maid be ane person, to divers persones, double confirmations ar granted be our Sovereine Lord thereto, quhairas, ane of the saidis confirmations aucht, and can only take effect in all clauses above specified. And notwithstanding, it is the occasion of great debat amangis the lieges, to their great expenses, alweill in payment of their compositiones, as that the samin breadis the occasion of great pley: FOR remeid thereof, it is concluded, statute and ordained, be our Sovereine Lord, and the three Estaites of Parliament, that quhasaeyer obtienes, or hes obtained, the first confirmation of ony infestment, outhor of Kirk-landes, or uther landes, halden of our Sovereine Lord: that the first confirmation fall be of avail, force and effect, and fall prevail the secund. The said first infestment, quhilk is confirmed, being vailzeable in the seife, and lauchfully done. And in this case, the last confirmation fall not be respected, albeit the samin confirme the first infestment, bot the first confirmation of the laste infestment fall prevaille: the last confirmation of the first infestment, beway of exception or reply, without ony Summonds or Processe of reduction. It is alwayes provided, that gif the principal infestment first confirmed, or ony uther substantial cause, be the soir-said confirmation, be of nane avail or unlauchfullie maid, to the prejudice of ony uther partie, havand interess to the landes therein contained, and quha may be excluded be reason of the first confirmation, the said partie havand interes, fall be heard to accuse or reduce the said infestment first confirmed, or utherwayes, to moye action, against the samin, as accordes of the Law, quhiddor they have obtained confirmation of their infestment, or not. It is als a statute and ordained, that na dowble confirmations of infestments of Kirk-landes, or uthers, halden of our Sovereine Lord, be granted heirafter, and discharges the keepers of the Signet, Privie and great Seilles, that they passe not double confirmations: And gif the saidis double confirmations passe in time cumming, our saide Sovereine Lord, with advise of his saidis three Estaites, decernis and declaris, the last confirmation to be of nane avail: Providing, as is above specified.

67. *Ane act anent the carying of flesh soorth of this Realme in schippes, under coulour of victualling.*

ITEM, For-sa-meikle, as be taking and carying away of all kinde of flesh, in great quantitie, for victualling of schippes, passand soorth of this Realme, at the hail Portes thereof, and speciallie at *Leith*, and Coast side of *Fife*, It is ane great occasion of dearth of all kinde of flesche, seeing the hail Skippers, Maisters of Schippes, and mariners, in all partes of this Realme, takes soorth of the samin, in great abundance and quantitie, under coulour and pretense of the victualling of their Schippes, mair nor may serve and susteine them for their voyage. FOR remeid quhairof in time cumming, it is statute and ordained, be our Sovereine Lord, and the three Estaites of this present Parliament, thar all kinde of flesh, for victualling of their schippes in time cumming, be packed within the free Burghs and Portes, quhair the saidis Schippes lycs, and ar to depart fra, and na uthervaies. And that the Provest, Baillies, and customers of the saids Burrowes, visic and consider diligentlie, how meikle flesche may serve everie Schip, and her equippage, for thar present voyage, and according to the number of the equippage and companie, appoynt to everie schip sa mony barrells or punschcons, as for that present voyage, fall sufficientlie serve them, to the first port they ar frauchred to, and thereafter mark the saidis barrells or punschcons, appoynted be them, to the furnishing of the saidis schippes, with the commoun marke of the said Burgh. Providing alwaies, thar in case the saidis Skippers, Maisters or Marineris, take ony mair flesh soorth of the Realme nor may serve and susteine them, for that voyage, according to the number of their equippage, and as fall be appoynted to them in maner foirsaid, and marked as said is, thar the saidis Provest, Baillies, and Customers, everie one of them, within their awin offices and jurisdiction *respective*, search, seek, take and apprehend the super-plus of the said flesh, schipped in the saidis schippes, by and attour the furniture appoynted to them, for that voyage, as said is, escheit and in-bring the samin, to our Sovereine Lordis use, deliver the samin to his Thesaurer, for the quihill, he fall be halden to answer our Sovereine Lord, zeirlie, in his Checker.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES, and uthers, made be KING JAMES the Sext, and not imprinted.

In this fifth Parliament, 25. of Julij. 1578.

- 1 Declaration of the freedome of the said Parliament.
- 2 The Ratification of the acceptation of the Regiment, be the Kings Majestie, in his awin person.
- 3 Nomination and Election of the Kings Councill.
- 4 Anent the visitation of Universities and Colledges.
- 5 Ane discharge given to JAMES, Erle of Mortoun of his Regiment.
- 6 Ane exoneration of unquibile JOHN, Erle of Mar, anent the keeping of our Sovereine Lordis person, within the Castle of Strivling.
- 7 The alteration of the Faire of Irving.
- 8 The changing of vacance of the Lords of Session.
- 9 Commission for confirmation of Testaments, and placing of Commissaris.
- 10 Commission anent the Lawes: commission for the policie of the Kirke.
- 11 Ratification of the gift maid to the Provest and Maisters, of the auld Colledge of Saint-Andrewes.
- 12 Ane pension granted to the Countes of Mar.
- 13 Commission anent the cuinzie.
- 14 Taxation of ten thousand Markes, for the beeting of the brig of Tay.
- 15 Ane Act concerning the kindlie tenements of the Bischoprik of Dumblane.
- 16 Commission concerning recognition of landes, within Burgh.

F I N I S.

T H E S E X T

PARLIAMENT,

*Halden and begun at Edinburgh, the XX. daie of October, the zeir of God, 1579. zeires;
Be JAMES the Sext, be the Grace of God, King of SCOTTES, and the three
Estaites of this Realme.*

68. *Anent the trow and haly Kirk, and them that ar declared not be of the samin.*



OUR Sovereine Lord, with advise and consent of his three Estaites, and hail bodie of this present Parliament, ratifies and apprevis, all and quhat sum-ever actes and statutes maid of befor, be his Hienes, with advise of his Regentis, in his awin reigne, or his predecessours, anent the libertie and freedome of the trow Kirk of God and Religion, now presently professed within this Realme; And specially ratifies and apprevis, the sext act of his Hienesse Parliament, halden the first zeir of his Majesties reigne, intitulat, *Anent the trow and haly Kirk, and of them that ar declared not to be of the samin.* Ordaining the same to be heir insert of new (becaulf of sum defection and informalitie of words in default of the Prenter) in this forme.

OUR Sovereine Lord, with advise of his three Estaites, and hail bodie of this present Parliament, hes declared and declaris the Ministers of the blissed Evangel of Jesus Christ, quhome God of his mercie hes now raised up amangs us, or heir after fall raise, agreeing with them that now lives, in doctrine and administration of the Sacraments, and the peopil of the Realme that professis Christ, as he is now offered in his Evangel, and dois communicate with the haly Sacraments (as in the reformed Kirkes of this Realme ar publickly administrate) according to the confession of the faith, to be the trow and haly Kirk of Jesus Christ, within this Realme, and deeris and declaris, that all and findrie, quha outhir gainsays the word of the Evangel, received, and apprevd; As the heades of the Confession of the faith, professed in Parliament of befor, in the zeir of God, 1560. zeires: as als wa specified and Registrat in the actes of Parliament, maid in the first zeir of his Hienesse Reigne, mair particularly dois expresse, ratified als wa and apprevd in this present Parliament; Or that refusis the participation of the haly Sacraments, as they ar now ministrat; to be namembers of the said Kirk, within this Realme, and trow Religion now presently professed. Sa lang as they keep themselves sa divided, from the societie of Christs body.

69. *Quhairin consistis the jurisdiction of the Kirk.*

OUR Sovereine Lord, with advise of his three Estaites of this present Parliament, hes declared and granted jurisdiction to the Kirk, quhilk consistis and stands in the preaching of the trow worde of JESUS CHRIST, correction of maners, and administration of the haly Sacraments, and declaris that there is na utherside of Kirk, nor utherside of Religion, then is presentlie be the favour of GOD established within this Realme, and that there be na uthir jurisdiction Ecclesiastical acknowledged within this Realme, uthir, then that quhilk is, and fall be within the samin Kirk, or that quhilk flowis their fra, concerning the premisses.

70. *Discharge of Mercattes, and labouring on Sabbath-dayes, or playing and drinking in time of Sermon.*

ITEM, For-sa-meikle as it is statute and ordained, be a gude and Godlie Act, maid in the dayes of King JAMES the fourth, our SOVERAINE LORDIS Grandfchir, of worthie memorie, that there be na Mercattes nor Faires halden upon Haly dayes, nor zit within Kirkes, or Kirk-zairdes upon Haly dayes or uthir dayes, under the payne of escheituing of the guddes; Quhilk Act, our Sovereine Lord, and his three Estaites, ratifies and apprevis, and ordainis the same to have effect and execution in time cumming. And seeing that the Sabbath-day, is now commonly violare and broken, alsweill within Burgh, as to Landwart, to the great dishonour of GOD, be halding and keeping of the saidis Mercattes and Faires, on Sabbath-dayes, using of handie-labour, and working thereon, as on the remanent dayes of the oulk, and be gamming and playing, passing to Tavernes and Aile-houfes, and wilfull remaining from their Paroche Kirk, in time of Sermon or prayers on the Sabbath. THEIRFOIR his Majestie, and his three Estaites, in this present Parliament statuis and ordainis, that there be na Mercattes nor Faires halden upon the Sabbath-day, nor zit within Kirkes or Kirk-zairdes, that day or any uthir day, under the paine of escheituing of the guddes, to the use of the pure within the Paroche. And sik-like, that na handie-labouring, nor working, be used on the Sabbath-day, nor na gamming and

and playing, passing to Tavernes and Aile-houses, or selling of meat or drink, or wilfull remaining fra their Parochie Kirk, in time of Sermon or Prayers on the Sabbath-day be used, under the paines following: That is to say, of everie person, for the handie-labouring and woorking, commonlie used be the purest sort, ten schillings, and for gamming, playing, passing to Tavernes and Aile-houses, selling of mear and drink, and wilfull remaining from their Parochie Kirk, in time of Sermon or Prayers on the Sabbath-day, of everie person twentie schillings, to be applied to the helpe and reliefe of the pure of the Parochin. And in case of the refuse, or inhabilitie of ony person offending in the premisses, to pay the saids paines *respective*, presentlie and indelaedlie, upon their apprehension or conviction, after lauchfull tryal, he or she, shall be put and halden in the stoks, or sik uther engine, divided for publick punishment, be the space of twenty foure houres. And for execution heirof, the Kingis Majesties commission of Justiciarie, shall be granted to sum persone in every Parochin, best affected and maist abill to performe the same, at the request of the Minister.

71. *Ancient the zouth & uthers bezond sea, suspected to have declined fra the trew Religion.*

ITEM, Because findric of the zouth of this Realme, passing to the partes bezond sea, becommis corrupted in Religion, quhairof great inconvenient may follow. **THEREFOIR** it is statute and ordained, that all persones, the sonnes of Nobil-men, Gentil-men, or uthers pretending the cause of their departure to be for attaining to farther knowledge in letteris, fall before their said departure sure, and obtaine the Kingis Majesties licence to that effect, conteining ane provision, that they fall remaine constant in the profession of the trew Religion, publicklie preached, and be Lawe established within this Realme, and do, nor procure nathing to the prejudice thereof, or of his Hienes and his Authoritie, under the paine of Barratrie. As alsua the saidis persones, within the space of twentie dayes, after their returning within this Realme, fall passe to the Bischop, Super-intendent, or Commissioner of the Kirks, within the bounds quhair they arrive, or happinis to make residence, and there offer to make and give the Confession of their Faith, according to the trew and Christian Religion preached, and be Law established within this Realme, or then within 40. dayes thereafter devoyde and remove themselves furth of this Realme, quhairin gif they failzie, that they be admonished and persewed, as the Adversaries of the saide trew Religion. And for sik persones, as are alreadie furth of this Realme, and hes declined fra the trew Religion, that the ordor appoynted in the Lawes alreddie maid, be used and execute against them, according to the direction and tenour theirof, in all poyntes.

72. *That housholders have Bibles and Psalme-buiks.*

ITEM, It is statute and ordained be our Sovereaine Lord, and his three Estaites in this present Parliament, that all Gentil-men, housholders, and uthers worth 300. markes of zeirly rent or abone, and all substantiall Zeamen or Burgeses, likewise housholders esteemed worth 50. poundes in landes or gudes, be halden to have an Bible, and Psalme-buik in vulgar language in their houses, for the better instruction of themselves and their families, in the knowledge of God, within zeir and day after the date heirof, ilk persone under the paine of x. poundis. And that the Provest and Bailiis of ilk Burgh, and sik persons in every Parochin to landwart, as fall have the Kings Commission, search, inquire and tteye quha failzies herein, and they being convict thereof, to uptake the said paine of every an that failzies, the thrid part to themselves for their paines, and the twa part to the help and reliefe of the pure of the Parochin.

73. *For the releif of the labourers of the ground, troubled for want of timous teinding of their Cornes.*

THE Kings Majestic, and the three Estaites of this present Parliament, understanding the great skaith and inconvenient, susteined be the labourers of the grounde within this Realme, throw the default of the Teinding of their cornes in dew time, be the malice of sik as hes titles, or takkes of their saidis teindes, oftentimes causing the saidis labourers of the ground, for default of Teinding of their saidis cornes in dew time, to tyne their cornes, or fall in danger of spuilzie. For remeid quhairof, our said Sovereaine Lord, with advise of his saidis three Estaites, statuis and ordainis, That all persons havand titil or takkes to ony teind scheves, and being in use of Teinding, or intending ony wise to leade the same, fall passe or send, and cause teind the saidis cornes, ay as the samin is readie, within aucht dayes after the scheering thereof, quhilk gif they delay to do, that at the end of the requisition underwritten, it fall be lauchfull to the awner of the saidis cornes, to take twa honest Nichtbouris, sworne in presence of famous witneses, and to teind his saidis cornes, leade the stok therefra, and place the teind stakked upon the ground, quhilk the awner of the saidis cornes, fall be halden to keip undestroyed and eaten be beastes, quhill the first day of November thereafter. Providing that he require teinding of the partie havand the titill, takke or richt to the saidis teind scheves, oppenlie in the Paroch Kirk, upon three several Sabbath-dayes before noone, after the scheering of the saidis cornes. Quhilk order being dewlie and faithfullie observed be the owner of the said cornes, It fall be sufficient warrand and defence for him, against all action of spuilzie, that may be persewed against him, for intromission with his saidis cornes, he teindand thankfullie.

with

with the persone havand ritill or rakke of his saidis teindes, and making na impediment to the teinding and leading theirof in lie wayes, or upon any ground that is schorne.

74. For punishment of strang and Idle Beggars, and reliefe of the pure and impotent.

FOR SAMEIKLE as there is findrie lovabill Acts of Parliament maid be our Sovereaine Lords maist nobill Progenitours, for the stanching of maisterfull and idle Beggars, away putting of fornaires, and provision for the pure: Bearing, that nane fall be thoiled to beg, nouthor to Burgh nor to land, berwixt 14. and 70. zeires. That sik as makes themselves Fules and ar Bairdes, or others siklike runners about, being apprehended, fall be put in the Kingis Waird or irones, sa lang as they have ony gudes of their awin to live on: And fra they have not quhairupon to live of their awin, that their eares bee nayled to the Trone, or to an uther tree, and their eares cutted off, and banished the countrie, and gif thereafter they be found againe, that they be hanged.

ITEM, That nane bee thoiled to begge in ane Parochin, that ar borne in ane uther. That the heade-men of ilk Parochin, make takinnes, and give to the Beggars theirof, that they may bee susteined within the boundes of that Parochin. And that nane uther bee served with almes, within that Parochin, but they that beiris that takinne allanerlie, as in the Actes of Parliament maid theiranent, at mair length is conteined. Quhilkes in time bygane, hes not bene put to dewe execution, throw the iniquitie and troubles of the time by-past, and bereasoun that there was not heitofoir ane ordour of punishment, sa speciallie devised, as need required, bot the saidis Beggars, besides the uthers inconvenientes, quhilks they daylie produce in the commonwealth, procures the wrath and displeasure of GOD, for the wicked and ungodlie forme of living, used amangs them, without mariage or baptizing of a great number of their bairnes. **T**HEREFOIR now, for avoyding of the inconvenientes, and elchewing of the confusion of findrie Lawes & Actes, concerning their punishment, standing in effect: And that sum certaine execution, and gude ordour may follow theranent, to the great pleasure of Almightie GOD, and common weill of the Realme: **I**T IS thocht expedient, statute and ordained, alswell for the utter suppressing of the saidis strang and idle beggars, sa contagious enemies to the common weill: As for the charitabill relieving of aged and impotent pure peopill, that the ordour and forme following bee observed: That is to say, that all persones, being above the aige of fourteene and within the aige of threescoir and ten zeires, that heirafter ar declared and set forth be this Act and ordour, to be vagaboundes, strang and idle beggars, quhilkes fall happen at ony time heirafter, after the first day of Januar nixt-to-cum, to bee taken wandering and misordering themselves, contrary to the effect and meaning of thir presentes, fall be apprehended, and upon their apprehension be brocht befor the Provost and Baillies within the Burgh, and in everie Parochin to Landwart, befor him that fall be constitute Justice be the Kingis Commission, or be the Lords of Regalie, within the samin to this effect: And be them, to bee committed in waird, in the common prison, stokkes or irones, within their jurisdiction, there to be kept, unlatten to libertie, or upon bande or sovertie, quhill they be put to the knowledge of ane Assise, quhilk fall be done within sex dayes thereafter. And gif they happen to be convicted, to bee adjudged to be scourged and burnt throw the eare, with ane hore iron: The processe quhair-of fall be registrate in the Court buikes. Except sum honest and responfall man, will of his charitie, bee contented then presentlie, to Act himselfe before the Judge, to take and keip the offender in his service, for ane haill zeir nixt following, under the paine of twentie pound, to the use of the pure of the Toun or Parochin. And to bring the offendour to the head Court of the jurisdiction at the zeires end, or then gude prufe of his death, the Clerke taking for the said Acte, twelve pennies onely: And gif the offender depart and leave the service within the zeir, against his will that receivis him in service: Then being apprehended, he fall be of new presented to the Judge, and be his command, scourged and burnt throw the eare, as is foresaid. Quhilk punishment, being anis received, he fall not suffer againe the like, for the space of threescoir dayes thereafter, bot gif at the ende of the saidis lx. dayes, hee be founden to be fallen againe in his idle and vagabound trade of life: Then being apprehended of new, he fall be adjudged, and suffer the paines of death as a thief.

Vagaboundes
& idle beg-
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Quhairby
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vice.

And that it may be knawen, quhat maner of persones ar meened to bee idle and strang beggars, and vagaboundes, and worthie of the punishment before specified. **I**T Is declared, that all idle persones, ganging about in ony Countrie of this Realme, using subtil, craftie, and unlauchfull playes, as Juglarie, Fast-and-lous, and sik uthers. The idle peopill calling themselves *Agyptians*, or any uther, that feinzies them to have knowledge of Charming, Prophecie, or uthers abused sciences, quhairby they perswade the peopill that they can tell their weirdes, deathes and fortunes, and sik uther phantastickall imaginations: and all persones being haill and starke in bodie, and abill to woorke, alledging them to have bene herried or burnt, in sum fair pairt of the Realme, or alledging them to be banished for slauchter; and uthers wicked decides: and uthers nouthor havand land nor Maisters, nor using ony lauchfull merchandice, craft or occupation, and quhairby they may win their livings, and can give na reckoning how they lauchfullie get their living: & all Minstrelles, Sangsters, and Tale-tellers, not avowed in speciall service, be sum of the Lords of Parliament or great Burrowes, or be the head Burrowes and Cities, for their common Minstrelles: all countmoun labourers, being personnes abill in bodie, living idle, and sleeing labour: all counterfaicters of licen-

ces to beg, or using the same, knowing them to be counterfeit: all vagabound schollers of the Universitie of *Saint Andrews, Glasgow and Abirdene*, not licenced be the Rector and Deane of Facultie of the Universitie, to aske almes: all Schip-men and Mariners, alledging themselves to be schip-broken, without they have sufficient testimonialles, shall be taken, adjudged, esteemed and punished, as strang Beggars and Vagaboundes. And gif ony person or persones, after the said first of Januar next-to-cum, gives money, harberie or ludgeing, settis houses, or shawis ony uther reliefe, to ony vagabound or strang begger, marked or to be marked, wanting an licence of the Provost and Baillies within Burgh, or of the Judge within that Parochin: The famin being dewlie provin at the Court, they shall pay sik unlaw to the use of the pure of the Parochin, as be the Judge, at the Court shall be modified, swa the same exceed not five pounds. And alswa, gif any person or persones, disturbis or lettis the execution of this Act ony maner of wayes, or makis impediment against the Judges and ordinarie officers, or uthers persones, travelling for the dew Execution heirof, they shall incur the same paine quhilk the vagabound shuld have incurred, in case he had bene convict. Providing alwayes that schip-men and fouldiours, landing in this Realme, have licence of the Provost or Baillie of the Towne, or Judge in the Parochin, quhair they war schippe-broken, or first entred in the Realme, fall, and may passe, according to the effect of their licences, to the rowmes quhair they intend to remaine. And that the licences onelie serve, in the jurisdiction of the giver; Sa that gif the person travelling hame, have farther journey, he procure the like licences of the Judge of the nixt Parochin or Town, throw quhilk he mon passe, and sa fra Parochin to Parochin, quhill he be at his resting place. And that there be certaine persones, ane or maa nominate, in everie Burgh and Parochin, be the officers and Judge thereof, for searching, receiving, and convoying of the vagaboundes, to the common prison, Irones or stokkes, upon the common charges of the Parochin. Quhilk persones sa erected, shall be halden to do their dewtie diligentlie, as the saidis Judges will answere there-upon. And seeing charitie wald, that the pure aged, and impotent persones, shuld be als necessarilie provided, as the vagaboundes and strang beggars repressed, and that the aged, impotent, and pure people, shuld have ludgeing and abiding places, throughout the Realme, to settle themselves intill.

IT IS therefore thocht expedient, statute and ordained, that the Lorde Chancellor, according to the direction, of findrie lovabill Actes of Parliament heirtofor maid, shall call for the erections of all Hospitalles; to be produced befor him, and inquire and consider, the present Estaire theirof, reducing them, sa far as is possible, to the first institution, as may best serve, for the helpe and reliefe of the saidis aged, impotent, and pure peopill. And als that the Provosts and Baillies of ilk Burgh and Towne, and the Justice constitute, be the Kings commission, in every Parochin to landwart, shall betuix and the first said day of Januar next-to-cum, take inquisition of all aged pure, impotent and decayed persones, borne within that Parochin, or quhilkles war dwelling, and had their maist common reforte in the said Parochin, the last seven zeires by-past, quhilkles of necessitie mon live be almes: And upon the said inquisition, shall make ane Registerbuke, containing their names, and sur-names, to remaine with the Provosts and Baillies within Burgh, and with the Justice in everie Parochin to Land-wart: And to the effect, that the number of the pure people of everie Parochin, may be knawin, statutis and ordainis, that all pure peopill, within fourtie dayes after the Proclamation of this present Act, at the mercat Croce of *Edinburgh*, repayre to the Parochin, quhair they were borne, or had their maist common reforte or residence, the last seven zeires by-past, and there fetill themselves, under the paine, to be punished as vagaboundes, and contraveners of this present Proclamation: And the said space of fourtie dayes being by-past: That then, the Provosts and Baillies within Burrows, and the Judge constitute, be the Kings commission in ilk Parochin, to Land-wart, make a Catalogue, of the names of the saidis pure people, inquire the men and women, quhair they wer borne, quhill they ar married or un-married, quhen, and be quhom they war married, and quhair bairnes they have, and quhair their bairnes wer baptized, and to quhat forme and trade of life, they addresse themselves, and their saidis bairnes: Gif they be diseased or haill, and abill in bodie, and quhair they get commonly on the daye, be their begging: And sik as necessarilie mon be susteined be almes, to see quhair they may be maid content of their awin consentis, to accept daylie to live unbeggand, and to provide quhair their remaining fall be, be them-selves, or in hous with others, with advise of the Parochiniers, quhair the saidis pure peopill, may be best ludget and abyde. And thereupon, according to the number, to consider quhair their needefull sustentation will extend to everie oulk: and then, be the gude discretions of the saidis Provosts, Baillies and Judges, in the Parochinis to Land-wart, and sik as they shall call to them to that effect, to taxe and stent the haill inhabitants within the Parochin, according to the estimation of their substance, without exception of persones, to sik ouklike charge and contribution, as fall be thocht expedient and sufficient, to susteine the saidis pure peopill. And the names of the inhabitants stented, rogidder with their taxation, to be likewise registrate: And that at their discretion, they appoynt overseers and Collectours in everie Burgh, Toun and Paroche, for the haill zeir, tor collecting and receiving of the said ouklike portion, quhilkles fall receive the same, and deliver sa-mekle thereof to the saidis pure peopill, and in sik maner, as the saidis Provost and Baillies within Burgh, and Judges, in the Parochin to Land-wart, *respective*, shall ordaine and command: And that overseeres of the saidis pure peopill, be appoynted be their discretions, to continue also for a zeir. And at the end of the zeir, that the taxation and stent Roll, be alwayes maid of new, for the alteration that may be throw death, or be incres or diminution of mennes gudes and substance. And that the Provosts and Baillies in Burrows or Tounes, and the saidis Judges, in the Parochinnes to Land-

wart,

Of them
quha main-
teines or re-
ceives va-
gabounds.

Of them
quha staves
the execu-
tion of this
Act.

Of soldiers
and schip-
broken
men.

Searchers
of vaga-
bounds.

Reparation
of Hospital-
les, for aged
& impo-
nent per-
sones.
Inquisition
shuld be ta-
ken of
aged, pure,
and impo-
nent per-
sones.

Call pure
people shuld
returne to
their awin
Parochin.
And of
their sus-
tentation.

Collectors
for almes.

Over-seers.

The stent
Roll.

wart, fall give an Testimoniall to sik pure folk, as they finde not bogue in their awin Parochin, or making residence therein, the last seven zeires, sending or directing them to the nixt Parochin, and sa fra Parochin to Parochin, quhill they be at the place quhair they were borne, or had their maist common resort and residence, during the last seven zeires preceeding; there to be put in certaine abiding places, and susteined upon the common almes, and ouklike contribution, as is befor ordained, except Leprous peopill, and bedfast peopill, quhilkis may not be transported. Providing that it be usefull to the pure peopill, sa directed, to their awin abiding places, with Testimonialles to aske almes in their passage, sa as they passe the direct way, not resting twa nitches togidder in ony an place, without occasion of seekeneisse or storme impede them.

Testimonialles to bee given to the pure.

And gif ony of the pure peopill refuse to passe and abide in the places appoynted, or after the appoyntment, be found begging, then to be punished be scourging, imprisonment, and burning throw the eare, as vagabounds and strang beggars: and for the second fault, to be punished as thieves, as is befor appoynted. And gif the persones chosen Collectours, refuse the office, or having accepted the same, beis found negligent therein, or refusis to make their compts everie half zeir anis, at the least, to the Provests and Baillies in Burrowes, and to the saidis Judges in Land-wart, and to deliver the super-plus of that quhilk rests in their handes, at the end of the zeir, or halfe zeir, to sik as fall be chosen Collectours of new: Then ilk-ane of the Collectours so offending, fall incur the paine of twentie pundis, to the use of the pure of that Parochin, and imprisonment of their persones, during the Kingis will: For quhilkis paines, the saidis Provests, Baillies and Judges, fall poynd and distrenzie: And gif ony persones, being abill to further this charitable woork, will obstinatlie refuse to contribute to the reliefe of the pure, or discourage others from sa charitabill woork, ane dedde; The obstinate or wilfull person, being called befor the saidis Provests and Baillies within Burgh, or Judges in the Parochines to Land-wart, and convict thereof, be ane Asslie, or sufficient testimonie of twa honest and famous witnesses his nichtbours, upon the supplication of the saidis Provests, Baillies & Judges, to the Kings Majestie, and his privie Councell, the obstinate and wilfull person or persones, fall be commanded to wait in sik pairt, as his hienes, and his Councell fall appoynt, and there remaine, quhill he be content with the ordour of his said Paroch, and performe the same in dedde; And gif the aged and impotent persones, not being sa diseased, lamed or impotent, bot that they may woork in sum maner of wark, fall be the overseers in ony Burgh or Parochin, appoynted to wark, and zir refusis the same: Then first the refuser to be scourged, and put in the stokkes: and for the second fault, to be punished as vagabounds, as said is. And gif any Beggars bairne, being above the age of five zeires, and within fourteene, male or female, fall be liked of, be ony subject of the Realme of honest estait: The said person, fall have the bairne, be ordoure and direction of the saidis Provest and Baillies within Burgh, or Judge in every Parochin to Land-wart. Gif he be a man-child, to the age of xxiv. zeires, and gif sche be a woman child, to the age of xviij. zeires, & gif they depart, or be taken or intised from their Maister or Maistresse service, the Maister or Maistresse, to have the like action and remedie, as for their hired servand or prentises, as weil against the bairne, as against the taker, and intiser thereof. And quhair collecting of money may not be had, and that it is over great ane burding to the Collectours, to gadder victualles, meat and drink, or uther things, for reliefe of the pure in sum Parochines; That the Provest and Baillies, in Burrowes, and the saidis Judges, in the Parochines to Land-wart, be advise of certaine of the maist honest Parochiners, give licence under their hand-writs to sik, and sa many of the saidis pure people, or sik others of them, as they fall think gude, to aske and gadder the charitable almes, of the Parochiners, at their awin houfes. Sa as alwayes, it be speedely appoynted and aggrided, how the pure of that Parochin, fall be susteined within the same, and not to be chargeable to uthers, nor troublefome to strangers. And seeing be reason of this present act and ordour, the common prisiones, irones and stokkes of everie head Burgh of the Schire, and uthers Townies, dour, the common prisiones, irones and stokkes of everie head Burgh of the Schire, and uthers Townies, as like to be filled, with ane greater number of prisoners, nor of before hes bene accustomed, in sa far, as the saidis vagaboundes, and uthers offendours, ar to be committed to the common prision of the Schire or Towne, quhair they were taken, the same prisiones being in sik Townes, quhair there is great number of depure peopill, mair nor they ar weil abill to susteine and relieve: And sa the prisoners ar like to perish in depure peopill, mair nor they ar weil abill to susteine and relieve: fall be payed be a pairt of the common contribution of sustenance: Therefor the expenses of the prisoner, fall be payed be a pairt of the common contributions, and oukly almes of the Parochin, quhair he or sche was apprehended, allowand to ilk person daily one pounce of Ait breade, and water to drink. For payment quhair of, the presenter of him to prision, fall give severie, or make present payment. And that the Schireffes, Stewardes and Baillies of Regalities, and give severie, or make present payment. And that the Schireffes, Stewardes and Baillies of Regalities, and give severie, or make present payment. And that the Schireffes, Stewardes and Baillies of Regalities, and give severie, or make present payment.

of the pure refusing to contribute to the help of the pure.

Of the pure refusing to woork.

Of beggars bairnes.

Collection of victualles, meat & drinke.

Expenses of prisoners.

Execution of this act.

Interpretation of this act.

es, within their jurisdictions *respective*, as they will answer to God, and our Sovereine Lord thereupon. And quhair ever doubt or ambiguitie fall happen to arise upon this present Act; or ony pairt thereof: OUR SOVERAINE LORD, with advise of his saidis three Estaites, committis the interpretation, explanation, supplement, and full execution thereof, to his Majestie, with advise of his privie Councell.

75. For punishment of persones, that contemmandly remaynes rebellies, and at the Kings Horne.

Of sameikle, as the contempt of our Sovereine Lordis authoritie, and of the Lawes and ordinar Justice of the Realme, is the ground and fountaine fra quhilk, the maist part of all confusion and disorder proceedis.

ceedis, and amangs uthers evilles, the disobedience of the processe of horning is sa great and commoun, that the persones denounced rebelles, takes na feare theirof, and the parties hurrand in their interest, that hes obtained decreetes and letters, with their infinite expens and coaste, can get na execution nor redresse. And how-beit, be an Acte and ordinance, maid be the Lordes of Session, it was provided, that all Officers, immediatly after their denuntiation of ony persones to the horne, suld passe to the Schireffe of the Schire, quhair they dwelt, and intimate to him the same, requiring him in our Sovereaine Lordis name and autoritie, to make ane just inventure of all the saidis persones gudes, to the effect, that the samin might be inbrocht to his hienesse use, for their contemptioun: And that the saidis Officers, suld deliver to the said Schireffe ane authentick copie of the saidis letters, with the execution of the same, subscribed with their hand, & within acht dayes thereafter, suld pass to the Thesaurer or his Clerkes, and deliver to them ane uther copie of the saidis letters, with the execution of the same, in like maner subscribed, with the saidis Officers handis, to the effect foirsaid, conforme to the said Acte and ordinance. Neverthelesse the samin hes bene neglected of the maist part, and na wife followed be the saidis Officers; Swa that the impunitie of sik heynous attemptures, and open Rebellion, hes brocht our Sovereaine Lordis autoritie in contempt, and maid the multitude of rebelles sa great, that it fall be difficult to know them fra the Kings obedient subjectes, without sum haillie remede be provided. Notwithstanding, that be the foirsaid ordinance of the Lordes of Session, and uthers lovabill Lawes and Acts of Parliament, established be his Hienes, and his maist Noble progenitors gude ordour be taken for avoyding of the said confusion: zit the negligence of the dew execution theirof, hes bred this great inconvenient. Quhilk now our Sovereaine Lord, for the furtherance of his obedience, and universal weill of his subjectes, presently intends, as God sall grant opportunitie, to remeid. Therefor his Hienes, with advise of his three Estaites, in this present Parliament, statutis and ordainis, that all letters of horning, execute and indorsat, or that fall happen to be execute and indorsat, befor the publication of this present act, fall within the space of fifteen dayes, after the publication theirof, and in all time thereafter, within the space of fifteen dayes, after the denuntiation, be brocht to the Schireffe-Clerk of everie Schirefdome, quha sall registrate the same, in the Schireffes buikes, and deliver the principall letters againe execute and indorsat, and noted on the back, registrate sik a day, and subscribed with his hand, within twenty four houres, after the receipt theirof, and sall receive fra the partie awner and presenter of the saidis letters, for his labouris only sex schillingis acht pennies.

The quhilk letters and executions theirof, swa registrate and subscribed on the back, be the said Schireffe-Clerk, or the copie theirof authenticklie extractit fouth of the said Schireffe buikes, subscribed be the said Schireffe and Clerk, fall be esteemed as authentick, and sall have effect and force in quhar-somever Judgement they happen to be produced, ay and quhill the partie swa denounced to the Horne, obtaine himselve ordourlic relaxed theifra: Quhilk relaxation, sall als wa be maid publickly, at the mercat Croce of the Schire, quhair he dwellis, and quhair the denuntiation of horning was maid: and that the said relaxation, and execution theirof, fall be like-wife registrate in the said Schireffes buikes, within xv. dayes after the publication thereof, at the mercat Croce, and be als wa registrate and subscribed on the back, in maner foirsaid, utherwise the saidis letters of horning and relaxations, fall na wife be halden lauchfullie and ordourlic execute, bot the executions theirof null. And that all Schireffes have honest famous men to their Clerkes, quha be themselves, or their sufficient depures, fall be halden, to be alwaies resident, within the head Burgh of the Schire, for receiving and registring of the saidis hornings and relaxations, as they fall occur, and fall do the same trewlie and ordourlic, within xxiv. houres, under the paine of payment of the damage and interest, that the partie skaithed happinis to susteine in their default, at the sight and modification of the Lordes of Councill and Session: And that ilk Schireffe, cause the names of all the persones, swa denounced and remayning in his register, to be openlie published and proclamied, at the mercat Croce of the heade Burgh of the Schire, upon the mercat dayes, preceeding the three head Courtes zeirlic, and affixe the Catalogue of their names, baith on the mercat Croce, and in the Tolbuith, that gif ony of them hes action to persew, they may be repelled *ab agendo*, and na wayes to be delete furth of the said Catalogue, quhill they be lauchfullie and dewlie relaxed fra the horne. And that everie Schireffe, within the space of xv. dayes, after the heade Court, send the Catalogue of the names of the saids Rebelles, registrate in his buikes, and ane brieve note of the causes, for quhilk they ar denounced, to our Sovereaine Lordis Thesaurer, or his Clerk, quha fall be halden with all diligence to raise letters, and cause uptake the escheitres of the rebelles, to our Sovereaine Lords use. And quhen our Sovereaine Lords Comptroller, Collectour generall, or ony uther person, presents letters of horning, dewlie execute and indorsat, to the said Lord Thesaurer, or his Clerk, for speciall summes of money or debt: The Thesaurer sall cause raise letters thereupon, at his instance, for uptaking of the escheit, direct outhir to the Schireffe of the Schire, or his depures, or to Officers of Armes, as it may best serve, be advise of the complener, of the readiest and first ende of the quhilk escheit, the partie complener, fall be payed of his just debt, with the officers expens, and the super-plus of the said escheit, to be brocht in to his Majesties Thesaurer, within the space of ane Moneth thereafter. Providing that the partie complener, and presenter of the letters, to the Thesaurer, make the first expens upon the Schireffe or Officer, that fall be directed, for uptaking of the saidis escheit gudes, quhill the escheit selfe, may releve the saidis expens, and then the same to be tane, and allowed of the escheit. And in case the officiar direct for uptaking of the said escheit, beis violently deforced & stopped in execution of his office, then upon the complaint of the said Lord Thesaurer, or of the Officer or partie, that wants pay-

Letters of
horning
suld be re-
gistrat.

Relaxation
suld be Re-
gistrat.

Schireffe-
Clerkes.

The names
of the Re-
belles suld be
published.

And give
to the The-
saurer.
Escheit suld
be taken up
be the The-
saurer.

Deforce-
ment of the
Officiar.

ment

ment of his debt, letters fall be direct, be deliverance of the Lordes of Councell, charging the Schireffe of the Schire, and his deputies: Or gif it be understand, that the Schireffe will not, or may not, charging sum of the Nobill-men, Barrennes, Gentle-men of gude power within the Schirefdome, best affected to the furth setting of our Sovereaine Lordis authority and Justice, to convocare his hienes lieges in weir-like maner, and to passe and concour with the said Officer, that befor was desford and stopped, and see the command of the letters execute reallie, and with effect, befor they depart off the ground, quhair the saids escheit guddis remainis: In the quhilk execution, they fall have all freedomes, priviledges, and immunities, that ar granted be the Lawes of this Realme, to sik persones as persewis the Kings rebelles, to bring them to his Lawes. Providing that this act, nor nothing therein contained, be prejudiciall to the Lordes of Regalities, or their Baillies, bot they to use and bruike their richt and priviledges, baith in execution of letters, and in uptaking of escheits, as they might have done, before the making of this present Act. And howsoever the escheit be uptaken, upon horning execute, for summes of money, quhiddir be the Schireffes, and uthers ordinar Judges, be their awin authoritie, or at command of our Sovereaine Lordis letters, that alwayes the partie complener, be first satisfied of the just debt, with the Officers expenses.

The creditors preferred to the King.

76. For remede of the fraude and disorder, used be Officers of Armes, in execution of Criminall letters.

ANENT The complaint maid to our Sovereaine Lord, and the three Estaites of this present Parliament, be the pure Commouns universallie, within this Realme, makand mention, that quhairas it is not unknawin to his Hienes, and his Estaites, how JAMES Earle of *Mortoun*, Lord of *Dalkeith*, in his late Regiment, for gude ordour to be had amongst his Majesties Officers of Armes, and uthers parties, that rayed and persiwed letters upon slaughters, mutilations, and uthers capital crimes, quhairby ane great multitude of complices was summonsed and given in bill, and sik collusion used betuixt the parties and Officers for saidis executors thereof, that composition was tane for deleting of their names, to the great prejudice of his Majestie, they being oft times knawen, as guiltie of the famin crimes, and zit could not be persiwed at the diet appoynted thereto, in respect that na sovertie was found, for reporting of the saidis letters, dewlie execute and indorsat, upon the saidis complices: And therofor command was given, be his Hienes lait Regent foresaid, to the Justice Clerk and his depute; That na letters criminall, in time cumming, suld be direct, nor past bethem, for summonding any complices, to be given in bill, be the partie purchesser thereof, bot that the hail persones complened upon, suld be nominate in the bodie of the principall letters. Neverthelesse it is of veritie, that divers our Sovereaine Lordis Officers of Armes foresaidis, without power or Priviledge granted to them, be vertew of the saidis criminall letters, not only hes summonsed, and daily zit summonses, divers persones, as complices given in bill, and not nominate in the letters foresaidis, compelland there-throw ane great pairt of the saidis complices, to travell, upon their sumptuous charges and expenses, to his Majesties Burgh of *Edinburgh*. And uther-wayes uses sik extortion, that the subiectes ar compelled to give the saidis Officiares composition to deletec their names: Like as alwa to their greater wrack and heirship, the saidis Officiares bec collusion of divers parties, purchesseris of the saidis letters, hes summonsed and daylie zit summonses sik multitude of Assifoures, to particular diets, that be composition received be the saidis Officiares, fra substantiall persones, quhom they deletec, and drawis furth of their tikket, after they be summonsed, there is, be appearance, of their extortion, neir als meikle profite and composition collected, as wald satisfie the parties against quhome the crimes ar committed, and na uthers ar put in Roll, to compeir upon the Assise, but a multitude of his hieneffe pure commounes foresaidis, quaha hes not money to pay composition: to their great hurt, travell and expenses: as alwa to the prejudice of his Majesties Thesaurer, and Advocates for his hieneffe interest, quhilkis, for want of ane sufficient number of Assifoures, ar compelled to consent to the continuation of findrie causes. Therefor, our Sovereaine Lord, with advise of his three Estaites, in this present Parliament, statuts and ordains, that the Justice Clerke, and his deputies, fall direct na letters in time cumming, for calling of any complices generalie, to underly the Law, bot that the letters be upon speciall persones complened upon. And that no Schireffe or Officer of armes, executor of any criminal letters, presume to take upon hand, to charge or use execution, upon any complices given in bill, atour the bounds and direction of the letters, nor to summonsd any maa persons upon ane Assise, then fourtie five, quhilkis he fall receive in Roll, fra the partie persewer, subscribed with his hand, and fall annex the same Roll, unaltered or cancelled, to the end of his execution, under the paine of five hundred marks, to be incurred be his sovertie, and the said Officer to be deprived of his office, and to suffer farther paines in his bodie and guddes, at our Sovereaine Lordis will. And gif any partie persewer, findis that of necessitie, hee mon have ane greater number summonsed upon the Assise, upon his supplication, the same fall be granted, as it fall appeir reasonable. In quhilk case, the Officer may summonsd fa many maa, upon the Assise, as he fall be directed be the letters, and receive in Roll, subscribed be the partie, without incurring the paine above written.

The names of all complices suld be contained in the letters.

Assifoures in number 45 suld be given in Roll.

77. *That the paines of Law-borrowes, shall be divided betwixt the King and the partie.*

FORSAMEIKLE as the paines of breaking of Law-borrowes, hes bene negligentlie taken up in time by-gane, be reason the partie offended unto, received na commoditie, be the persure of the action. **THEREFOIR** It is statute and ordained, be our Sovereine Lord, with advise of the three Estaites of this present Parliament: That the paines of breaking of Law-burrowes to be fund in time cumming, shall be equallie divided, the ane halfe to our Sovereine Lordis use, and the uther halfe, to apperteine to the partie offended unto, quha shall have action to persew therefor.

78. *Against sik as troubles their Nichtboures, be criminall persute sake-les.*

Forsameikle, as sindrie persones of meere malice and envie, calumniatis innocent persones, and daylie persewis them befoir the Justice, upon paines criminall, quhair of the persones accused being innocent, at acquite and maid cleane be the Assise. And likewise sindrie persones, thar outhir in their awin Names, or be the Kingis Advocates upon their information, raisis criminall letteris and summoundis Assises, from the far partes of this Realme, oftimes usis to passe fra the persute of the letteris at the Bar, to the great prejudice of our **SOVERAINE LORD**, and troubill of his hienes lieges. For remeede quhairof, our Sovereine Lord, with advise of his three Estaites of this present Parliament staturis and ordainis, That the saidis injust perseweris fall pay the paines and unlaw *Respective* following, in case the persones accused happenis to bee acquite of the crymes, layde to their charge, to be equally divided betwixt **OUR SOVERAINE LORD** and the partie acquire. That is to say, gif the partie acquire be onlie ane person or maa, of, or within the number of ten, the summe of ten pundes, and gif the number acquire bee past the number of ten, the summe of twentie pundis, and that doome be given theirup on befoir the Justice, without farther calling, and the persewer halden in waird, quhill he make payment. And gif the Kingis Majesties Advocat be onlie persewer, his informer to pay the paine forsaide, And letteris of pointing or horning to be direct, for payment theirof, upon the Act of Adjournall without uther calling or Proees of Law. And that in rime cumming, the Justice Clerke and his deputies, at the granting of letteris, take sovertie for againe-bringing of the letters dewlie execute and indorsat, and that the raiseris theirof, fall persew the samin letteris at the day appoynted, under the paine contened in the Acts of Parliament.

79. *Anent the cheiffing of Inqueistes in causes of Perambulation.*

BECAUSE There is mony and sindrie brieves of perambulation, raised within this Realm, quhairin the raiseris of the saidis brieves foundis themself upon na bounded evident, bot intendis to verifie and prove their claime of the meithis and marches of the landes debaitabill, be the persones of inquest being men of small rent or living, and sum of them having na heritage, and sik-like be sindrie persones, quha kentis nocht the landes debaitabill, nouthir zit dwellis in the countrie neare the samin, thinking na objection may be maid against them, swa that they be *Probi & fideles homines Patrie*, quhilk as sum think, is honest and faithfull, havand geir, worth the Kingis unlaw, and subjectes of the Realme, quhair ever they dwell far ar neare. Quhilk gif it wer trew, men of na heritages suld be Judges, and alsua witnesses to the property of landis, and tak away mennis heritages and landes pertaining to them, and adjudge the same to uthers, quha hes little or na richt to the samin. **THEREFOIR** It is statute and ordained, That in all time cumming, in causes of Perambulation, na persones be received upon the Inquest theirof, bot honest substantious men, having heritage of their awin, and quha best knawis the meithes of the saidis landes, and dwellis maist ewest the samin, To wit, within the Schirefdome quhair the saidis landes debaitabill lyes (gif they may be had within the samin) and foure halvis about, or foure nixt Schires, gif they cannot be convenientlie had within the Schire it self. And this to be universallie observed, quhen the brieve and claime of Perambulation, cannot be verified be ane bounded Evident, nor uther authentick writtes.

80. *Anent the subscription and inserting of Witnesses in Obligationes, and uthers writtes of importance.*

ITEM, It is statute and ordained be our Sovereine Lord, with advise of his three Estaites in Parliament, thar all Contractes, Obligationes, Reverfiones, Assignationes and discharges of Reverfiones, or eikes rheirto, and gencrallie all writtes importing heritabill titill, or uthers bandes and Obligationes of great importance to be maid in time cumming, shall be subscribed and seilled, be the principall parties, gif they can subscribe, uthervise be twa famous Notars befoir four famous witnesses, denominat be their speciall dwelling places, or sum uther evident rakens, that the witnesses may be knawen, being present at that time, uthervise the saidis writs to mak na fairh.

81. *Prescription in causes of spuilzies and Ejectiones.*

ITEM, It is statute and ordained be **OUR SOVERAINE LORD**, with advise of his three Estaites in Parliament, thar all actiones of spuilzies, Ejectiones and uthers of that nature be persewed

befoir the ordinar Judge, within three zeires after the committing theirof, urtherwife the perfeweris alledged hurt, never to be heard thereafter. Providing that this Act extend not to Minours, bot to perfew within three zeires after their perfite age.

82. *Prescription in causes of Remoooving.*

ITEM, It is statute and ordained be our Sovereaine Lord, with advife of his three Estaites in Parliament, that all actions of Remoooving be perfewed within three zeires after the warning, with certification & they failzie; the warneris fall never be heard there-after to perfew the samin upon that warning.

83. *Prescription in certaine causes of debt.*

ITEM, It is statute and ordained be our Sovereaine Lord, with advife of his three Estaites in Parliament, that all actions of debt, for housse-mailles, mennis ordinars, servands fees, Merchantes compres, and urther the like debrs, that are not founded upon written Obligaciones, be perfewed within three zeires, urtherwife the creditour fall have na action, except he urther preife be writ, or be aith of his partie.

84. *Against the destroyeris of planting, haning and policie.*

FORSAMEIKIL As there is findrie lovabill & gude Acts, maid be our Sovereaine Lord, & his maist Nobill Progenitours, specially be his hienes Gudschir King *James* the Fifth, of gude memory, anent planting of Wooddes, Forrestes and Orchardes, sawing of Broome, against the destroyeris theirof, breakeris of Dowcartes, Cunningaires, Parkes, stankes, zairdes, slaying of Haieres, makeris of Mure-burne in forbidden time, and findrie like urther thingis, for punishment of the destroyeris of planting, haning and policie. Quhilke Acts, our said Sovereaine Lord, with advife of his three Estaites in this present Parliament, ratifies, appreis and confirmis, and ordainis them to have effect and execution in time cumming, not only upon the contraveners theirof, bot alsua upon the destroyers and stealers of Bees, and cutteris and pulleris of Broome, with this addition: that quhatsumever perfon itealis, pealis, and destroyis green-wood, pullis or cuttis haned Broome, breakis zairdis, or Orchardes, without the gude will of the awner: That the offender being taken reidhand, may be perfewed, and put to the knowledge of ane Assise, befor the Barron or Landes-lord of the land or ground, quihidder the offender be his tennent, unto quhom the wrang is done or not, within three dayes after the apprehension; And uthers not taken reidhand, to be alwaies perfewed befor the Schireffe, Steward, or Baillie, withinquais boundes and jurisdiction the wrangdoer dwellis. And gif he that receivis the wrang and hurt, be Schireffe, Steward, or Baillie himselfe, then the wrangdoer, to be perfewed befor the unsuspect depure of the saidis Schireffe, Baillie or Steward, receivand the wrang. And for the first fault, being convict, be his awin confession or witnesse, fall pay to the awner of wood, broome, or zaird, the avail of the skaith done, togidder with ten pundes; For the second fault, fall pay to the said awner twentie pundes, with the avail of ir that is destroyed; And for the thrid fault, fall pay to the said awner, fourtie pundes, and the avail of it that is skaithed: And fra thine foorth, sa oft as the offender failziez theirafter, the said thrid penaltie to be payed to the awner of the Wood, broome or zairdes. Bot in case the committer of the wrang be unresponfall, he fall for the first fault be put in the stokkes, prison, or irones aucht dayes, on bread and water: And for the second fault, fiftene dayes; & for the thrid fault, ane moneth to lye in the stokkes, as said is, and to be scourged at the end of the said Moneth: And this but prejudice, to be called at Justice courts, at our Sovereaine Lords instance, conforme to the former use and auld Actes. And that the paines for breaking of Dowcartes, Cunningaires and Parkes, be according to this present Act and addition abone writen. And in case the offendours be not responfall in guddes, for the saidis paines, for the first fault to be punished, as is abone writen, for the second fault the paine likewise abone expressed, and for the thrid fault hanging to the death.

85. *Ratification of the Priviledges of Burrowes.*

OUR Sovereaine Lord, and the three Estaites of this present Parliament, ratifies and appreis all and findry Priviledges, Liberties, Immunities, Freedomes and Actes of Parliament, maid and granted, be quhatsumever his Majesties maist Nobill Progenitours, in ony time by-gane, in favours of the Burrowes and Burgesse theirof: And decernis and declaris all and findrie the saidis Acts and constitutions, to have full strength and effect in all times heirafter, and that the samin be put to full and dew execution in all pointes, after the forme and tenour theirof, and to stand as ane perpetuall Law to the saidis Burrowes and Burgesse, and their successeours in all time cumming. And the Lordes of Councell and Session to give and direct letteris, at the supplication of the Provests, Alder-men, and Baillies of Burrowes, as are aggregabill with the saidis Lawes and Actes of Parliament, in all poyntes.

86. *Foir-stalling and transporting of Herring and qubite Fish.*

FORSAMEIKLE As divers Actes hes bene maid, be our Sovereaine Lordis maist Nobil Progenitours in time by-gane, Ordaining that the slayeris of Herring and qubite fish, suld bring the samin to the

next adjacent Burrowes and Townes, quhair the persones slayeris theirow dwellis, to the effect that our Sovereine Lords lieges may be first served, and gif abundance occurred, that they might be salted and transported be free Burgeses. And that the saidis Actes, throw negligence and oversichts, hes nocht received execution: Quhairthrow our Sovereine Lord hes bene greatic defrauded in his Customes, and his Hienes Lieges wanted the fruir of the Sea, appointed be God for their nurishment, and the Burgeses and Free-men of Burrowes dis-appointed of their trafficque and commoditie. THEREFOIR, Our Sovereine Lord, and the three Estaites of Parliament, ratifies and appreis all the saidis Actes and Constitutions, maid anent the saidis Herring and quhite fische, and using theirow: Speciallie the Actes made in the times of umquhile his Hienes dearest Grandfchir King James the Fourth, of gude memory, and be his Majestie, the time of the Regiment of his richt trest Cousling James Earle of Mortoun, Lord of Dalkeith, Regent to his Hienes, his Realme and Lieges for the time. And ordainis all and findtie the saidis Actes to be observed and keiped in all poyntes, after the forme and tenour theirow, and the contraveneris of the same to be punished according thereto. And that all Schireffes, Stewartes, Baillies, Lordes of Regalities, Provestes, Aldermen, and Baillies of Burrowes, and Judges ordinar quhat-sumever, put the saidis Actes to execution, upon the contraveneris theirow. And to that effect grantis and gives to them power and commission of Justiciarie, every ane within the boundes of their awin liberties and jurisdictions, and to uptake the escheittes of the contraveneris being convict, the twa part to the Kings Majesties use, and to make compt theirow zeirle in his Hienes Checker, and the third part of the same to the saidis Judges executoures, for their travellis and laboures.

87. *For execution of the Act of Parliament, maid anent bearing, wearing, and schuitting of Culveringes and Dagges.*

FORSAMEIKIL, As be Act of Parliament, maid in the first zeir of our Sovereine Lordis Reigne, IT WAS Statute and ordained, that na maner of person nor persones, of quhat-sumever Estait, degree or condition, schuit with Culveringes, Dagges, Pistolettes, or any uther gunnes or ingines of fire-wark, in any part of this Realme, nouthir to Burgh nor to land, nor beare, weare, nor use, ony Culveringes, Dagges, Pistolettes, or any uther sik ingine of fire-wark, upon their persones, or in their companie with them, privatlie or openlie, out-with housing, without licence of our Sovereine Lord, under the paine of cutting of their richt hand, and farther paines specified in the said Act of Parliament, as the same in mair length proportis. Quhilk hes not bene put to dew execution in time by-gane, be reason of the troubles intervening: And therethrow, mony hes taken libertie to beare, weare, and use Culveringes, Dagges, Pistolettes, and uthers ingines of fire-wark, within Burrowes, and uther partes of this Realme, quhair throw, divers his hienes lieges hes bene schamefullie and cruelle murdered, slaine and hurt, in redding, & urtherwayes, quhilkes war able enough to have maid defense sufficientlie for themselves, at all times of persute, & sum part of the occasion, quhy the said Acte hes not tane execution, was be reason of the paine of death, or demembring, quhilk the ordinar Judges was laith to execute.

THEREFOIR Our Sovereine Lord, and the three Estaites soirsaidis, Ordainis the said Act to be newlie published, and that na maner of person nor persons beare, weare, use nor schuit Culveringes, Dagges, or Pistolettes, within Burrowes or without the same, in time cumming, urtherwise nor the said Act and exceptions thereof proportis, under the paine of ten pundes, money of this Realme, and the Gunne and armour they beare, to be payed be ilk person contravenand, and doand in the contrair, without prejudice of the uther paines, gif the Kings Majestie will have the same execute.

AND For execution theirow, makis and constitutis the Provestes, Aldermen and Baillies within Burgh, his Majesties Justices in that pairt, everie an within their freedoms and jurisdictions, with power to them to searck, take and apprehend the offenders and contraveners, and put them to ane Assise, and being convict, to hold them in waird, quhill the paine soirsaid be payed, and to take sicker sovertie of the persones convict, to for-beare, in time cumming, under the double of the said paine. And the paines quhilkis beis uplifted, to be employed, to the support of the pure. And this Act to serve for sufficient commission to the saidis Provestes, Aldermen, and Baillies of Burrowes, to the effect soirsaid.

88. *For punishment of Regraters and Fore-stallers.*

ITEM, Our Sovereine Lord, and the three Estaites of Parliament, hes ratified and appproved, and be this Act, ratifies and appreis, all Actes and constitutions, maid be his hienes maist Noble Progenitours, in time by-gane, speciallie the Actes maid be umquhile his hienes dearest Gudfchir, King James the fifth, of worthie memorie: Anent Foirstallers and regraters of victualles, flesch, pultrie, and uthers vivres, cumand to Mercattis. And makis and constitutis, the Provestes, Aldermen, and Baillies of all his hienesse Burrowes, his Majesties Justices for execution of the saidis Actes, within the boundes of their awin freedoms and jurisdictions, and to up-take the paines contained therein, to be applyed after the forme and tenour theirow.

89. *Anent the destruction of Cruves and Zaires, slaughter of reid fische and Smoltes, be wandes or uthewise.*

ITEM, Our Sovereine Lord, and the three Estaites of Parliament, considering the hurt, that hes cummin to the common weill of this Realme, and lieges theirof, be having and keeping of Cruves and zaires, slaughter of reid fische, in forbidden time, and Smoltes: And that divers actes and constitutions hes bene maid, be his Hienes maist Noble Progenitours, in time by-gane, toward the destruction and away taking of the saidis cruves and zaires, and eschewing of slaying of reid fische and Smoltes. Quhilkes hes not received dew execution in time by-gane, bor hes bene neglected and overseene.

THEREFORE Ordainis the saidis actes to be extended, and have effect and execution in time cumming, against the transgressours thereof, after the forme and tenour of the same: As alsua against the slayers of the saidis reid fisch, in forbidden time, be blefis, casting of wandes or uthewise: or that destroyes the Smoltes and frye of Salmound in mil-dammes, or be Polkes, Creilles, Trammel-nets, and Herrie-waters: And that the Landes-lord, and awners of the saidis Cruves and zaires, beruix and the first day of March, nixt to-cum, put down, and hald down the saidis cruves and zaires, conforme to the saidis Actes, and under the paines coureined therein: And gif they failzie therein, the said day being by-past, ordainis and commandis his Hienes Thesaurer, to persue and up-take the saidis paines: And als ordainis the Schireffes, Stewarδες, and Baillies in the Schires, and Lordes of Regalties, quhair the saidis cruves and zaires ar, and the Provostes and Baillies of the nixt Burrowes conjunctlie and severallie, to pass with convocation of his Majesties lieges, to cast down and destroy the saidis cruves and zaires, and hald them down, as they will answer to our Sovereine Lord, upon their obedience. And gif neede be, that letters be direct against them, to that effect; within ten dayis, under the paine of Rebellion, and gif they failzie, to put them to the home. And this act to serve for sufficient commission to the saidis Schireffes, Stewarδες, Baillies, Lordes of Regalties, Provostes, Alder-men, and Baillies of Burrowes, to the effect feirsaid: And that they nawaies fall be called nor accused theirof, nor incur any skaith or danger therethrow in time cumming: And commanding all our Sovereine Lordis lieges, to rise, concur and assist to the saidis Schireffes, Stewarδες, Baillies, and their deputes, Provostes, Aldermen, and Baillies of Burrowes, and their Officiars, in putting the said Act to execution in all poynts, after the renour theirof. And for punischement of the slayers of reid fische, in forbidden time, be blefis, casting of wandes, or uthewise: or destroyers of the Smoltes, and frye of salmound in Mil-dammes, or be Polkes, Creilles, Trammel-nettes, and Herrie-waters, that the Schireffes, Stewarδες, Baillies, and Lordes of Regalties, withiñ their awin jurisdictions, proceede as ordinar Justices, and uptak and execute the paines and escheites, the twa part to the Kingis Majesties use, and the thrid to themselves, for their travelles. And quhair the offenders hes na geir worth the paines, to put and hald them in prison, stokkes, or irones, for the space of ane moneth, upon their awin expenses, or gif they have it not, on bread and water.

90. *Anent the transporting of Coalles forth of the Realme.*

ITEM, Our Sovereine Lord, and the three Estaites of Parliament, ratifies and apprevis the acte of Parliament, maid in the reigne of the Queene, his Hienes daarest Mother, anent transporting of Coalles forth of the Realme, and ordainis the same to be put to execution in all poyntes, against the contraveneris theirof, after the forme and tenour of the samin, with this addition: That the reveiler and apprehender of the contraveneris of the said acte, and persewers of them to be convict thereof, fall have the thrid part of the escheites of the contraveneris, for their travelles.

91. *For punischement of them that tynis the pley withiñ Burgh, and propones frivol exceptions.*

ITEM, Our Sovereine Lord, and the three Estaites; understanding that divers and findrie his lieges; inameis within Burgh, ar becom sa wilfull, obstinat and malicious, that they will not be content to pay and satisfie their nighbours and creditours, of sik debtes as they aucht justlie to them, without calling, and compulsion of the Law, and extremitie thereof. **T**HEREFORE, statutis and ordainis, that the partie against quhom decreete beis given within Burgh, fall pay to the support of the pure, twelfe pennies of everie pound, esseland to that quhilk beis recovered and obtained, befor the Judge, and alsua the expenses of the partie obtainer of the decreete, at the modification of the said Judge. And gif ony partie alledgis, producis; or givis in befor the Judges, within Burgh, ony defence or exception, quhilk hes bene of befor proponed; to the delay of his partie, the producer thereof, fall pay the summe and paine of twentie schillings, to be employed to the help of the pure, and that sa oft as failzie beis made: And this to extend, asweill to the Procuratour, as principal partie in time cumming.

92. *Anent the admisson of privie writings, charges and commands be the Lordes of Session.*

ANENT The supplication given to our Sovereine Lorde and the three Estaitis of Parliament, be the Chancellor, President and remanent Senatoures of the Colledge of Justice, makand mention: That

quhair be the Institution of the said Colledge, they ar authorized to sit, and decide upon all actions Civile, and nane uthers to have vore with them: And our said Sovereine Lordis dearest Gudschir, King JAMES the Fifth of worthie memorie, institutor of the said Colledge, promitted in the said institution theirof: That hee suld not, be ony privie writing, charge or command (at the instance of ony persones) desire them, to do utherwayes in ony matter that suld cum befor them, bot as Justice required, or to do ony thing that maie break the statutes, maid be their Predecessours, the first Senatours of the saidis Colledge, at his Hienes command, in doing of Justice. And that he wald give na credite to ony man that wald murmure the saidis Lordes, or ony of them, be doing of wrang and unhonestie, bot they suld be called befor him, and gif they were foundin culpabil, to be punished therefor, after the qualitie of the fault or demerite: And gif they were foundin cleane and innocent, The persones complaining to be punished with all rigour, and never to have credite againe with his Hienes; as in the said Institution, ratified be Parliament, at mair length is contained. Nevertheles within thir fewe zeiris bypast, our Sovereine Lordis Authoritie and their Jurisdiction, is greatly troubled and called in doubt, be reason of findrie privie writings and charges direct against them, be our said Sovereine Lord and his privie Councill, sumtime to forbear to proceede in Civile causes, befor the intenting thereof, sumtime to stay the proces, and remit the matter to the Parliament, quihilk fendle haldis, and theirthrow divers parties are oftimes frustrate and delayed of Justice, and sumtimes after the decretes given, the execution theirof stopped, as findrie of the number of the said Colledge, awayting on the said Lordes of Artickles, can specially declair. Quihilk as it tendis to their discrediting, swa it brings contempt to our Sovereine Lordis Authoritie, and castis the parties, havand their causes in proces (to quhom Justice suld alwayes be patent) in great doubt, quhen they finde not ane out-gait, to have their causes decided quhair they are intended. And the Kings Majestie, his Parliament, and privie Councill, sall have little time and opportunitie, to consider his Hienes awin affaires, and the causes of the Commoun weill, gif that at the in-opportune sute of private parties, the civile causes ordourly belanging to the Judgement of the Colledge of Justice, fall be brocht befor them.

THEREFOR, our Sovereine Lord, with advise of his three Estaites of this present Parliament, hes declaired, decerned, and ordained, like as they be the tenour hereof decernis, declairis, and ordainis, the saidis Lordis of Councill and Session, to proceede in all the said Civile causes intended and depending befor them, or to be intended, and to cause execute their decretes, alreddie given, or to be given, notwithstanding ony private writing, charge or command, at the instance of ony persone or persones, direct, or to be direct in the contrair.

93. *Auent the admission of the ordinar Lordes of the Session, and Reformation of certaine abuses therein.*

FOR-sameikle, as it is heavilie murmured be divers Lieges of this Realme; that our Sovereine Lord electis and chufis zounge men, without gravitie, knowledge and experience, nor havand sufficient living of their awin, upon the Session, and that sum of them be themselves, their wives, or servands, takis budbes, bribes, guddes and geir, swa that Justice in effect is cost and sauld. FOR remeid quhairof, the Kingis Majestie, with advise of the three Estaites of this present Parliament, statuts and ordainis, That nane of the Lordes of Session alreddie received, or to be received, nouthir be themselves, or be their wives, or servands, take in ony times cumming bud, bribe, gudes or geir, fra quhat-sum-ever person or persones presently havand, or that hereafter sall happen to have ony actions or causes persewed befor them, outhir fra the persewer or defender, under the paine of confiscation of all their movabil guddis, that dois in the contrair, the ane halfe thereof to be applied to our Sovereine Lord, and the uthir halfe to the reveiler and tryer of the saidis Bud-takeris. And farther decernis and ordainis the saidis Bud-takeris, to be displaced and deprived *simpliter* of their offices, quihilk they beare in the Colledge of Justice, and to be declared infamous, and als to be punished in their persones, at the Kingis Majesties will. And sik-like our said Sovereine Lord, with advise foirsaid, hes declaired and declairis, that in all times cumming, quhen any ordinar place vakis in the Session, that our said Sovereine Lord, sall present and nominate theiro to ane man that fearis GOD, of gude literature, practick, judgement, and understanding of the Lawes, of gude fame, havand sufficient living of his awin, and quha can make gude expedition and dispatch of matters, twitching the Lieges of this Realme, Quha sall be first sufficientlie tried and examine, be ane number of the saidis ordinar Lordes. And in case that persone presented be the Kingis Majestie, be not founde sa qualified be them, as is befor deserved, our Sovereine Lord, with advise of his saidis three Estaites, declairis, that it sall be leasum to the saidis Lordes to refuse the persone presented to them, And the Kingis Majestie to present ane uthir, sa oft as he pleasis, quhill the person presented be founden qualified, for using of the said place. And sik-like our said Sovereine Lord, with advise foirsaid, hes declaired and declairis, that the President of the said Colledge of Justice, sall be chosen be the hail Senatours theirof, of the conditions and qualities abone written, quihidder he be of the Spiritual or Temporal estaite. For chusing and electing of quhome, the Kingis Hienes and Estaites foirsaidis, dispensis with that part of the first institution of the Colledge of Justice, Beirand that the President suld be of the Spiritual estaite, and ane Prelate constitute in dignitie. And alsya declairis, that in absence of the Chancellor and President now being, and that sall happin to be for the time, IT sall be leasum to the saidis Lordes, to elect and chuse ony ane of their number, quhome they think qualified and woorthie, 25

as said is, Quha sall be called Vice-President, for using of the said office, calling of matters, repeating of alledgeances proponed be the Advocates at the Barre, collecting of the Lordes votes, and pronounciation of their decreetes and interloquutoires, ay and quhill the returning of the saidis Chancellor or President.

94. *The tenour of Letters of horning and indorsationes may not be proven be Witnesse.*

FORSAMEIKLE, As anent the complaint given in be Schir DAVID HUME of *Fifebewik* Knicht, Beirand that there being ane Actioun and cause perfewed be him against Schir RICHARD MAITLAND of *Lebington* Knicht, ane of the Lordes of Session, for transferring of ane decreete of Non-entres, obtained be umquhile WILLIAM MAITLAND of *Lebington* zonger his Sonne, in the said Schir David as donatour theiro, be disposition maid be our Sovereaine Lord with advise of his umquhile dearest Godschir Matthew Erle of *Lennox*, Lord *Dernely*; Regent for the time. In the quhilk cause, for delay of time, it was alledged bee the said Schir Richard, that there aucht na translation to passe, because the said umquhile William was denounced and put to the horne in our Sovereaine Lordis dearest Mothers time, for certain causes, and that he had obtained ane further gift, granted be her, of the said decreit, And for probation theirof stayed the said Schir Davids proces, be the space of twa zeiris. And seand that be na delay of time, he culd cum be the said horning (quhilk never was) he, be his supplicatioun to the saidis Lordes of Session, desired the samin to be proven be witnesses, havand nouthir Law nor practick in sik cases. And it being ane noveltie, and tending to the heavie wrack, afweill of the Nobilitie, as remanent subjectes of this Realme, in case the samin were received as ane practick, The said Schir David meened him to our Sovereaine Lord, and Lordes of secret Councell: And then the Lordes of Session wer discharged of proceeding therein, and the samin ordained to be discussed befor our said Sovereaine Lord and Estates of Parliament, like as the samin was continued in the last Parliament halden at *Strivling*, unto this present Parliament. Desiring theiroir the Kingis Majestie and Estates, to receive the said matter, and discussing theirof befor them, and put the samin to vote, for decision theirof, that it may remaine as ane Law to the hail subjectes in time cumming. Quhilk supplication being seene and considered: OUR Sovereaine Lord, with advise of the three Estates of this present Parliament, hes declared and declairis, that in all time cumming, na tenour of letteris of horning, executions and indorsations theirof, not extant and produced judiciallic, sall be admitted to be proven be witnesses, in quhat sum ever action or cause, perfewed or to be perfewed be the Lieges of this Realme, befor quhat sum ever Judge or Judges within the samin. And that but preiudice of the foresaid action, dependand beruixt the saidis parties, before the Lordes of Councell, and decision thereof, in stair as it was leit befor the discharging of them of farther proceeding there-intill. Providing that the witnesses to be used and produced against the said David Hume, in the said cause, be examinait in presence of the hail Lordes of Session.

96. *Anent Scottef-men using the privileges of this Nation in the Lawe-cuntries, under the King of Spaynis dominion.*

FORSAMEIKIL, as there is divers and findrie Scottef-men married and unmarried, within the partes of the Lawe-cuntries, under the King of Spaynis dominion, keipand their residence, quhair this Nation keipis their Stapil, and having their life, industrie, and trade of the Kingis Majesties subjectes, as factoures to them, using and haunting the privileges granted to the said Nation, within the saidis partes of the Lawe-cuntries, sa farre as the samin may make for them, their commoditie and profite, And at uthers times renouncing the samin, and reclaiming theirofra, alledging to their Porterie, residence in any foreine Cuntrie, and forsaking the obedience to the Kingis Majestie his Lawes and Officers. THEREOFIR It is statute and ordained, that ane incorporation be maid of the said Nation and privileges theirof, speciallic ordaining that quhat sum ever persone resident, or remaining within the partes foresaidis, (speciallic quhair the said Nation keipis Stapil) Intending to use factourie, or any uther trade with the said Nation, and willing to enjoy the fruite and commoditie of the saidis privileges, in hail or in part, Sall give his aith of obedience to the Kingis Majestie and his Lawes, befor his Hienes Conservatour resident in the saidis Lawe-cuntries, and sall pay for his entres to the Kingis Majesties use ten pundes *Flemish*. As alsua sall be ready to underlie all sik charges and commandements, as sall happen to be direct and cum fra his Hienes, in the same forme and maner, as they were dwelland in *Scotland*. And quha refusis to give the said aith, and paye the said entres, That they sall be called be the said Conservatour, and upon their refuse or delay, deprived to have or enjoy thereafter any benefite of his Majesties subjectes. And that nane of his Hienes subjectes have trade, traffique, or use of factourie with ony the persones sa deprived thereafter, under the same paine.

97. *For avoyding of the great number of unfree-men sailand in the Lawe-cuntries.*

FOR avoyding of the great multitude of Saileris to the partes of *Flanders*, to the dishonour of the Cuntrie, their awin hurt and tinell, and great hinderance to the Burrowes, and for restraining of unfree-men, that hauntis and frequents the said partes in Merchandise in time cumming: IT IS statute and ordained be our Sovereaine Lord, with advise of his three Estates in this present Parliament, That na unfree-men
haunt

haunt or use the trafficque of Merchandice in time cumming, speciallie in the *Larwe-cuntries* under the King of *Sparynis* dominion, under the paine of confiscation of all their moveabil guddes doand in the contrair. And that the Conscrvatour of the Priviledges of this Nation, search and seeke the contraveris, escheit their saidis guddes, the twa pairt to our Sovereaine Lordis use, and the thrid pairt to his awin use for his laboures, and that he make compt, reckoning, and payment of his intromission, to our Sovereaine Lord and his Thesaurer anis every zeir.

98. *For instruction of the zouth in Musick.*

FOR Instruction of the zouth in the arte of Musick and singing, quhilk is like to fall in great decay, without timous remeid be provided. OUR Sovereaine Lord, with advise of his three Estaites of this present Parliament, requisits the Provostes, Baillies, Councell and communities of the maist special Burrowes of this Realme: and the Patrones and Provestes of the Colledges, quhair sang Schooles ar founded, To erect and set up ane sang School, with ane Maister sufficient and abill for instruction of the zouth, in the said science of Musick: As they will answer to his Hienes, upon the perrel of their Fundationes, And in performing of this his Hienes request, will do unto his Majestie acceptabil and gude pleasur.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES, and others, made be KING JAMES the Sext, in this sext Parliament 20. October. 1579. and not imprinted.

- 1 Commission anent the Jurisdiction of the Kirk, the last pairt therof.
- 2 Ratification of the Kingis revocation anent Fees and Pensiones.
- 3 Ane Act anent the Cunzie.
- 4 Ane Act in favoures of the Fewares and takkes-men of the Lands and Teindes of soir-falst' Prelacies.
- 5 Anent the Kingis Councell.
- 6 Approbation of the proceedinges in the Kingis name.
- 7 Act in favour of faithfull Subjectes.
- 8 Revocation of the infestment of the Erledome of Lennox maid to the Lorde Charles.
- 9 Confirmation of the said Erledome to Robert Erle of Marche.
- 10 Ratification of the discharge granted to the Erle of Mar.
- 11 Act anent the tenents of Dumblane.
- 12 Confirmation of the infestment of the haven of Kilrynnie in Fife, to Johne Betoun of Balfour.
- 13 Act in favour of the Hospital in Edinburgh.
- 14 Confirmation of the infestment of the Towne of Faithlie.
- 15 Act betuixt Patrick Fortoun and James Hunter.
- 16 Anent the making of Aqua vitæ.
- 17 Commission to decide the antiquitie and prioritie amangis the Burrowes.
- 18 Act in favoures of the Lord Boyd.
- 19 Ratification of the reformation of the Universitie of Sanct-Andrewes.

F I N I S.

T H E S E V E N T H
P A R L I A M E N T,

*Halden and begun at Edinburgh, the XXIV. daie of October, the zeir of God, 1581.
zeires; Be JAMES the Sext, be the Grace of God, King of SCOTTES, and
the three Estaites of this Realme.*

99. *The Ratification of the Libertie of the trew Kirk of GOD and Religion, with confirmation of the Lawes and Actes maid to that effect of befor.*



OUR SOVERAINE LORD, with advife of his three Estaites and hail body of this present Parliament, hes ratified and appreived, and be the tenour heirof ratifies and appreivis, all and quhat-fum-ever Actes of Parliament, Statutes and constitutions past and maid of befoir, aggreeable to God his word, for maintenance of the libertie of the trewe Kirk of GOD and Religion, now presently professed within this Realme, and puritie theirof. And speciallie the Act maid in the Reigne of the Queene his dearest Mother, in the Parliament halden at *Edinburgh* the 19. day of April, the zeir of GOD 1567. Anent the cassing, annulling, and abrogating of all Lawes, Actes and constitutions, Canons Civile, and Municipal, with uther constitutions contrair the Religion now professed within this Realm. And in likewise the Actes after following, maid in divers Parliametes, halden sen his Hienes Coronation. Namelie the Actes anent the abolishing of the *Paipe* and his usurpede authoritie. Anent the annulling of the Actes of Parliament, maid against GOD his word, and maintenance of Idolatrie in any time bypass. The Confession of the Faith professed be the Protestantes of *Scotland*, Anent the Messe abolisched, and punisfching of all that hearis or fays the same. Anent the trew and haly Kirk, and of them that are declared not to be of the same. Anent the admission of them that fall be presented to Benefices, havand cure of Ministerie. Anent the Kingis Aith to be given at his Coronation. Anent them that suld beare publick Office hereafter. Anent thriddis of Benefices granted in the Moneth of December, the zeir of God, 1561. zeires, for susteineing of the Ministerie, and utheris affairs of the Prince. Anent them that fall be teachers of the zouth in Schooles. Anent the jurisdiction of the Kirk. Anent the disposition of Provestries, Prebendries, and Chaplaneries to Bursares, to be founded in Colledges. Anent the filthie vice of Fornication, and punishment of the same. Anent them that committis Incest. Anent lawfull Mariage of the awin blude in degries, not forbiden be God his word. Ratification and approbation of the Actes and statutes maid of befoir, anent the friedom and libertie of the trew Kirk of GOD. Anent the trew and haly Kirk. That the Adversaries of Christs Evangel fall not enjoy the Patrimonie of the Kirk. Anent the disobedientes, quhilk fall be received to our Sovereine Lordis mercie and pardon. The explanation of the Act maid anent Manses and Glebes. Anent purchessing of the *Paipes* Bulles, or giftes of the Queene, our Sovereine Lordis Mother. Approbation of the Act maid anent the disposition of Benefices to the Ministers of Christis Evangel. Anent the reparation of Parochie Kirkis. The ratification of the libertie of the trew Kirk of God and Religion. That the Glebes of the Ministers and Readers fall befre of teyndes. Anent the trew and haly Kirk, and of them that are declared not to be of the same. Anent the jurisdiction of the Kirk, dischargeing of Mercattes, and labouring on the Sabbath-dayes, and playing or drinking in time of Sermon. Anent the zouth, and utheris bezond Sey suspect to have declined from the trewe Religion. That houshalderis have Bibles and Psalme buikes. For punisfment of strang and idle Beggers, and releife of the pure and imporent. And declaris the saidis Actes, and everie one of them and all utheris Actes of Parliament, maid in favours of the trew Religion, sen the said reformation, to have effect in all poyntes, after the forme and tenour theirof.

100. *Provision of Ministers, and certaine stipendes for them at all Parochie Kirkes.*

ITEM, Because for laik of Preaching and teaching in findrie parts of the Realme, monie people ar suspected to be fallen in great ignorance and danger of godles Atheisme. It being found maist difficult, that in the charge of pluralitie of Kirkes ony ane Minister may instruct monie flockes. Theiroir it is thocht expedient, statute and ordained be our Sovereine Lord, and his three Estaites of this present Parliament: That every Paroch Kirk, and sameikil boundes as fall be found to be a sufficient and competent Parochin theirof, fall have their awin Pastour, with a sufficient and reasonabil stipend: according to the stait and habilitie of the place. And that all Kirkis annexed to Prelacies be provided of sufficient Ministers with competent livinges, as weil laitie dispooned sen his Hienes acceptation of the government in his awin persone, as that fall vaik and be provided hereafter, quhill his Hienes persite age. And befoir the title of ony Prelacie be conferred to ony person hereafter, that the saidis livinges and stipends, be reserved

in the provision, and alwayes compted in the thrid, to the effect that Ministers may bee provided theirto *ad vitam*. And in-case ony gifr or provision of Prelacies fall passe utherwise, declains the same to be null, and of nane avail, force, nor effect.

101. *Against Dilapidationes of the Rentes of Benefices, provided to Ministers, in title for their life-times.*

ITEM, Because sundry Ministers provided to benefices for their life-times without regard of conscience, or how their Successours sould live after them, for sum present profite: Settis their saids Benefices and Rentes theirof in Fewes, Takkes, Rentalls; or disponis furth of the same, to the utter overthrow of the Kirk and great prejudice, baith of the Kingis Majestie, the common-welth and posteritic to-cum. It is theirof thocht expedient, statute and ordained be our Sovereaine Lord, with advise of his three Estaites, and haill Body of this present Parliament: That na persones, being in the function of the Ministerie, provided to titles of Benefices under Prelacies, dispone pensiones, or mak uther dispositiones of the Rentes of his Benefice, to the prejudice of his Successour, and diminution of the Rental, quhairat hee findis it at his entrie theiro, under the paine of deprivation from the said benefice, quhair-intill in case he sailzie, his set and location to be decreed null, and himselfe to be deprived, allweill from his function in the Ministerie, as from the benefice it self, quhilk upon his default tryed and adjudged, as said is, orderlie, fall be declared to be vaikand, and to be presented and conferred of new, as gif he wer naturalie dead.

102. *That Ministers fall be presented be the Kingis Majestie, and the laick Patrones to all Benefices of cure, under Prelacies.*

ITEM, It is statute and ordained be our Sovereaine Lord, with advise of this present Parliament, that all Benefices of cure under Prelacies, fall be presented be our Sovereaine Lord, and the laick Patrones, in the favour of abill and qualified Ministeris, apt and willing to enter in that function, and to discharge the dewtie theirof. And in-case ony fall happen to be given and disponed utherwise heirafter: Decernis and declares the giftes and dispositiones to be null, and of nane avail, force nor effect.

103. *For punishment of the Blasphemy of Goddis Name, and utheris horribil Aithes.*

OUR Sovereaine Lord, with advise of his three Estaites of this presente Parliament, Ratifies and approves the Actes of Parliaments, halden at Edinburgh the first day of Februar, the zeir of God, 1551. zeires, intitulat: *The Act against them that swearis abominabil Aithes*, and ordainis the same to have effect and execution in time cumming, after the forme and tenour thereof, under the fourth and last paine specified in the same. That is to say: for the first fault, every Prelate of Kirk, Erle, or Lord, foure schillings. Ane Barronne or beneficed Man constituted in Dignitie Ecclesiastical, twelve pennies. Ane Landed-man, Free-halder, Vassal, Fewer, Burges and small beneficed Man, six pennies. Ane Crafter-man, Zea-man, or servand man four pennies. The pure folkes, that hes na gear, to be put in the stockes, jogges, or prisoned for the space of foure houres. And wemen to be weyed and considered, conforme to their bluide and estate of their parties, that they are coupled with. For the second fault, every Prelate, Erle or Lord aucht schillings. Every Barronne or Beneficed-man in dignitie, twa schillings. Every Landed-man, Free-halder, Vassal, Fewer, and small Beneficed-man, twelve pennies. And every Crafter-man, Zeaman or servand, aucht pennies. The space of the pure folkes imprisonment to be doubled. And for the thrid fault, the saids second paines to be doubled. And for the fourth and last fault, the offenders to be banished or put in Waird, for the space of zeir and day, at the Kingis will. And sik-like all uther Estaites after their qualitie, to be punished effeandlie. And the soirsaidis paines to be upraken and applied, to the use of the pure folkes. And for the better execution heirof, that Censoures be appoynted, in the Mercat places of all Burrowes, and uther publick Faires, with power, to put the swearers of sik abominable Aithes in Waird, quhill they have payed the saids paines, and find sovertie, to absteine in time cumming. And that be direction and commissioun of the Schireffes, Stewardes, Baillies, Provestes, Alder-men, and Baillies of Burrowes, Lordes of Regalities, and uthers ordinar Officiares. And that all Houle-holders delate to the Magistrates, the names of sik persones as transgressis this present Act, within their houses, to the effect, that the saids paines may be exacted of them, under the paine to be esteemed as offendours themselves, and punished accordingly. And in case the saids Magistrates be found remisse or negligent in execution of this present Act, that upon complaint theirof to be maid to the Kingis Majestie, and his privie Councell, they fall be called and committed to Waird, during his Hienes will, and find sovertie under great paines, at his Hienes sicht, for exact diligence to be schawen in executing of the said Act thereafter.

104. *Against passing in Pilgrimage to Chapelles, Welles, and Croces, and the superstitious observing of divers uthers Papisical Rites.*

FORSAMEIKLE, As pairtlie for the want of Doctrine, and ratiue of Ministeris, & pairtlie throw the perverse inclination of Mans ingine to superstition, the dregges of Idolatrie zir remains in divers

pairtes of the Realme, be using of Pilgrimages to some Chapelles, Welles, Croces, and sik uther monuments of Idolatrie. As also be observing of the Festival dayes of the Sanctes, sumtime named their Patronnes, in setting furth of bane-fyers, singing of Carralles, within and about Kirkes, at certaine seasons of the zeir, and observing of sik uthers superstitious and Papistical Rites, to the dishonour of GOD, contempt of his trew Religion, and fostering of great error among the people. For remeid quhairof, IT IS statute and ordained be our Sovereine Lord, with advife of his three Estaites of this present Parliament, That nane of his Hienes Lieges presume or take upon hand in time cumming, to haunt, frequent, or use the saidis Pilgrimages, or uthers the foir-named superstitious and Papistical Rites, under the paines following, *videlicet*, ilk Gentil-man or Woman Landed, or Wife of the Gentil-man landed, ane 100. pundes. The unlanded ane hundreth markes, and the Zeaman fourtie pundis, for the first fault. And for the second fault, the offenders to suffer the paine of death, as Idolaters. And for the better execution heirof, Commandis, ordainis and gives power to all Schireffes, Stewartes, Baillies, Provostes, Aldermen, and Baillies of Burrowes, Lords of Regalities, their Stewartes and Baillies, and uthers, to quhome it fall please our Sovereine Lord to grant special Commission, to searche and seeke the persones, passing in Pilgrimage to ony Kirkes, Chapelles, Welles, Croces, or sik uther monuments of Idolatrie. As alwa the superstitious observeris of the Festival dayes of the Sanctes, sumtimes named their Patronnes, quhair there is na publick Paires and Mercattes, setteris out of Bane-fyers, fingers of Carralles, within and about Kirkes, and of sik uthers superstitious and Papistical Rites. And apprehending them in the actual deede of the transgression of this present Act, after speedie judgment of their transgression, to put and hold them in prison and firmance, aye and quhill they redeeme their libertie, be payment of the paines abone written, and find caution to absteine in time cumming, under the paine of doubling of the same paine. And gif the persones apprehended be not able to redeeme their libertie, be payment of the saidis Pecunial paines, that then they keep the persones transgressours, in prison, irones, or stockes, upon Bread and water, for the space of ane Moneth, after their apprehension, causand them, quhen they are set at libertie, outhir find caution, or make Faith, to absteine thereafter. And in case they happen to passe furth of the Schire, quhair they offend un-apprehended, that the Schircriffes and uther ordinar Judges of the next Schire, Burgh, or Jurisdictione, apprehend them, and proceede in like maner against them. Declairand the ane halfe of the pecunial paines to pertaine to the saidis ordinar Judges, for their paines, and for susteinung of the Persones to be kept in Ward, irones, or stockes, and the uther halfe to beinbrought, to the use of the pure of the Parochin.

105. *The Explanation of the Act, touching the notour and manifest committeris of Adulterie.*

ANENT The Supplication, maid to the Kingis Majestie, and his three Estaites of this present Parliament, craving ane explanation of the Act of Parliament, maid in the Reigne of the Queene, his Hienes dearest Mother, Anent Adulterie. That is; Quhair fall be esteemed and judged in Law to be notour and manifest Adulterie, woorthie of the paine of death, mentionate in the said Act. IT IS theirfoir declared be his Hienes, with advife of his three Estaites in this present Parliament: That it fall be judged in Law notour and manifest Adulterie, woorthie of the said paine of death, quhair there is bairnis, ane or maa, procreat betuixt the persons Adulterers, or quhen they keepe company and bed togidder notoriousslie knawen, or quhen they are suspect of Adulterie, and thereby gives seldner to the Kirk, quhair-upon, being dewlie admonished, to absteine and satisfie the Kirk be Repentance, or purgation, and zit contemptnandlie refusand, are excommunicate for their obstinacie. All thir three degrees of Adulterers, and every ane of them, being lauchfully called and convict befor the Justice and his Deputes, fall incurre and suffer the said paine of death.

106. *Against Fugitives and uthers Papists practizing against the trewe Religion.*

FORSAMEIKIL as certaine fugitives and uthers Persones, OUR SOVERAINE LORDIS borne subjectes, now remaining furth of this Realme, Professing themselves the subjectes and servandis of uther Princes, upon disdain and malice borne be them, against the trewe and Christian Religion, nowe publicklie preached, and be Lawe established within this Realme; Ceassinot, fa far as in them lyes, to pervert the youth of this Nation, Passing furth of this Realme to the Schooles, and to visit uther cuntries. And als makis, fettis furth, fendis hame, and causis to be dispersed in this Realme divers infamous Buikes, and Libelles, in the praise and defence of the *Païse* and his usurped Authoritie, dammed be God his Word, and our Sovereine Lordis Lawes: As alwa findrie of the same Persones presumes of-times to repair in to this Realm themselves, under colour to seeke the recoverie of their health, be the air of their native Cuntrie: Intending to seduce the simple and ignorant people, and uthers ony wayes affected to their superstitious and erroneous doctrine. For remeid quhairof, IT IS statute and ordained be our Sovereine Lord, with advife of his three Estaites: That the Actes maid for punishment of his Hienes subjectes, adversaries to the trewe and Christian Religion, and persons suspected, to have declined therefra, be put to dew execution in all pointes with this addition: That it fall not be lesum to ony of the saidis persones his Hienes subjectes, or strangers (not being Ambassadors, Messengers, or Merchantes) adversaries

of the trewe Christian Religion, or that hes declined therefra, to returne in this Realme, or remaine therein, except within the space offourtie daies, after the end of this present Parliament, they satisfie and obey his Hienes Lawes, anent the giving of their Confession, and assenting and subscribing to the Articles of the said trew and Christian Religion. And in the meane time that nane of them repair in the Kingis Majesties presence, Palice, or dwelling place: or remaine longer nor three houres in ony pairt neere the same, within the space of seven myles. And quha ever failziez herein, (their names being notified be the Bischoppes, Super-intendents, or Ministers of the Kingis house, to the ordinar Judges, quhair ever the saidis persones repairs, or remainis) They fall be taken, and halden in prisone be his Maister of Houhold, or uther Judges ordinar, ay and quhill they have found sufficient sovertie, ilke person under the paine of five hundredth markes: That they fall outhir recant their erroures, and obey his Hienes Lawes, be professing of the said Christian Religion, or depart furth of this Realme, within the space of fiftene daies thereafter. And that alsua in the meane season, They fall nouthir teach, nor sawe the said *Faith* erroneous doctrine, nor na uther erroneous doctrine, repugnant to the said trew and Christian Religion, now publickly preached, and be Lawe established in this Realme, to nane of the subjectes theirow. outhir be wordes or writte, under the said paine. And that all his Hienes subjectes, that hes, or fall make, ser furth, bring hame, sell, or disperse, within this Realme, ony of the saidis infamous Duikes and Libelles, in the praise and defence of the said *Paape*, and his usurped authoritie, or uther erroneous doctrine, to the contempt of our Sovereaine Lord and trew Religion, presentlie professed within this Realme, being called and dewlie convict theirow, according to the Lawes of the same, fall incurre the paine of banishment, and confiscation of all their gudes moveable to OUR SOVERAINE LORDIS use. And because sindrie persones disobeyens of his Hienes Authoritie, for not giving the Confession of their Faith, conforme to the Acts of Parliaments, hes theirthrow tint their Benefices, *ipso facto*: The same being lauchfullie and dewlie provided be OUR SOVERAINE LORDIS presentation and admussion of the Kirk, to persones serving in the Ministerie, and the fruits theirow assigned to them, for their zeirly livings and stipendes. Nevertheless, in seeking letters to be answered, and obeyed of the saidis fruites, they are oftimes hindered throw licences purchased of OUR SOVERAINE LORD to the saidis persones, departing and remaining furth of the Realme for divers zeires, without skait or danger to be incurred be them in their persones, livings, gudes and gear. In respect of the quhillis licences, the Judges, befor quhome they are produced, stais and ceassis further proceeding in the saidis causes, to the great hurt and prejudice of the Act of his Hienes Parliament, Intitulat: *That the adversaries of Christs Religion fall not enjoy the Patrimonie of the Kirk*. For remeid quhairof, IT IS statute and ordained be OUR SOVERAINE LORD, and the three Estaites of this present Parliament, That all sik licences purchased of his Hienes, fall have na effect, strength nor force, annulland and dischairegand the same be thir presentes, in sa farre as they may ony wayes tend to the prejudice and hinder of the execution of the saidis Actes of Parliament, or to the tides and provisions of Benefices, and uthers Ecclesiastical rentes, maid and granted be vertue theirow, Commanding the saidis Judges, befor quhome the saidis Actiounes are, or fall happen to be intended or dependis, to proccede and do Justice therein with expedition, notwithstanding the saidis licences or absence of the Persones, in quhais favour the same are, or fall happen to be granted, quhillis licences fall be esteemed but as privie writings, without anc sufficient Testimonial, instantlie schawen, that the persone, to quhome the Licence is granted, professis the trew Religion, and hes already satisfied his Majesties Lawes, maid to that effect.

106. *Anent the Cuinzie.*

THE Kingis Majestie, and his thtee Estaites, considdering how hurtfull and prejudicial the lait Silver Cuinzie (having course upon sa heich price) is, and hes bene to the Common weill of this Realme, the same being occasion of great dearth, and of many uther inconvenientes. And now willing to have the same reduced to anelawer price, without losse of his Hienes subjectes, or zit to the Parteneris and Takkes-men underwritten, quhillk they find can not be done, gif the Contract, maid anent the same Cuinzie, be sulstred to have further effect and execution. THEREFOIR his Majestie, with advise of the saidis Estaites, and of the saidis Takkes-men and Parteners, They are to say: *Alexander Clerk of Balbirny* Provost of *Edinburgh*, *William Naper of Wrichtes-housis*, *Nichol Vizard*, *Henrie Nislet*, *Richard Abircrummy*, *Robert Abircrummy*, and *Thomas Acheson*, upon considration had be the order following, that they fall be na loissers: Decernis and declaris be Act of this present Parliament, the said contract to be null and of nane avail, force, nor effect in all time cumming: And ordainis the saidis Takkes-men, Parteneris, Cuinzecours, and uthers Officiars, to desist and cease from all striking and cuinzeing of ony further of the said Cuinzie, in ony time hereafter. And declaris be the said Act, that the saidis Takkes-men and Parteneris, and all uthers at their command, hes done nathing in the said mater of the lait Cuinzie, preceeding the dait theirow, Bot according to the will and minde of his Majestie, and his saidis Estaites, quhillk they ratifie and appreive, in sa farre as they have done, conforme to the said contract, ay standand in effect quhill now, exonerand them theirow for now and ever: They being alwaies countable and answerable, for ony thing done be them in the said Cuinzie, contrarious to the effect and meaning

meaning of the same contract, conforme to the tenour thereof. Attour, his Majestie be the same Act, with advise of the saidis Estaites, revokis, cassis and annullis for ever, all assignations, for payment of summes of money, maid be his Hienes, upon the saidis Takkef-men and Parteneris, to ony persone or persones. And dischargis the Lordes of secrete Councell and Session, to direct ony letters, or chainges upon, or against them, or ony one of them. And gif they do, declaris the same be thair presents to be of nancavall, force nor effect, Notwithstanding ony Decretes given, or to be given, quhilk his Majestie with advise of the saidis Estaites dischargis *simpliciter*. Ordaining them to have na further force, effect nor execution in time cummings. And further, his Majestie, with advise of the saidis Estaites, & consent alwa of the saidis Takkef-men and Parteneris, statuts and ordains, That the said lair Cuinzie, extending owa hundredth eleven stane and ten pund weicht of Silver, shall be reduced and brocht in againe be them, to be cuinzeit of new, be his Hienes Maister Cuinzeour, betuixt and the ellevinth day of March next-to-cum, in ten shilling peeces of eleven pennie fine, containand four in the unce in this forme, That is to say; havand on the ane side the Portrature of his Majesties bodie, armed with ane Crown upon his head, and anesword in his hand, with this circumscription: **JACOBUS VI. DEI GRATIA, REX SCOTORUM**. And on the uther side, his Hienes Armes in ane Scheild, with ane Crown abone the same Scheild, with the Dait of the Zeir, upon ane of the sides; with this circumscription: **HONOR REGIS JUDICIUM DILIGIT**. For in-bringing and reduction of quhilk money, the saidis Takkef-men and Parteneris hes presentlie nominated and appointed *William Naper*, and *Thomas Achefon*, quhilkis shall remaine at *Edinburgh*, to receive all the said Cuinzie, be the number and quantitie foresaid, fra his Hienes subjects, and deliver them uther money theirfoir, upon the same prices, that they were given outfor, betwixt and the said ellevinth day of Marche, unto the quhilk day they fall have course allanerlie. And being reserved, shall bring and deliver them to his Hienes Maister Cuinzeour, quha shall Cuinzie them of new, in forme and maner abone mentionat, and thereafter deliver baith stocke and profite againe, in full recompense of their expenses, charges and travelles els sustened be the said Cuinzie, to sik as shall be appoynted in their Names to receive the same. And the Maister Cuinzeour present and to cum, shall find the saidis Takkef-men and parteneris sufficient Caution and sovertie; acted in the buikes of Councell, for rendering unto them the stock and profite of sik Summes and Weicht, as they fall deliver unto him to the effect foresaid, unto the quhilk tyme the saidis Takkef-men and parteneris fall not be astricted to deliver ony silver to the said Maister Cuinzeour, deduceand alwayis the fees and dewties of the Warke-men and utheris ordinar Officiaris of the Cuinzie-hous used and wount, for their paines and labours. And because the said Reduction cannot weil take effect, without sum stock to mak the exchange. The saidis Takkef-men and parteneris theirfoir shall have libertie, lyke as his Majestie, with advise of the saidis Estaites, be their presents grantis them licence and libertie, to strike, and cause to be striken and cuinzeit twentie stane wecht of Silver, mair nor is ellis cuinzeit, in the Money new devised, quhilk fall bee delivered to them againe, after the same be past the Irones, in maner foresaid, without deduction of onie profite, or uther dewtie therefore, except the Fees and dewties of the saidis Warke-men and Officiaries used and wount. Attour **OUR SOVERAINE LORD**, with advise of his saidis three Estaites, gives and grantis full freedome, licence & libertie to his Hienes Maister Cuinzeour, to breake downe the present current money within this Realme, of the ellevin pennie fine, specially the thirtie, twentie and ten schilling peeces and Testones, and ro Cuinzie the same in the said new money, devised at 40. schillings the unce, of ellevin pennie fync. Makand his Hienes dew compt and reakingon of the profite thereof, as apperteinis. For the quhilk the said Maister Cuinzeour, nor utheris the Officiaries of his Hienes Cuinzie-hous, fall incurre na skaith nor danger in their Persones, Lands, or Guddes. Notwithstanding onie Actes, Lawes, or constitutions maid in the contrair, Aneit the quhilkes his Hienes, with advise of his saidis Estaites, dispensis.

107. *The Customer and Clerk of coquet shuld tak Caution for in-bringing of Balzeon.*

OUR Sovereigne Lord, with advife of his three Eftaites, and haill body of this present Parliament, Ratifies and approveis the Actes maid be his maist Nobill Progenitours, Anent the in-bringing of Bulzeon, with this addition, that every Customer and Clerk of coquet in time cumming, fall tak sik fitty or pledges as he will answer for. That Bulzeon equivalent to the gudes transported, fall be delivered to the Maister of our Sovereaine Lords Cuinzie-hous, betwixt and the nixt Checker thereafter following, and at the hearing of the Customiers compts, that he be controllid upon the quantity of the Bulzeon, delivered into the Cuinzie-hous, according to the letters of receipt of the Maister Cuinzeour, and quhat rests above, that the said Customer be answerabill therefore. Providing, that in case any of the gudes Cubone, that the said Customer be answerabill therefore. Providing, that in case any of the gudes Cubone, that the said Customer be answerabill therefore. Providing, that in case any of the gudes Cubone, that the said Customer be answerabill therefore.

108. *Ane Tabill or Roll shuld be delivered to the Customer of all custumable guddis.*

FORSAMEIKIL, As our Sovereine Lords Custumes, arane of the partes of the Patrimonie of his Crown, And findrie gude and profitabill Actes hes bene maid, namely against them havand guddes out of the Realme un-custumar, and how the custume fall remaine with the King for his living, Quhilkis Actes and all utheris Actes maid toward his Majesties Custumes foresaidis. His Hienes with advise of his thrice Estaites ratifies and appreis, and ordainis the same, to have full effect and execution in time cumming with this addition: That ane Table be delivered to all Customers, for uptaking and inbringing of our Sovereine Lordes Custumes, ordaining that every Sack of Wooll, fall contene bot twenty four stanes, every hundreth Skinnes sex score, and everie douzaine of Claith twelfelnis allanerlie.

109. *For the suretie of them that assieged houses be the Kingis commission, in his Hienes Minoritie.*

ANENT The Supplication given in to our Sovereine Lord, and Lordes of Artickles of this present Parliament, be the Nobil-men, and utheris his tref and Faithfull Subjects, that served in the defence of his Hienes Authoritie and Crown, during the late Civill troubles within this Realme, in the time of his Majesties zounge age, Makand mention: That quhair they being oftimes employed be his umquihle Regentes for the time, in the execution of divers commissiounes againis findrie of his Hienes unnaturall Subjectes, Rebelles, and withstanders of his Authoritie, quha at that time assisted and tuke plane pairt with the declared Traitoures, Rebelles and enimies of his Majesties Crown, with power alswa to assiege Houses, and raise fire for the better repreffing of them. The saidis Noble-men and utheris his Majesties tref and Faithfull subjectes, for discharging of their dewtie, in execution of the saidis commissiounes with their friends, assisters, and servandes searched and socht the saidis Rebelles and disobedient Subjectes, quha placing themselves in Houses, in findrie pairts of this Realme, and keeping and fortifying the same against his Majestie and his Authoritie, they wer forced to raise fyre, and use all uther meanes of hostilitie for recoverie of the same. Quhairfore his Majestie, with advise of his three Estaites of this present Parliament, Decernis and declaris, That all things done be the saidis Noble-men, and uthers his Hienes faithfull subjectes, within the time of the saidis Civile troubles, for execution of the saidis Commissiounes, against quhar-somever persones, his Hienes Rebelles, Traitoures and disobedient subjectes, for the time, their servandes, friends, assisters and partakeris; wes lauchfully, weil, and dewtiullie done be them. And that there-intill they have committed na crime nor offense, bot obeyed his Hienes and his Regentes commandements. Exonerand and dischaiging and them of all Action, crime and offense, that ony pairtie may perfew or move against them theirarent, at ony time hereafter.

110. *Against the schamefull oppresson of staying and bouching of Oxen, Horses, and uther Cattell.*

FORSAMEIKLE, as be the lovabill Lawes and Actes of Parliament maid of before, sik special respect is had to the labouring of the ground in dew season, as the Oxen & Cartell occupied in the Pleuch, are forbidden to be poynded for ony manner of debt, during the time of the Tilth. Zit findrie wicked persones, mooved in despite against their Nichtboures, ceasses not commonlie in their private revenge, to houch and slay Oxen and Horses in the Pleuch, Byre, and utherwayes, And to hound out bair-men and vagabounds, to the attempting of sik foull and schamefull enormities, sa farre prejudiciall to the Commounweill, and against all gude example. For stancheing quhair of in time cumming, and to the terror alswell of the committeris of sik foull and schamefull oppressiounes, as of the causeris, fortifieris, and receipteris of the committeris thereof: IT IS Statute and ordained be OUR SOVERAINE LORD, with advise of the three Estaites of this present Parliament: That all sik slayeris and houcheris of Horses and Oxen, or uther Cattell in time cumming, fall be esteemed and punished as thieves. And all persones that fall happen to receive, supplie, and maine the Authoures of sik oppressioun in companie or houshold, after the committing thereof, fall be esteemed and punished as receipteris and maintaineris of thieves, And baith the committeris of the said unwoorthe and schamefull oppressioun, and the receipteris, supplieris and maintaineris of them, being dewlie called and convict thereof, to incurre the paine of death, and confiscation of all their guddes moovabill.

111. *For Execution of the Acts maid avent casting downe, and halding downe of Cruves and Zaires, and punishment of the Transgressours theiros, slautchter of reid Fische, and of the fry of all Fische.*

OUR SOVERAINE LORD, and the three Estaites of this present Parliament, Ratifies and appreis all Actes maid be his Hienes, and his maist Noble Progenitouris, Anent the destruction of Cruves and Zaires, slautchter of reid Fische, Smoltes, and frye of all Fisches. And ordainis the same to have effect and execution in time cumming. And because it is understand to his Hienes, and his saidis three Estaites, that albeit paines and travelles wes tane, to cast downe and destroye the saidis Cruves, and Zaires:

occupie the same in time cumming, according to their tichtes, keepand the Setterdayes sloop, and sik distance betwixt every Heck, as the Actes of Parliament appoyntis. And in case they failzie therein, to be accusa- bill, and suffer punishment, as the remanent transgressours of the saidis Actes.

112. *Execution may be against ony theft and reise, committed be ony uther of the samin Clanne.*

OUR SOVERAINE LORD, And his three Estaites, in this present Parliament, having cou- ar subject, findis nathing mair intollerabill, nor the deadly feedes, borne be the Clannes of thieves, broken men, and Sorneris upon trew men, for the slauchtet, taking, hurting of the saidis thieves, broken men, and Sorneris, taking and bringing them to Justice, or in the defence and ridding of the trew mennis guddes, stollen and rest fra them. And how the saidis Clannes of thieves, for the maist paitt ar companies of wicked men, coupled in fellowchippes be occasion of their sur-names, or neir dwellings togidder, or throw keeping societic in theft, or receipt of theft, not subjected to the ordinar cours of Justice, nor to ony ane Landis- lord, that will mak them answerabill to the Lawes, bot commounlie dwelland on findrie mennes landes, against the gude-will of their Landis-lordes, quhairthrow trew Men oppressed be them, can have na remeid, ar the handes of their Maisters, bot for their defence, ar oftentimes constrained to seeke redres of their skaithes of the haill Clanne or sik of them as they happen to apprehend, like as the haill Clanne, commoun- lie bearis feed, for the hurt received be onie member thereof, quhidder be execution of Lawes, be ordour of Justice, or uther wise.

IT IS therefore declared, statute and ordained, be OUR SOVERAINE LORD, with ad- vise of his three Estaites, and haill body of this present Parliament: That it sall be lesum to all his obedient and gude subjectes, that fall receive onie harme or skaith, throw stouth or maisterfull reif of their guddes, to be committed after the dait hereof, be onie of the saidis notorious thieves, broken men, or Sorneris of the saidis Clannes of thieves, in time cumming, To apprehend, slay, and arrest, the bodies and guddes of the perones, offending against them or onie uthers, being of the same Clanne, their servandes, depen- ders, or partakers, quhairver they fall finde them, in onie partes of this Realme, ay and quhill the princi- pales, or uthers of the said Clan, cause the saidis harmes and skaithes be redressed, to the satisfaction of the suiteiners thereof: or at least, finde sufficient sovertie to that effect, to the contentment of the person that hes susteined the skaith, in case it sall be found be order and tryall, according to Justice, that the offender and deed-doer wes onie wayes receipt, supplied, and maintained amanges the said Clan, after the offence committed.

113. *Against the excessse of coastlie Cleithing, And transporting of Wooll, quhairby the pure may be the better balden in Warke.*

THE Kingis Majestic, and Estaites of this present Parliament, Considering the great abuse, standing amang his Subjectes of the meane Estaite, presuming to counterfaict his Hienes and his Nobilitie, in the use and wearing of coastlie Cleithing of Silkes of all fortes, Layne, Cammerage, Freinzies, and Pas- mentes of Gold, Silver and Silk, and Wollen Claith, maid and brocht from uther foreyne Cuntries, quhair- throw the prices of the same is grown to sik exorbitant dearth, as it is not abill to be langer susteined without the great skaith and inconvenient of the commoun weill, howbeit God hes granted to this Realme sufficient commodities for cleithing of the inhabitantes thereof within the selfe, gif the peopell wer verteously em- ployed in working of the same at hame, quhairby great numbers of pure folkes, now wandering in begging, nicht be releived, alsweill to the honesty, as wealth of the Cuntrie. For remeid quhairof, It is statute and ordained bee our Sovereaine Lord, with advise of his Estaites and haill body of this present Parliament: That nane of his Hienes Subjectes, Man or Woman, being under the degrees of Dukes, Earles, Lordes of Parli- ament, Knichtes, or landed Gentil-men, that hes or may spend offrie zeirleie Rent, twa thousand markes, or fifty Chalders of Victuall at least, or their Wives, Sonnes or Doughteris, fall after the first day of May nixt-to-cum, use or wear in their Cleithing, or apparell, or lynng thereof, onie Claith of Gold, or Sil- ver, Velvet, Satine Damask, Tassatacs, or ony begairies, Frenzies, Pasments, or broderie of Gold, Silver, or Silk: nor zit Layne, Cammerage, or Wollen Claith, maid and brocht from onie foreyne Cun- tries, under the paine of ane hundreth pundes of every Gentil-man landed, ane hundreth markes of every Gentil-man unlanded, and fourtie pundes of ilk Zea-man, for every day that hee, his Wife, Sonne or Doughter transgressis this present Act. The ane halfe to the use of OUR SOVERAINE LORD, or Lord of the Regalitie, within quhaiis boundes the transgressours are apprehended: and the uther halfe to the Schireffes, Stewartes and Baillies within their Jurisdictiones, Provestes, Aldermen, and Baillies with- in Burrowes and Cities: and to the Stewartes and Baillies within Regalities, for their paines. Quhilks or- dinar Judges be themselves, their Deputes and Officiars, fall have power to attach and arrest the Persons transgressours of the said Act, and to put them in Waird, quhill they be tryed upon the said transgression, be ane Assise, quhilks fall be done within the space of three dayes after their apprehension at the farthest. And being found culpable, to halde them in Waird, quhill they have payed the said paine, and found sovertie to absteine

abstaine in time cumming, under doubling of the paine, Exceptand alwayes the Officiars and servandes of OUR SOVERAINE LORDIS Houshold, contained in the Roll thereof. The Officiars of his Estaire, Senatours of the Colledge of Justice, Advocates and Scribes thereof, Schirreffes, Stewarts, and Baillies, the Provostes, Baillies and persones, being, or that hes bene on the Councils of Burrowes, and Judges in Regalities, Herauldes and Masters, quhilkis fall not be subject to the paines of this present Act, For wearing and using of sik apparell, as they have, or fall happen to have in time cumming, either in the time, that they beare Office, and are Counsellors or thereafter, during their life-times, Nether fall onie of his Hienes Lieges bee subject to the saidis paines, for using and wearing of onie their Cleithing, alreadie maid before the publication of this present Act, nor fall it extend to onie servandes, for using and wearing of the auld Cleithing of their Maisteris or Maistresses, nor to onie Weemen, for using and wearing of sik apparell upon their heades, as they have bene accusumat to weare in time bygane. And to the effect, that all his Hienes Subjectes prohibite be this present Act, to weare the said coastele Cleithing, may the better be served of Claith and uther stufte, wrocht within this Realme, to their sufficient Cleithing in their degrees, As alswa that the pure peopill may be the better halden in wark, throwe the labouring of the wooll of this Cuntrie within the same: **THEKEFOIR**, It is statute and ordained be OUR SOVERAINE LORD, with advise of his saidis Estaites: That na maner of wooll be transported or put in Schippes or Boates, to be transported furth of this Realme in time cumming, under the paine of confiscation of the same Wooll, and of all the remanent guddes movabill of the persones awners and transporters thereof, to OUR SOVERAINE LORDS use. And that na licence or dispensation fall be granted be OUR SOVERAINE LORD or his successeours, to quhatsumever Person or Persones, for transporting of Wooll furth of this Realme, after the first day of Maij nixt-to-cum, under quhatsumever colour or pretense. And that alsweill the purchesers of the said dispensationes or licences (gif the same fall happen throw importunitie, or wrang narrative, to be granted) as their informers buyers of the licences, from the purchesers, users thereof, and transporters of the Wooll in their Schippes and vesselles, fall incur the saidis paines, as gif na sik licences had bene granted, quhilkes fall be esteemed bot as private letters, surreptitiously purchased, quhairver they fall happen to bee schawen in Judgemente, or out-with, quhair-throw thetrew effect and meaning of this present Act, fall na wayes be hindered or prejudged.

114. *Against superfluous Banquetting, and the inordinat use of Confectoures and Drogges.*

OUR SOVERAINE LORD, And his three Estaites convened in this present Parliament, understanding the great excesse and superfluitie used in Bridelles and utheris Banquettes amongis the meane Subjectes of this Realme, alsweill within Burgh as to Landward, To the inordinat consumption, not onlie of sik stuf as growes within the Realme, bot alswa of Drogges, Confectoures & Spiceries, brocht from the pairtes bezond Sea and saild at deare prices to monie folke, that are verie unabill to sustene that coaste. For franching of quihik abuse and disorder, **IT IS** statute and ordained be OUR SAIDE SOVERAINE LORD, with advise of his saidis three Estaites: That na maner of Persones his Subjectes, being under the degree of Prelates, Earles, Lords, Barronnes, landed Gentil-men, or utheris that are worth and may spende in zeirle frie Rent, twa thousand markes money, or fiftie Chaldres victuall, all charges deduced, fall presume, to have at their Bridelles, or uther Banquettes, or at their Tables in dayly cheare, onie Drogges or Confectoures, brocht from the pairtes bezond Sea, and that na Banquettes fall be at onie upstingges, after baptizing of bairnes, in time cumming, under the paine of twentie pund to be payed be everie Person, doer in the contrair, Alsweill of the Maister of the House, quhair the effect of this Act is contravened, as of all uther persones, that fall be found or tryed partakeris of sik superfluous Banquetting, and escheitment of the Drogges and Confectoures apprehended. For quihik the Provost and Baillies within Burgh, and the Schireffes, Stewarts, Baillies, and Lords of Regalities, and their Baillies to Land-wart, fall appoynt searchers, To quhilkis searchers oppen dorres fall be maid, of quhatsumever Houses that they cum to searche, under the paines to be esteemed culpabill in the transgression of this Act, gif they refuse. And the offenderis being apprehended, to bee taken and halden in Waird, quhill they have payed the saidis pecuniail paines, to be employed the ane halfe to the behoove of the ordinar Officiars and searchers, and the uther halfe to the pure of the Parochine.

115. *Ratification of the Act of Parliament, concerning the Decision of Appellations, maid to the Court of Rome.*

OUR SOVERAINE LORD, and the three Estaites of this present Parliament, Ratifies, Appropris, and confirmis the Act of Parliament underwriten in all poynts, passes, clauses and Articles contained therein: And ordains the same to have full strength, force and effect, and alswa to cernis and declairis the same Act to have bene ane common Law, fra the day and dait thereof, and swa to bein all times cumming. And that na Judge within this Realme take upon hand, to cognosce or decide in onie cause contrair the tenour and ordinance of the said Act, or to wry or wrest the same, be their ingyne or interpretation, bot the same Act to be kept in all the circumstances thereof, according to the tenour

tenour of the samin, Of the quhilk the tenour followis. **IN THE PARLIAMENT**, halden at *Edinburgh*, the tenth day of Julie, the zeir of God, 1560. zeires. The said Parliament being continewd to the first day of August nixt thereafter following, with continuation of dayes upon the 24. day of the said Moneth of August; The three Estaites then being present, understanding that the Liges and subiectes of this Realme, havand actions dependand and persewed in the Court of *Rome*, or in the consistories of the samin, hes susteined great expenses, sa that they have bene alluterlie herried theirthrowe. For eschewing of the quhilk, and that na pairtie, havand just Action, be defrauded thereof. **IT IS** statute and ordained, that all pairties, als well persewers as defenders, havand pleyes, dependand in the saidis Court of *Rome* or Consistories, or before uthers Judges, called Delegates or Sub-delegates, fall persewe or defend the same at their option before the Lordes of our Soverainis Session, the Schireff, Stewart, or Bailie of Regalirie, Baillie of Barronnie, Provost or Baillies of Burrowes, or uthers temporal Judges ordinars within this Realme, quhair the pairtie persewer aucht to answer of the Law, and the saidis processe to beginne quhair they left, according to the last Act of the proces, and after the forme thereof, quhill the finall end and decision of the samin. And the sentence being given, the execution to be maid thereof, as of uthers sentences pronounced before uther temporall Judges of this Realme. And attover, because it is likewise understood, that there is Appellations maid and interponed fra divers sentences, given in the foresaidis Consistories, and als fra sentences be Judges Delegates and their Sub-delegates, quhilis appellations being Justified, may reduce the said sentences. Therefore, **IT IS** statute and ordained, That the pairties quha hes appealed, give in their supplications to the Lordes of our Soverainis Session, to have letters to call the pairtie, for quhome the sentence is given, to compeir before the saidis Lordes to hear and see twa, three, or four named be commission, To sit in the maist convenient place, to cognosce upon the said Appellation and sentence, and to declare the samin, according to the Law, Outher retirand the sentence or confirmand the samin. Providing that the persewers of thir appellations do their diligence in maner foresaid, within the terme & space specified in the Lawes; utheways not to be heard hereafter, bot execution to be given upon the saidis sentences, sikklike as & the pairtie had not appealed theisfra. And in likeways, because it wes lauchfull at sumtime, be way of Supplication, called *Per modum simplicis querelæ*, for to seeker remeid of the nullitie and iniquitie of sentences, albeir na appellation had bene maid and interponed theisfra. Therefore it is ordained, that the saidis supplications fall be given in be the compleeners, to the saidis Lordes of the Session, quha fall have cognition thereintill, & do Justice thir anent, conforme to the Law, Providing alwayes, that this have placc onlie in sik causes, as of before were permitted to persew *per modum simplicis querelæ*, allanerlie.

116. *Against the abuse of sum lauded Gentil-men, and uthers forbearing to keepe house at their awin dwelling places.*

FORSAMEIKLE, as of lait there is croppen in amangis sum Noble-men, Prelates, Barronnes, and Gentil-men, in certaine pairts of this Realme, being of gude livinges, great abuse contrair the honour of the Realme, & different from the honest frugalitie of their Forebears, passing to Burrows, Townes, Clauchannes & Aile-houses with their houshaldes, and sum abiding in their awin places, uss to buird themselves and uthers to their awin servands, as in hostillaries, quhairon skaithfull and schamefull inconvenients daylie fallis out, to the offense of God, defrauding of the pure of their almes, slander of the Cuntre, and hurt of the authours. For remeid quhairof, Our Soveraine Lord, with advise of his three Estaites of this present Parliament, hes statute and ordained: That every Prelate, Lord, Barronne, and landed Gentil-man, fall make his ordinar dwelling & residence at his awin house with his familie, in all time cumming, after the publication of the Acts of this present Parliament, For setting forward of policie and decoration of their saidis dwelling places, supporting of the pure with almes, & interteining of friendship with their Nichtbours be all gude & honest meanes. And that they forbear the said dishonest forme of buirding of themselves, & their families and houshaldes in Burrowes, Clauchannes & Aile-houses, or in their awin houses, under the paines following. That is to say; Ilk Lord and Prelate, under the paine of 500. markes, ilk great Barronne under the paine of 300. markes, and ilk landed Gentil-man under the paine of 200. markes. And gif they failzie, being called & ourdourlie convict of transgressing this present Act, the saidis paines to be up-lifted to our Soveraine Lords use.

117. *The forme and paine of Law-borrowes.*

FORSAMEIKLE, As sindrie gude Actes hes bene maid anent finding of Law-borrowes, for preservation of the trewe and obedient Subiectes from unjust force and violence. And laitie for their greater comfort, **IT** wes weil ordained, that the paines of Law-borrowes suld be divided betwixt the King and the Pairtie offended unto. Neverthelesse, seeing the paines of Law-borrowes hes extended onlie in time by-gane, for safetie of bodielie harme from the person of the compleener: The malice of the wicked saincreasiss, as they cease not be indirect meanes, and hounding out of Limmars, vagaboundes, and uthers not responfall, to invade the innocent persones, not onlie in their bodies, bot to reive, steale, houch, or slay their Oxen, Horses, and uther Cattell, cut or destroy their Cornes, or to cause eate the same with Bestiall, to hound and slay their scheepe with dogges, boast themselves in sik sorte, as they date not lie in their awin Houses, or to manace their servandes, to lieve their service, quhairthrow their ground may be layed waist, to the utter wrack and depaupering of the Innocentes.

QUHAIR-

QUHAIRFOIR, OUR SOVERAINE LORD, with advife of his three Eftaites in this prefent Parliament, Ordainis, That all Letters of Law-borrowes, fall be direct in time cumming, at the inftance of the parties compleenand, Chaargeing the perfones compleenend upon, to finde ficker fovertic and Law-borrowes, that the compleeners, their wives, bairnes, tennentes and fervandes, fall be harmeles, and fkaithles in their bodies, Landes, Takkes, poffeffiones, guddes and geare, and on na wayes to be molefted or troubled therein, be the perfones compleenend upon, nor na uthers of their caufing, fending, bounding-out, receipting, command, affiftance and rati-habition, quhome they may ftoppe or let directlie or indirectlie, utheways nor be ordour of Law and Juftice, under great paines to be modified be the Lordes of Seffion, or uthers ordinar Judges, Be quhome, in cafe the faid Law-borrowes fall be dewlie tryed to be broken, the ane halfe of the paine fall pertaine to **OUR SOVERAINE LORD**, and the uthir halfe to the paitie grieved, according to the effect and meaning of the faid Act, maid to that effect of befoir.

118. Anent deforcements, breaking of Arreiftmentes, and Alienationes maid in defraud of Creditoures.

FORSAMEIKLE, As it is heavilie compleenend to **OUR SOVERAINE LORD**, be divers of his fubjectes: That quhen they have upon their lang travell and expenfes recovered their fentence, they ar deforced in execution thereof. Lyke as quhen Arreiftmentes ar maid to make the gudes furthcummand, after the recovery of the debt, the famin ar contemprandlie broken. And farder, the execution of fentences and decreetes are oft-times impedit be fraudfull alienationes of the debtoures Landes and guddes, maid be them throw colorate meanes, to their friendes and conjunct perfones. And the Pleyes and actions upon deforcements, breaking of arreiftments, and reduction of fraudefull alienationes, hes bene fwaiteous, fumptuous and langfum, that very fewe of them are brocht to ony gude end, quhairby our Sovereaine Lordis Authoritie is contemned, and his Subiectes are brocht to great inconvenient. For remeid quhairof, **IT IS** ftature and ordained, That the Lordes of Councell and Seffion proceede summarlie and diligendlie in all actions of deforcementes, and breaking of arreiftmentes, to be intended before them, at the inftance of quhatfumever perfones, and fpeciallie that the faidis actiones, quhen they are called, fall with all convenient fpeed without intermiffion be put to ane poynt, after the calling thereof. And that the perfones convict of deforcement, or breaking of arreiftment, fall be punifhed be the Efcheir of their guddes movabill, and punifchment of their perfones, at our faid Sovereaine Lordis will, according to the Lawes obferved of befoir, with this addition: That the paitie recoverer of the fentence, fall be firft payed of his debt and of his expenfes, to be heichlie taxed be the faidis Lordis, and of ane certaine fumme of money to be modified at the faidis Lordis difcretion, to the paitie, for the damage and intereft fuftained be them. Anent the quihilk the paitie intereft, fall have the reddie execution upon the firft and reddieft guddes and geare of the perfone convict: Norwithftanding the richt of the Efcheir pertaineing to **OUR** faid **SOVERAINE LORD**, quha for weill of his fubjectes, will and grantis, that the creditoures be preferred to him in this cafe. And further with advife of his faidis three Eftaites, **IT IS** ftature and ordained be his Hienes: That all giftes of efcheir, quihilkis fall be given hereafter, to quhatfumever perfon or perfones of guddes, geare, and uthers command in his Hienes handes for deforcement, or breaking of arreiftment, fall containe exprefse exception and refervation, to the Creditour, of the fummes recovered for his principall debt, expenfes and fumme, to be modified as faid is. And gif ony gift of Efcheir proceeding upon the caufe forefaid, be given without the faid refervation and exception, the fame fall be null & of nane avail. And fik-like, for the greater expedition of reduction of Alienationes and difpofitiones of Landes and guddes, maid in fraude of the Creditour, **IT IS** ftature and ordained, that the famin be maift summarlie decided and priviledged be fummondes upon 21. dayes warning, without dict, table or continuation of uthir fummonds. And that the Paitie receiver of the faidis fraudefull alienationes and difpofitiones, fall not be heard to defend therein, except that they (before they be admitted to produce the faidis alienationes and difpofitiones, and to answer to the fummonds) configne in the handes of the Clerk of Register and his Deputes, for quhome he fall be halden to answer, fik fummes of money, as fall be modified, be the difcretion of the faidis Lordes, to be delivered to the paitie perfewer, in cafe the faidis alienationes and difpofitiones fall be declared fraudfull.

119. Anent registration of inhibicionis and interdicionis.

ITEM, Albeit interdicionis and inhibicionis, for many gude and weichtie confiderationes, to divers intentiones, ar very neccellar and profitable: Nevertheleffe, it is of lair confidered, that the faidis inhibicionis and interdicionis, ar greatly abused, to the hurt and prejudice of our Sovereaine Lordis lieges, contrarie to the end quhair-unto they were firft directed: In fa far, as interdicionis, for the maift pait proceedis upon consent of paitry, like as the faidis interdicionis, and letters of inhibition, oftentimes proceedis upon licht caufes: The executiones quhairof, ar fundrie times forged and fenzeit, and after mony zeires, the executor and witneffes being deceafed, the faidis inhibicionis and interdicionis ar used againft our Sovereaine Lordis lieges, at the inftance of the receivers thereof, and uthers, for refcinding & retreating

of contractes, inestmentes, and uther richtes upon allegiance, that the samin ar maid fraudfullie, after the publication of the said interdiction, and inhibition: Be the quhilk craftie dealing, sik as contracted *bona fide*, ar brocht in danger to their great damage, and to the advantage of the saidis persones, abuseres of the saidis inhibitions and interdictions. For remeid quhairof, and to the effect that everie one of our Sovereine Lordis lieges may knaw and understand, the conditioun and qualitie of the person, with quhom he contractis in this head, quhiddir he be subject and thrall to interdiction or inhibition, or be at his awin freedome and libertie to contract. IT IS statute and ordained, that all inhibitions and interdictions to be raised hereafter for quhatsumever cause, with the executions and indorsations thereof, be within 40. dayes after the publication and execution of the saidis inhibitions and interdictions, produced first to the Schireffe Clerk of the Schire, quhair the person interdicted or inhibited dwellis, and makis his residence. And gif the said person have his landes and heritage, or the maist pairt thereof lyand in ane uther Schiresdome, nor quhair he dwellis: That the person, at quhais instance the uther is interdicted or inhibited, produce the said interdiction and inhibition, dewely execute and indorsat to the Clerke of the Schire, quhair the saidis lands lyce, within the samin 40. dayes. Quhilkis letters of interdiction and inhibition, with the execution thereof, the saidis Schireffe Clerkes, fall insert in their registers, takand for everie letter, with the executions thereof, five schillings. Quhilk letter, with the execution thereof, they fall signe with their subscription, and deliver the samin swa signet to the partie, within xxiv. houres, nixt after the receipt thereof. The extract of the quhilk register, fall have as great faith and strength, as gif the originall wer schawin, except the parties havand interest to oppone against the saidis inhibitions and interdictions, offer to imprieve the samin, be way of action, or exception. In the quhilk case, the pairtie purchesser of the saidis letters, and uthers havand interest to defend the samin, fall be halden to produce the principales, and originalls, notwithstanding that they be registrat, as said is. And that na interdiction or inhibition to be rayfed and executed hereafter, be of force, strength, or effect, to onie intention, bot the samin to be null and of nane avail, except the samin be dewlie registrat, as said is.

Ratification of the Act anent prescription in causes of spuilzies and ejectiounes.

OUR SOVERAINE LORD, with advise of his three Estaites, in this present Parliament, Ratifies and appreis the Act maid in his Hienes Parliament, halden and begun at *Edinburgh* the 20. day of October, the zeir of God, 1579. zeires: Anent prescription in causes of spuilzies and ejectiounes, And ordainis the same to have effect and execution in time cumming, after the forme and tenour thereof.

119. Anent the Convention of Burrowes.

FORSAMEIKLE, As it was found necessar to OUR SOVERAINE LORD, and his Hienes Predecessours, That the Commissioners of Burrowes convene at sik times, as they suld think gude; in quhat Burgh they thought maist expedient, with full commission, To treat upon the weillfair of Merchandice and Merchandice, gude rewle and statutes for the commoun profit of Burrowes, as at mair length is conteined in the Acts of Parliament maid theranent, and anent the Priviledges of Burrowes. Therefore our Sovereine Lord, with advise of his three Estaites of this present Parliament. Ratifies and appreis the saidis Actes. And for the better observation of the saidis Conventions be sik Burrowes, as hes heretofore not sent their Commissioners at onie time thereto, hes statute and ordained, that in time cumming, quhen onie conventions of Burrowes is appoynted, be the maist pairt of the saidis Burrowes, or be the Burgh of *Edinburgh* and onie sex or aucht of the rest, The Burgh warned thereto be ane Missive bill of the Provost and Baillies of the Burgh, quhair the said convention is to be halden, or utherwayes lauchfullie cited thereto, & nor compeirand be their Commissioner sufficientlie instructed, fall pay for the charges of the Burghes that fall convene the summe of twentie pundes. And ordainis the Lordes of Councill and Session, to grant and direct letters of hornung or poynding, against the Burrowes absent fra the same Convention, and adjudged bee the remanent Burrowes, to have incurred the said paine and unlaw. And this at the instance of the Burgh of *Edinburgh*, without farther proces or calling of pairty thereto. The saids Lords seand the Act authenticklie subscribed be the Clerk of that Convention, That they ar absent and convict, as said is.

120. Anent the cumming of Schippes to the Burrowes in the West Cumtrie.

OUR SOVERAINE LORD, and his three Estaites of this present Parliament, Ratifies, and appreis, and confirmis the Act, maid be his Hienes maist Nobill Progenitor King *James* the Fourth, of gude memory, Anent strangers repairing within this Realme with their schippes and gudes in all poyntes, passages, clauses, and articles thereof, And decernis the samin to have full effect and strength in time cumming, after the forme and tenour thereof, with this Addition: That all maner of strangers schippes, and uthers repairing to the *West pairtes* of this Realme, *West* and *North Iles* thereof, cum to the Kingis frie Burrowes, sik as *Kircudbright*, *Wigtoun*, *Air*, *Irwing*, *Rotbessay*, *Dumbartane*, or *Romfrew*, and there make their Merchandice with frie-men thereof, of all maner of gudes, alsweill brocht

with in this Realme bee them, as tane furth of the famin, and pay their custome and dewtie to the ordinar Customers in their parties, quhair they arrive and passis fra, and takke their coquettes there, as the uthier Lieges of the Realme. Inhibitand expresselie the saidis strangers, that they make na maner of merchandise, at the Loches of the *West* and *North* *Iles*, nor na uthier places, not being frie Burrowes, nor buy onie merchandice of fische, bot salted and barrellid, bot at free Burrowes and that fra free-men: Commanding ex-presselie, all our Sovereaine Lordis lieges, that nane of them conduct, fraucht, nor pilot onie stranger, to the saidis *Iles*, under quhair-sum-ever cullout or pretence, to the defraud of our Sovereaine Lordis lieges, and of his Hienes customes, under the paine of tinsell of life, Landes, and gudes. And commanding alswa, all strangers, resorters, and repairers, within the saidis *Iles*, that they, nor nane of them, do, nor attempt onie deed or fact, in contrair heirof, under the paine of amission, tinsell and confiscation of their hail schippes and gudes. Givand alswa full power and commission to the Provestes, Baillies, and Officiaries, of all the saidis strangers, contraveners of this present Act, every ane of them within the boundes of their jurisdiction: And gif they be foundin culpabil, and breakers heirof, to proceed and do Justice theirupon, and to appoynt and take up their hail schippes and movabil gudes, That is to say: the twa pairt to our Sovereaine Lordis use, quhairof they fall make zeirly compt, in his Hienes Checker, and the thrid pairt, to the apprehender of the saidis contraveners of the said Act. And ordainis letters of publication, to be direct heir-upon, gif neid beis, in forme as effectis.

121. *Anent the setting of ordour and price on all stuffe.*

OUR SOVERAINE LORD, With advise of his three Estaites, and hail body of this present Parliament, ratifies, appreis, and for his Hienes, and his Successeurs perpetualle confirmis, the Actes maid be his maist Nobil Progenitors, for the stanching of dearth of victualles, and setting ordour and price on all stuff. And ordainis all Erles, Lordes, Barronnes, alsweill within Regalitie as Royaltie, and their Baillies to Land-wart, and the Provestes and Baillies of all Burrowes and Cities, to cause the saidis acts of Parliament, be put to dew execution, everie ane within their boundes and jurisdiction. *Respective:* Makand and constitute them Justices to that effect, with power to them, to make and appoynt statutes and ordinances, for the special observacion of the saidis Actes, at everie head Court zeirly: And to inquire, call, accuse, and punishe, the contraveners of the saidis Actes, at the saidis head Courtes, under the paine of ane hundreth pundes, to be payed be everie Erle, Lorde, Barronne alsweill within Regalitie as Royaltie and their Baillies. And of the Provestes, Aldermen, and Baillies of every Burgh and Cietie, that fall be found remisse and negligent in execution of the saidis Actes, for every time that they fall be dewlie called and convict theirof. And ordainis ditray to be tane heirupon, And the saidis Judges to be called to underlie the Law there-foir, outhat at general Justice Aires, or at particular diettes, as it fall please the Kingis Majestie to command.

122. *Horse suld not be halden at the hard meat, bot untill the 15. day of Maij, and after the 15. of October.*

FORSAMEIKLE As it is considered be our Sovereaine Lord, and the three Estaites of this present Parliament, That amangis the monie uthers occasiounes of dearth of Victualles within this Realme, there is ane specialle very unprofitable to the common-weill, quhilik is, the halding of horses at hard meat all the Sommer season, used commonlie be persones of meane estaite, Cowppers, of intention to make merchandise of the saidis horses, being for the maist part small Nagges, and na Horses of service. Quhairfoir, IT IS statute and ordained, That nane of our Sovereaine Lordis Lieges, nor being ane Erle, Prelate, Lord, great Barronne, or ony of his Hienes privie Councell, Session, or landed Gentil-man, that may spend of his awin ane thousand markes of zeirlie rent, all charges deduced, fall hald ony maner of Horses at hard meat zeirle, langer nor the fiftene day of May, nor take them in befoir the fiftene day of October, under the paine of escheitring of the saidis Horses, or paying the avall of them to **OUR SOVERAINE LORDIS** use, And ordainis the transgression of this Act to be a poynt of ditray, And the contraveners, to be accused and punished at Justice Aires, or particular diettes, as accordis.

123. *For execution of the Actes maid against schuitting with Gunnes at wyldle Beastes and Fowles.*

OUR SOVERAINE LORD, Understanding, that there hes bene divers Actes of Parliament maid of befoir, Anent the slaying of Hart, Hynd, Dae, Rae, Haires, Cunnings, and uthers beastes, with Culverings, Cros-bowes, and Hand-bowes, And specialle the Act maid in the Parliament, halden at *Edinburgh in December*, the zeir of God, 1567. zeires. Quhilikis Actes hitherto hes tane na effect, and that in default of Magistratos, quhilikis were appoynted to put the same to execution. **THEREFOIR** his Hienes, with advise of his three Estaites of this present Parliament, hes ratified and approved the saidis hail Actes, and specialle the said Act maid in *December*, the zeir of God, 1567. zeires, in all pointes, passages, clauses, and articles theirof with this addition: That in ease the Judge ordinar, within quha's boundes

boundes the contravener of this present Act beis apprehended, dois not execute the samin, sa oft as ditty fall be given unto him upon ony contravener, he fall pay for the first fault the summe of ane hundreth pundes, for the second fault, twa hundreth pundes, and ay sa oft as he failzie, fall double the said paine, to be applied to OUR SOVERAINE LORDIS use. And to the effect, that the Stewardest, Baillics, and all uthers ordinar Judges within this Realme, may put the said Act to dew execution: OUR SOVERAINE LORD, with advise soirfaid, hes ordained, and ordainis, the Lordes heritours, or possessours of the ground, to present the contravener of the said Acte, to the ordinar Judge, within quhais boundis the said contravener dwellis and makis residence: The said heritour or possessour, being required be the ordinar Judge, ro do the samin, under the paine soirfaid, sa oft as he beis required to that effect, to be applied to OUR SOVERAINE LORDIS use, as said is, with power to the saidis ordinar Judges, to call and conveyne the saidis hentours or possessours, refusand to present the saidis contraveners for the saidis paines. And gif they be found culpable, to convict them their-intill, and to poynd and distrenzie them theirfoir: And to make zeirly compt theirow, to OUR SOVERAINE LORDIS Thesaurer, in his Hienes Checker: Swa that the samin may be applied to his Hienes use, as said is. And ordainis special letters of publication, to be direct heir-upon, gif neid beis, in forme as effeiris.

124. *Against the transporting of Nolt and Scheepe and uther Cattle forth of this Realme.*

OUR SOVERAINE LORD, With advise of his three Estaites, and haill bodie of this present Parliament, ratifies, apprivis, and for his Hienes and his Succesors, perpetually confirmis, the Actes maid be his Hienes maist Noble Progenitours, against the transporting of Scheepe, Nolt or uther Cattle forth of the Realme: And ordainis the same to have full effect and execution in time cumming, with this addition: That it fall be leiffull to ony of our said SOVERAINE LORDIS Lieges, that happenis to apprehend onie Nolt or Scheepe, zoung or auld drivand, to be transported forth of this Realme, to stay the gudes, and to apprehend and keepe the drivers of them, quhill they have thoilled ane Assise befor the Justice, or his deputies, in the *Tolbouth of Edinburgh*, or befor the Schireffe, Steward, or Baillie of the boundes, quhair they fall happen to be apprehended, quhom his Hienes makis ordinar Justices in that pairt, for trying of the contraveners of this present act, and executing of the paine of hanging upon them, and confiscation, alswell of the gudes apprehended, as of the remanent of their moveable gudes: Quhillkis persones, being found guiltie, ordainis and declaris, the ane halfe of the saidis gudes apprehended, and their remanent movable gudes, to be equalle divided betuixt the Judge ordinar, and the apprehender for their paines, and the uther halfe of the same escheit guddes to be in-brocht to our Sovereine Lordis use, and compt to be maid of the same in the Checker.

125. *Against the unlauchfull taking of profite be Captaines and keepers of the Kingis Castles.*

FORSAMEIKLE, As amangst findry uthers great disordours, growen in this Estait, sen the Kingis Majesties Coronation, ane, not of the smallest importance, hes bene the making of mercat of the Kingis Castles and strengthes (being the Keyes of the Realme, quhairin the Ordinance, Munitiones, and Jewelles of the Crown ar placed) be sum, to quhom the custodie and keeping theirow, happened to be committed for the time: Constraining his Hienes Regentes, in his tender age, and uthers havand his richt and power for the time, to redeeme his awin houfes, Munitiones and Jewelles at his great charges, and with their Landes, livings, and guddes, to the heave damage and interest, alswell of his Majestie, as of them, their aires and posterities. FOR remeid quhairto, and eschewing the like civil example amangest his Hienes Subiectes, to make their unlauchfull advantage and commoditie be his service in all time cumming, IT IS STATUTE and ordained, that quha ever hes received onie summes of money, landes, benefices, or guddes, outhir belangand to his Hienes or his Regentes, and uthers, havand his richt and power, for the rander and delivering of his Hienes proper Castles and strengthes, with his Ordinance, Munitiones, and Jewelles, being therein, sen his Hienesse Coronation, or that happenis to make ony sik contract or merchandice in time cumming, directly or indirectly, fall be halden to rander and deliver againe that quhill they have received, or fall happen to receive, to the behoove of themselves, or ony of their aires, or the avall theirow to his Hienes, and his Succesours, being properly his awin, or to his said Regentes, or uthers, havand his Hienes richt and power, their aires and executors, upon cognition had that the thinges given for the said cause, pertained properly unto them, to be bruiked and joised be them, and their aires, in-cass they be capable theirow, or utherwaies to be disposed at their pleasures. And that his Hienes and they, fall have gude action for repetition theirow, as necessarilie given be them for the time, to eschew greater inconvenientes, and zir wrangeouslie received be the takers, for unlauchfull causes.

126. *For punishment of the fraudfull mixtion of Wines, be the Taverners and sellers theirow, and uthers their abuses.*

FORSAMEIKLE As be ane Act of Parliament maid at *Edinburgh* the first day of Februar, The zeir of GOD, M. D. LI. zeires: IT IS statute and ordained, that na maner of Taverners take upon hand, to make onie mixtion of onie auld Wines and new Wines, or put ony Water in the same, under the paine

paine of efcheiting of the punfecheon, that ilk wine or water fall be put into: Togidder with all the reft of all and findrie the Wines, being the awners of ilk a Taverne, and tinfell of their freedome for ever. And in like maner, that name of OUR SOVERAINE LORDIS Lieges, buieres of Wines to be topped againe, and haveris of Tavernes, take upon hand to huir or hide ilk wines, coft be them. in their houfes and privie places, bot that they put the famin in their commoun Tavernes, and voutles theirow, to be fauld indifferently to our Sovereine Lordis lieges, upon the prices that fall be fet, maid, and proclaimed their anent, under the paines foirfaidis. Quhilk Act our Sovereine Lord, with advife of his three Eftaites in this prefent Parliament ratifies and apprievis, Ordaining the fame to ftande in force and effect, as a perpetual Law in time cumming. And for the better execution thereof: makis and conftitutis the Provettes and Baillies of all Burrowes his Hienes Juftices in that pait, with power to them to make fearchesoures, take inquisition, and halde Juftice Courtes everie moneth anis, within ilke Burgh, quhair wine is to be fauld, upon the contraveners of the faid Act. And as they be found culpable, to execute the faides paines upon them. And in-cafe the faides Provettes and Baillies beis found remiffe, or negligent theirow, being called and convift thereof, They to incur the paines of tinfell of their freedome, and not to bruike honor nor office within Burgh in onie time thereafter.

128. *Anent the Proclamation of the acttes of Parliament.*

FORSAMEIKLE, As it is understand to the Kingis Majestie, and the three Eftaites of Parliament, that oftentimes, doubtes and questions arifis, touching the Proclamation of the Acttes of Parliament, and publication thereof: It being fume-time alledged be the lieges, that they are not bound to obferve and keepe the famin as Lawes, nor incur any paines contained therein, quhill the fame be proclaimed at the mercat croces of the head Burrowes of all Schires. For remeding of quhilkis doubtes, in time cumming: It is ftatute and ordained, be our Sovereine Lord, and Eftaites of this prefent Parliament; That all acttes and ftatutes of Parliament, maid at this time, and that fall happen to be maid at onie time hereafter fall be published and proclaimed at the mercat-croce of *Edinburgh* onely. Quhilk publication our Sovereine Lord and Eftaites foirfaidis, decernis and declaris, to be als valuable and fufficient, as the famin were published at the head Burrowes of the hail Schires within this Realme. And alwa declaris the hail Lieges, to be boundin and astricted to the obedience of the faidis Acttes as Lawes, fourtie dayes, after the publication of the famin, at the faid mercat-croce of *Edinburgh*, beingby-paft.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES, and uthers, maid be **KING JAMES the Sext**, in this seventh Parliament, 24. October, 1581. not imprinted.

- 1 **T**HE last pait of the act anent Ministers stipendes.
- 2 Commission anent certaine articles proponed in Parliament.
- 3 Commission for reformation of Hospitales.
- 4 Anent the establishing of the Kingis Councell.
- 5 Ordour how the King fall be relieved of importune and untimous futers.
- 6 Anent the discharging of factories.
- 7 Anent the taxation of ward landes.
- 8 Anent debatable causes, betuixt the fur-names, Gordoun and Forbes.
- 9 Compromit betuixt the saidis parties.
- 10 Anent the chaunging of the fur-name of William Maxwell appearand of Lammingtoun, in to the fur-name of Baillie.
- 11 Act remitting the decision of the controversie betuixt Dundie and Perth, be the remanent Burrowes.
- 12 Act in favour of John Carnegie.
- 13 The erection of the landes of Doun in ane Lord-schip.
- 14 Act in favour of the Burgh of Aberdene.
- 15 The chaunge of the assumption of the thrid of the Abbacie of Scone.

- 16 *Change of aw pairt of the assumption of the 3, of the Abbacie of Aberbrothok.*
- 17 *Protestation of the Nobilitie anent the murder of the Kingis Father.*
- 18 *Ratification of the faire of Dalkcith.*
- 19 *Ratification of the Burgh in Barromy of the Toun of Myretoun.*
- 20 *Ratification of the Burgh in Barromy of the Toun of Portfoy.*
- 21 *Ratification of the seinzie faire in Saint-Andrewes.*
- 22 *Of the faire of Striviling.*
- 23 *Of the faire of Auchterardour.*
- 24 *Of the faire at the brig-end of Luntrethin.*
- 25 *Of the priviledge of Silk-making, granted to Robert Dickson.*
- 26 *Ratification of the commission, given to the Lordes of Session, for taking or down with the Commissars.*
- 27 *Ratification granted to Maister William Bailzie, Lord Provand.*
- 28 *Revocation of the propertie.*
- 29 *Revocation of the casualties.*
- 30 *Revocation of the Colletorie.*
- 31 *Ratification of the disposition of the reversion of the Erledome of Lennox.*
- 32 *Ratification to Robert Erle of Orknay.*
- 33 *To Frances, sum-time Erle of Bothuell.*
- 34 *To John, Erle of Mortoun.*
- 35 *To William, Erle of Gowry.*
- 36 *To Dame Margret Leslie, Countesse of Angus.*
- 37 *To the Lord Lindefay.*
- 38 *To William Ker of Cessford.*
- 39 *To Andrew Ker of Faldoun-side.*
- 40 *To Henry Stewart bis.*
- 41 *To Andro Monro of Dawchartie.*
- 42 *Item, to Jennet King.*
- 43 *To William Mosman.*
- 44 *To Patrick Creichtroun of Lugroun, of sindrie infestments.*
- 45 *Confirmation of the infestment of few-ferme, of the Ile, Abbay and manison of Saint-Colmes-inche.*
- 46 *Ratification of the Abbaicie of Newbottle, to Maister Marck Ker.*
- 47 *Ratification granted to Henry Stewart, of the Abbay of Saint-Colmes-inche.*
- 48 *Item, of the Priorie of Phuscarden, to Alexander commendator theirol.*
- 49 *Item, of the Priorie of Coldinghame, to Alexander Prior theirol.*
- 50 *Ratification granted to Saint Leonards Colledge in Saint-Andrewes.*

E I N I S

T H E A U C H T

PARLIAMENT CURRENT,

Halden at Edinburgh, the XXII. daie of Maij, the zeir of God, 1584. zeires; Be the richt excellent, richt reich and nichtie Prince, JAMES the Sext, be the Grace of God, King of SCOTTES, and the three Estaites of this Realme.

129. *Ane act confirming the Kingis Majesties Royal power over all Estaites, and subjectes within this Realme.*



FORSAMEIKLE As sum perfoncs, being lately called befor the Kingis Majestie, and his secreit Councell: to answer upon certaine points to have bene inquired of them, concerning sum treasonable, seditious, and conrumelious speeches, uttered by them in Pulpit, Schooles, and uthcrwaics, to the disclaime and reproch of his Hienes, his Progenitours, and present Councell, contemptuouselie declined the judgement of his Hienes, and his said Councell in thar behalfe, to the evil exempil of uthcris to do the like, gif timous remeede be not provided. Therefor our Sovereaine Lord, and his three Estaites assembled in this present Parliament, ratifies, and appreis, and perpetually confirmis the royal power, and autoritie over all Estaites, alsweill Spiritual, as Temporal, within this Realme,

in the person of the Kingis Majestie, our Sovereaine Lord, his aires and successours: And als staturis and ordainis, that his Hienes, his saidis aires and successours, be themselves, and their Councelles, ar, and in time to cum fall be judges competent to all perfoncs his Hienes subjectes, of quhat sum ever estaitc, degrec, function, or condition that ever they be of, Spiritual or Temporal, in all matvers, quhairin they, or any of them fall be apprehended, summond, or charged to answer to sik thinges as fall be inquired of them, be our said Sovereaine Lord and his Councell. And that nane of them, quhilkis fall happen to be apprehended, called, or summond, to the effect foirsaid, presume, or tak upon hand to decline the judgement of his Hienes, his aires and successours, or their Councell in the premiffes, under the paine of treason.

130. *Anent the autoritie of the three Estaites of Parliament.*

THE Kings Majestie, considering the honour and the autoritie of his supreme court of Parliament, continued past all memory of man, unto thir dayes, as constitute upon the frie votes of the three Estaites of this auncient Kingdome. Be quhom the same under God, hes ever bene uphalden, rebellious and traitorous subjectes punished, the gude and faithfull preserved, and mainteined, and the lawes and actes of Parliament (be quhilkis ail men ar governed) maid and established. And finding the power, dignitie, and autoritie of the said Court of Parliament, of lait zeires called in sum doubt, at least sum curiouslie travelling to have introduced sum innovation thairanent, his Majesties firme-will and mind alwaies being as it is zit: That the honour, authority, and dignitie of his saidis three Estaites fall stand, and continue in the awin integritie, according to the ancient, and lovabill custome by-gane, without ony alteration, or diminution. Therefor it is statute, and ordained; be our said Sovereaine Lord, and his saidis three Estaites, in this present Parliament, that nane of his Lieges and subjectes presume, or tak upon hand, to impugn the dignitie, and the autoritie of the saidis three Estaites, or to seek, or procure the innovation, or diminution of the power, and autoritie of the same three Estaites, or ony of them in time cumming, under the paine of treason.

131. *Ane act discharging all jurisdictions, and judgements, not approved be Parliament, and all assemblies, and conventions, without our Sovereaine Lordis special licence and commandement.*

FORSAMEIKLE, as in the troublous times, during thir xxiiij. zeires, by-past, findrie formes of judgements and jurisdictions, alsweill in Spiritual, as Temporal causes, ar entred in the practize and custome, quhairby the Kingis Majesties subjectes ar often-times convocat, and assembled togidder, and deduced: paines alsweill civile and pecynial, as Ecclesiastical, injoined unto them: process led, and deduced: sentences, and decreetes given, and the same put in execution: Na sik ordour as zit, being allowed of, and approved be his Majestie, and his three Estaites in Parliament, contrare the custome observed in onie uthcr Christian Kingdome, or weill governed commonn weill: And to the diminishing of the force, and power of his Hienes awin Lawes, be the quhilkis his Majesties subjectes aucht ro be ruled: And specialie

ciallie his Hienes and his Estaites, considering that in the saids assemblies, certaine his subjectes have taken upon them to justifie, and authorize the fact perpetrated against his Hienes person and Estate, as *Ruthven*, and prosecuted thereafter, quhill his Majestie at Gods pleasure, recovered his libertie, having in their pretended manner, maid Actes thereupon, keipis the same in Register, and as zit seemis to allow the said attempt, althrought now publickly condemned be his Hienes and Estaites as treasonable, nane of the authors thereof, having craved his Hienes pardon theirfoir. For remeid quhairof, in time cumming, swa that according to the lovabil act of his dearest Grand-schir, King *James* the Fourth, of worthie memorie, all his Hienes lieges (being under his obeyfance) mon be ruled be his awin Lawes, and the common Lawes of this Realme, and be nane uther Lawes: Our Sovereine Lord, and his three Estaites, in this present Parliament, dischargis all judgements, and jurisdictions, Spiritual or Temporal, accustomed to be used and execute, upon ony of his Hienes subjectes, quhillkis ar not approved be his Hienes, and his saidis three Estaites, convened in Parliament: and decernis the same to cease in time cumming, quhill the ordour thereof be first scene, and considered be his Hienes, and his saidis three Estaites convened in Parliament, and be allowed, and ratified be them: Certifieing them, that fall proceed in using, and exercising of the saidis judgements, and jurisdictions, or in obeying of the same, not being allowed, and ratified, as said is: They fall be repute, halden, called, persewed, and punished as usurpers, and contemners of his Hienes authoritie, in example of utheris. And als it is statute and ordained, be our said Sovereine Lord, and his three Estaites: that nane of his Hienes subjectes: of quhat-sum-ever qualitie, estate, or function they be of, Spiritual or Temporal, presume or tak upon hand, ro convocare, convene, or assemble themselves togidder, for halding of Councelles, Conventions, or Assemblies, to treat, consult, and determinat in ony matter of Estait, Civile or Ecclesiastical (except in the ordinar Judgements) without his Majesties special commandement, or expresse licence had and obtained to that effect, under the paines ordained be the Lawes and actes of Parliament, against sik as unlawfully convocatis the Kings Lieges.

132. *The causes and maner of deprivation of Ministers.*

OUR Sovereine Lord, and his three Estaites, assembled in this present Parliament, willing that the word of GOD fall be preached, and Sacramentes administrait in puritie and sinceritie: and that the rentes, quhairon the Ministers aucht to be susteined, fall nor be possessed be unworthie persones, neglecting ro do the duties, for quhillkis they accepted their benefices, being utherwaies pollured with the fraill and enorme crimes, and vices after specified. It is therefore statute, and ordained be his Hienes, with advyse of the saidis three Estaites: That all Persones, Ministers or Readers, or utheris provided to benefices, sen his Hienes Coronation (not having vote in his Hienes Parliament) suspected culpable of heresie, Papistrie, fals and erroneous doctrine, common blasphemie, fornication, common drunkennes, non-residence, plurality of benefices havand cure, quhairunto they are provided sen the said Coronation, Simonie & dilapidation of the rentes of benefices, contrare the lait Act of Parliament, being lawfully, and ordourly called, tryed, and adjudged culpable, in the vices and causes abone written, or onie of them, be the ordinar Bishoppe of the diocese, or utheris the Kings Majesties commissioners, to be constitute in Ecclesiastical causes, fall be deprived alsweill fra their function in the Ministrie, as from their benefices, quhillkis fall be thereby declared to be vacand, to be presented and conferred of new, as gif the persones possessors thereof, were naturally dead: And that it fall be esteemed, and judged non-residence, quhair the person being in the function of the Ministry, provided to ane benefice, sen the Kings Majesties Coronation makis nor residence at his manse, gif he ony hes: And failzeing thereof, at sum uther dwelling place within the Parochin, bot remainis absent theirfra, and from his Kirk, and using of his office, be the space of four Sabbath dayes in the haill zeir, without lauchfull cause and impediment, allowed be his ordinar. And quhair onie person, is admitted to maa benefices, havand cure, sen our Sovereine Lordis Coronation, the acceptation of the laist, fall be sufficient cause of deprivation from the remanent, swa that he be provided to twa, or maa benefices havand cure, sen the time of the said Coronation. And neverthelasse this present Act fall not extend to ony person, provided to his benefice befoir the said Coronation, neither fall the bruiking of that office, quhairunto he was provided of befoir, induce pluralitie of benefices in this case, bot he fall allanerly tine his richt of the benefice, quhairunto he was provided sen the said Coronation allanerly: And union of the Kirks to ane benefice, nor to be judged pluralitie, quhill farder ordour be established and provided in that behalfe: Like as alswa, the persones being in the function of the Ministrie, that fall happen to be lawfullie and ordourly convict befoir our Sovereine Lordis Justice generall, or utheris their Judges competent, of capital crimes, sik as treason, slaughter, mutilation, adultery, incest, theft, common oppression, usurie against the Lawes of this Realme, perjurie, or falsed: They being likewaies lawfullie and ordourly deprived fra their function in the Ministrie, be their ordinar, or the Kings Commissioners in Ecclesiastical causes. The benefices possessed be the saidis persones to waik, be reason of the said conviction, and deprivation. And this to have effect and execution, onlie for crimes, vices, faultes, and offenses, that fall happen to be committed after the dait heirof.

133. *That Ministers fall not be Judges, nor exerce any uthor ordinar office that may abstract them fra their office.*

THE Kingis Majestie, and his three Estaites assembled in this present Parliament, earnestly desirous, that all his loving and gude subjectes, fall be faithfullie instructed in the doctrine of their salvation, and that the Ministers of Gods word and Sacraments, may the better, and mair diligently attend upon their awin charges and vocation: Therefor statutis, and ordainis, that all the saidis Ministers, fall faithfullie await there-upon, to the comfort, and edification of the flockes committed unto them: And that none of them presently being in that function, or that fall be admitted therin, in time cumming, fall in any waies accept, use, or administrat any place of judicature, in quhat-sum-ever civil, or criminal causes, nocht to be of the Colledge of Justice, Commissioners, Advocates, Court Clerkes, or Notaris in any matters (the making of Testaments onely excepted) under the paine of deprivation fra their benefices, livinges, and function: And gif they failzie heirin, being called, tryed, and adjudged culpable, be their ordinars, or be the Kings Majesties Commissioners in Ecclesiastical causes: They fall then tyme their saidis benefices and livinges, and uthers qualified persones, fall be presented, and provided thereto, as gif they wer naturallie dead.

134. *Anent slanderers of the King, his Progenitours, Estait and Realme.*

FORSAMEIKLE, as it is understand, to our Sovereine Lord, and his three Estaites assembled in this present Parliament, quhat great harme, and inconvenient hes fallen in this Realme, chiefly sen the beginning of the civile troubles, occurred in the tyme of his Hienes minoritie, throw the wicked and licencious publick and private speeches, and untrew calumnies of divers his subjectes, to the disdaine, contempt and reproch of his Majesty, his Councell, and proceedings, and to the dishonour and prejudic of his Hienes, his Parents, Progenitours, and Estait: Steirung up his Hienes subjectes theiry to misliking, sedition, unquietnes, and to cast of their dew obedience to his Majesty, to their evident perrell, tinsell, and destruction, his Hienes continuing alwaies in love and clemencie, toward all his gude subjectes, and maist willing to seek the safetie and preservation of them all, quhilis wiltully, needes, and upon plaine malice, after his Hienes mercy and pardon, oftimes asoir granted, hes procured themselves, be their treasonable deeds to be cut off, as corrupt members of this common weill: Therefore it is statute and ordained be our Sovereine Lord, and his three Estaites, in this present Parliament, that nane of his subjectes (of quhat-sum-ever function, degtee, or qualitie in time cumming) fall presume or rakeupon hand privatly, or publickly, in Sermones, Declamations, or familiar conferences, to utter any false, slanderous, and untrew speeches, to the disdaine, reproche, and contempt of his Majesty, his Councell, and proceedings, or to the dishonour, hurt, or prejudice of his Hienes, his Parents, and Progenitours, or to meddle in the affaires of his Hienes, and his Estait present, by-gane, and in time cumming, under the paines contened in the Actes of Parliament, against makers and tellers of leessings: Certifieing them that fall be tryed contraveners theirof, or that hearis sik slanderous speeches, and reportes not the same with diligence, the said paine fall be execute against them, with all rigour, in exemple of uthers. Attoure, because it is understand to his Hienes, and to his three Estaites, that the buikes of the Chronicle, and *De jure regni apud Scotos*, made be umquhile, Maister GEORGE BUCHANANE, and imprinted sensine, contenis sundrie offensive matters, worthie to be deletere: IT IS THEREFORE statute and ordained, that the havers of the saidis twa volumes in their handes, inbring, and deliver the same to my Lord Secretare, or his deputies, within fourtie dayes, after the publication hereof, to the effect, that the saidis volumes may bee petused, and purged of the offensive, and extraordinarie matters specified therein, nor meete to remaine as Records of truth to the posterite, under the paine of twa hundreth pundes, of everie person failzieing heirin. And quhair any or not responal to pay the said summe, to be punished in their persones, at OUR SOVERAINE LORDIS will. And to the effect, that this ordinance may cum to the knowledge of all OUR SOVERAINE LORDIS Lieges, ordainis publication to be maid theirof, at the mercat croce of the head Burrowes of the Schires, and uthers places needefull, Thar nane pretend ignorance theirof: And the paintie contened therein, to be executed with all rigour against the havers of the saidis buikes, the said space of fourty dayes being by-past, after the publication, and proclamation of the said Act in every Schire, as said is.

135. *Against reduction of fore-faltours for nullitie of proces, and that nane travel, nor give counsel to that effect, without special warrand of the Kingis Majestie, and Estaites in Parliament.*

THE Kingis Majestie remembering of the mony rebellious and treasonable deedes, perpetrated against his Majesty, and his maist Noble Progenitours, with the greater audacitie and contempt, For that they have found the fore-faltours led against sum persones, authors of the like treasons of befor, reduced, and taken away in the minorities of his Hienes, and of the Queene his dearest Mother,

upon the pretense of sum alledged nullities, found in the processe, the principal causes and crimes, for quhillis the same persones were fore-faltd, not being purged. For remeid of the quhill abuse, and that all men may the rather eschew to incur the fearefull spot of treason to themselves, their houses, and posteritie in time cumming.

IT IS statute and ordained be our Sovereine Lord, and his three Estaites, in this present Parliament, that no processe of fore-faltour for treason committed against the King, and his Estaire already standand in force, or that fall happen to be deduced against any persones, for crimes of Lese-majestie, in time cumming, fall at any time hereafter be reduced for any pretended cause of nullitie, that may be alledged to be in the processe: Quhill first the cause and crime, for quhill the fore-faltour was led, be freele remitted to him be OUR SOVERAINE LORD: Or that he be purged effectually, and the partie tried, and found acquite theirow. Bot in case it fall please his Hienes, or his Successours, at any time hereafter, to restore to any fore-faltd persones, or their posteritie: that fall only be granted to them be way of grace: And that na Advocates, writers, or uthers his Hienes lieges presume, or take upon hand to travel, sollicit, or give counsel in contrare the ordour appoynted in this present Act, without special warrant of his Hienes, and his three Estaites in Parliament, under the paine to be repute as favourers, and partakers with traitours: And to underly the paine and punishment dew theirfoir.

136. *Remissions and respettes suld not be granted for slaughter and uthor odious crimes: Remission suld containe satisfaction maid be the partie.*

THE Kings Majestie considering that slaughters, fire-raisinges, and uthers odious crimes, hes bene so commonly committed, throw all partes of this Realme, and a great part of the oceasion theirow supposed to be the ready granting of his Hienes respettes, and remissions to the committers theirow, upon in opportune suites, maid to his Majestie theirfoir: His Hienes remembring how greivous sik slaughters, fire raisinges, and uthers odious crimes ar in Gods sight, and how offensive to the Estate of the common weill of his Realme, followand the gude and lovable example of his maist Noble Progenitours in like case, at the instant request of his three Estaites, assembled in this present Parliament: And for the better eschewing of trespasses, and enormities against the safetie of his Lieges, and common profite of his Realme, of his special grace, and favour, hes granted, and in the worde of a King promitted to close his hands, and cease fra granting of onie respettes, or remissions, for any maner of slaughters, fire-raising, or any uthor odious crimes, that fall happen to be committed, for the space of three zeires nixt-to-cum, after the date hereof: That in the meane time his Realme may be put in peace and rule, and his Lieges live in suretie. And gif any remissions beis given or granted for auld actiones, that it fall be exprimed and provided in the same: that the trespassse was committed before this present Parliament, and that his Hienes and his Thesaurer, hes sene quhair the partie is assithed: and gif the contrare beis found, the remission or respetto be of nane availle.

137. *An act touching the provison to his Hienes of a Guard, and sure payment of their ordinar wages.*

THE Kingis Majestie, and his three Estaites, convened in this present Parliament, having considered how necessary it is to have a reasonable number of Gentil-men to attend continually upon his Hienes person, as his garde, hes thocht the number of fourtie persones meet to be elected, and interteined for that effect, able, honest, and weill horsed, and having sum reasonable livinges of their awin: Quhillis being sworn, and admitted in his Hienes service, fall be unremoveable theirsra, during their life-times, without upon worthie and great causes, they fall be justlie deprived. Everie ane of quhillkes fourtie persones fall have twa hundreth poundes zeirle, for their interteinement, thankfullie payed to them atwa termes in the zeir, whit-sunday, and Martine-mes in winter, be equal portiones.

Beginnand the first termes payment, at the feast of Martine-mes nixt-to-cum, in this instant zeir of God, ane thousand, five hundreth, fourfoir four zeiris. And for suir payment of their saidis wages, and interteinement, that they fall not in default theirow be compelled to neglect, or leave his Hienes service, or his Majestie to be frustrat, and destitute of the samin, his Hienes nawayes willing to lay the burding of their said interteinement upon his people, be ony taxation, or imposition to be raised upon them, quhairto he is maist willing to ease and releve them, bot to provide the said interteinement utherswise. Theirfoir with advise of his saidis three Estaites decernis, and declairis, statutis, and ordainis, That of all the Prelacies, and uthers inferiour benefices within this Realme (laick patronages excepted) now vakand, or that hereafter fall happen to vak, his Majestie and his successours fall have the first zeires fructes, after the decease, foirfaltour or deprivation of the last possessor, according as the same Benefice fall be valued in his Hienes Checker, be the auditoures theirow. To quhome, or ony five of them, his Hienes givis and grantis full power, commission and authoritie, to make and set the extent and value of all the benefices small and greate within this Realme in money, according to the quhill the said first zeires fructes fall be payed. And that the haill zeir after the vacance be expyred, or then the first zeires fructes be instantly payed befoir ony gift, provison or presentation of the benefice bee granted. And als decernis, declairis, statutis and ordainis,

That

to be tane of the slauchter, blude-sched, or invasión, before the Justice, or uther criminall Judge, competent thereto, be conviction, or beand fugitive and put to the horne. And gif the decreete be given, the same to be unredueable for ever. And gif the perfewer slay, wound to the effusion of blude, or invade the defender, as it is above written: Or be airt, pairt, red, or Councel theirow, cognition being tane, as said is, in that case the defender, or in case of his decease, the nearest of his kin, able to succede in that richt, fall have absolvitour fra the libell of the perfewer *simpliciter*, against the quhilk the perfewer, nor na uther be his richt, fall ever be heard be way of reduction or restitution *in integrum*, in any time thereafter, quhat age, condition, or qualitie that ever the slayer, drawer of the blude, or invader fore-said be of, The proces of transferring in the causes above written *respective*, to be upon ane fiftene dayes warning, but diet, table, or continuation of utheris summondes. And gif the slayer, schedder of blude, or invader, as said is, hes landes or life-rentes, and beis denounced rebell, and put to the horne, for non-finding of sovertie, or non-comperance to underly the Law, for the said slauchter, blude-sched, or invasión, in that case the slayer, schedder of blude, or invader, incontinent after the denunciation fall tyn the lyfe-rent of his landes, benefice, office, and utheris rentes, and commodities quharsumever for his lyfe-time, without any farder delay of zeir, and day, as in uther causes of tinsell of lyfe-rentes, throw being zeir and daye at the horne.

Attour our Sovetaine Lord, be the faith, and duetie of ane Christiane Prince, promisis to give na respekt, nor remission to the offendares in sik causes. And gif his Majestie or his successours dois in the contrare, (as is not beleevd) the using of the said respekt, or remission be any of the parties, perfewer, or defender, fall be the like cause, and of the same effect, as their conviction, for the cause abone specified. And this act and ordinance to indure for the space of seven zeires immediatlie hereafter. And to be confirmed in his Hienes nixt Parliament, to have the strength, and effect of ane act thereof, and to be observed, as ane perpetuall Law, in time cumming.

139. *Ane Act anent the better execution of Decreetes.*

OUR SOVERAINE LORD, with advise and consent of his Hienes three Estaites of this present Parliament, hes ratified and apprievd, and be the ténour hereof ratifies and apprevis the Act & statute underwritten, and decernis, and declairis the samin to have the strength, force, and effect of ane Act of Parliament, Of the quhilk the ténout folloves. At *Edinburgh* the twentie thre day of Marche, The zeir of God ane thousand, five hundreth, fourscor twa zeires. The quhilk day in presence of the Kinges Majestie sittand in Judgement, and Lordes of his Hienes Councell, and Session compeited Maister *David Makgill* of *Nisbet*, and in his awyne name, as Advocat to his Majestie, and in name of his Hienes maist faithfull, humble, and obedient subjectes of his Realme, exponed, and declaired, how it was heavilie meaned be his Majesties saides subjectes, that after the tedious, chatgeable, and langsum persure in obtaining of their decreetes, the malice of perfones had daylie swa increfced, be making of simulac, and fals assignationes, of their moveable guddes, fraudfull and private alienationes of their possessiones, landes, and heritages, That the execution of all decreetes given be quharsumever Judges, within this his Hienes Realme, althocht obtained be maist langsum proces, wer altogidder frustrat, at least swa delayed, that parties war in na better case, after the obtaining of the saides decreetes, nor gif the samin had not bene given, the saides manifest fraudes, and daylie invented collusiones, being the stay of Justice, quhair of the principall parte stands in execution.

For remeid of the same, consideration being tane be his Majestie, with advise of the Lords of his Hienes Councell and Session, to quhom be his Majesties maist noble Progenitors, King JAMES the Fifth of gude memory, erecter of the Colledge of Justice, with consent of Parliament, the concluding upon rules, statutes, and ordinances, for expedition of Justice was committed. Therefore his Hienes, with advise & consent foresaid, hes statute and ordained, that for execution of all decreetes, aswell given be the saidis Lordes, in any time bygane, as to be given in time cumming: And sik-like of decreetes given, or to be given, be quhatsumever Judges within his Majesties Realme, quhair-unto the authoritie of the saidis Lordes of Session hes bene, or fall happen to be interponed: That letters alswell of horning, as poynding, the ane nocht prejudiciall to the uther, fall be directed at the will and pleasure of the partie obteinert of the decreet, quhider the same be given upon liquidate summes, or that the execution thereof utherwayes consist *in facto*. And that na suspension be granted upon the execution of the saidis decreetes, without reall offer be first maid to the partie, in quhais favours the execution of the saidis decreetes is directed, and the parties refuse, sufficiently verified to the saidis Lordes, consignation alwayes being maid, as use is: And that according to their late statute and ordinance, quhilk his Majestie, with all utheris their statutes and ordinances maid for expedition, and execution of Justice, ratified, and appreived. Providing alwayes, that consideration be had upon the space and dayes of the charges, and that according to the distance of the defenders dwelling places, and the quantitie of the summes contained in the saidis decreetes.

that there be ane just meafure and standard for the Salmond, maid be the Burrowes, conforme to the auld Actes of Parliament, and the famin to remaine at the Burgh of *Aberdene*. And fike-like, that there be ane just standard and meafure for Herring and quhite-fish, quhilk fall be burnt, and remaine in the keeping of the Provost and Baillies of *Edinburgh*. And that all Salmond trees, Herring trees, and quhite-fish trees, univerfallie throw this Realme, fall be of the gage and meafure fore-faid. And that ilk Burgh fall receive ane patrone and meafure of the gage fore-faid, and fall caufe the Couppers within their bounds, make their trees conforme to the faid meafure, and the fame to be burnt be the Town Iron, and Couppers Iron on baith the endes, and upon the fteppe, befide the bung. And in-cafe ony Salmond, Herring, or quhite-fish, be packed in utheris trees, nor of the just gage fore-faid, burnt and marked, as faid is, the famin fall be efcheit to our Sovereine Lord. And ordainis the principall ftaple of Salmond fra *Dee* north, to be at the Burghes of *Aberdene* and *Elgine*: and the principall ftaple of Herring, and quhite-fish, flaine be the inhabitants within the water of *Forth*, to be in *Leith*, within the priviledge and freedome of the Burgh of *Edinburgh*, and within the port and haven of *Carraill*. And the ftaple of Salmond, Herring and quhite-fish, flaine be North *Fiffris*, to the water of *Dee*, to be at *Dundie*, or *Perth*. And that the faidis Provost & Baillies of *Edinburgh*, *Aberdene*, *Carraill*, *Elgine*, *Perth*, and *Dundie*, fall appoynt ane discreet man to be vifitour, wracker, gager, and burner of the faidis trees, and appoynt to him ane reafonable dutie of ilke laft thereof, for his laboures. That all unfree-men, fischers, and flayers of herring and quhite-fish, dwelland within the boundes of the water of *Forth*, on baith the fides, to the water mouth of *Tay*, bring their Herring and quhite-fish to be flaine be them in time cumming, to the portes of *Leith* or *Carraill*, and at West-side, to *Aire*, and *Dumbertane*, dividand the boundes betuixt at the *Clochyfane*: there to be gaged, marked, and fauld to the free Burgefles of this Realme. And that na fifhers, or utheris unfree-men, fell their faid Herring, and quhite-fish to ony ftrangers or unfree-men, or carrie the famin furth of this Realme to ony uther cuntries, to be fauld be themfelves, under the paine of efcheiting of all their moveable guddes: The ane halfe to our Sovereine Lordis ufe, and the uther halfe to the Burrowes, quha fall convict them, be vertew of their Commiffiones.

142. *For explication of the Act maid befoire, for punifhment to rebelles, contemptuandly remainand at the Horne.*

FORSAMEIKLE as in the Parliament halden at *Edinburgh*, the xx. day of October, the zeir of God, 1579. zeires: There was ane statute maid for punifhment of Rebelles, contemmandly remainand at the Horne: In the quhilk it was ordained, that all hornings execute before the dait of the faid Act, within xv. dayes after the publication thereof, and all hotnings to be execute thereafter, within xv. dayes after the denuntiation, fuld be dewly regiftrid in the Schireffe Clerkes buikes of the Schiref-dome, quhair the faid denuntiation is maid, marked and figned be the Schireffe Clerk, and delivered againe to the partie, with exprefse provifion contained in the faid Act, that hornings not regiftrat, after the forme and tenour thereof, fuld make na faith, nor be of ony force nor effect, as the faid Act at main length propertis. Be the generalitie quhair of, findrie doubtres arrifand: It was proponed, to our faid Sovereine Lord, and desired to be declared, be his three Eftaites in Parliament, gif the provifion of nullitie of horning therein contained, for none-regiftration thereof, according to the forme prefcribed in the faid firft Act, fuld have place in hornings, execute at the instance of ane perfon deceafed lang before the making of the faid Act, quhair the perfon denounced was alwa departed this life, before the making of the fame: The purchaffer of the letters of Horning beand donatour to the efcheit, and the gift of the faide efcheit, having taken full effect in the donatours perfon lang of before, and therethrow the donatour, and the purchaffer of the letters, being fatified of his debt, and the rebell punifhed, and departed this life, before the faid statute, quhilk culd na wayes be extended to the perfonnes quhilkis were deceafed, before the making thereof, and quhilkis were punifhed for their faid rebellion. The Kingis Majetty, with the advife of the faidis three Eftaites of Parliament, beand ripelic advifed therewith, hes declared and declaris, that the faid Act of Parliament, is not, nor fall not be hereafter extended to fike hornings, as were execute at the instance of ony perfon departed this life, before the dait thereof, againft the rebell quha deceafed before the date of the faid Act. And specialle quhair the efcheit falling be the faid horning, was difpofed, and the donatour had intrometted with the guddes, takkes, and poffeffiones, contained within his gift: Bot that the faid horning, in the caufe fore-faid, albeit the fame be not regiftrid, hes bene, and fall be, in all time cumming, of full force and effect. Like as alwa our Sovereine Lord, and the three Eftaites fore-faidis declaris, that all letters of horning, dewly execute and indordat, for non-compeiring to underly the Law, or for not finding of foveriey to that effect, reported to the Justice Clerk, and his deputies, as ufe is, hes bene, and fall be alsufficient, as gil the fame were regiftrid in the Schireffes buikes, quhair the faidis rebelles were denounced. And that it fall be fufficient that the hornings within Stewartries and Regalties, be regiftrat within the buikes thereof, and that hornings execute upon perfonnes, for their non-comperance to beare wites, fall neede na regiftration.

F I N I S.

A N E

A N E T A B L E

Of the

PARTICULAR ACTES and others, maid be KING JAMES
the Sext, in this aucht Parliament, 22. of Maij. 1584. not imprinted.

- 1 Ratification of the declaratoure touching the proceedings against the King at Ruthven.
- 2 Ratification of the prosecution and punishment of the said Rebellion.
- 3 Act annulling certaine alienationes and dispositiones, maid in prejudice of the King.
- 4 The constitution of certaine the Kingis Majesties Officiares of the Estaite.
- 5 Commission aient the Ministers stipendes.
- 6 Ratification of the Kingis Majesties lait revocation.
- 7 Reformation of the Colledge of Justice.
- 8 Approbation of the lait lay-money.
- 9 Aient one new cunzie of Gold.
- 10 Ratification of certaine infestments granted to Sir John Maitland of Thirlestane Knight.
- 11 Ratification of Freer-landes and annuales of Aberdene, to the Hospitall thereof.
- 12 Revocation of landes pertaining to unquibile William Maitland of Lethingtoun.
- 13 Ratification of the infestment maid to Andrew Lord Ding-well.
- 14 Commission granted to Colonell William Stewart.

F I N I S.

T H E N I N T H

P A R L I A M E N T,

Halden at Edinburgh the XXII. daie of August, the zeir of God, 1584. zeires. Be the richt Excellent, richt heigh and meichtie Prince, JAMES the Sext, be the Grace of God, King of SCOTTES, with advise of his Estaites.

1. *Prelacie may not be given, bot be the possessours deceasse, fore-saltour, or simple resigna-
tion with reservation of his life-rent.*



IT IS Statute and ordained, be our SOVERAINE LORDE, and the three Estaites, that all gistes, provisones, and dispositions of Successours of Prelacies, Abbacies, Priories, and Nunneries, maid and granted be his Hienes, to quhatsumever perones, his Hienes subjectes, upon the resignations or dimissions, of the possessours of the same Abbacies, Priories, and titulaires of the same with reservation of their awin life-rentes, are and fall be of nane availe, strength, force nor effect, with all that hes followed, or fall happen to follow there-upon, without farther proces: And that na gift or provision of ony sik Prelacie, fall be vailzeable in ony time to cum: except it fall vaik be deceasse, fore-saltour, or simple dimission of the possessour theteof, and na utherwayes, without prejudice alwayes of the life-renters, and present usu-fructuaries.

2. *Possession be the space of five zeires, is sufficient to the King, or his Donatour, of landes, takkes, beyndes, cum in his handes, be fore-saltour.*

FORSAMEIKLE As be the common Law of this Realme, the lands and heritages of all perones convict of treason, halden immediatly of our Sovereine Lord, ar adjudged to pertaine to his Hienes, & to returne as propertie to his Crown: And als his Hienes, hes richt and power to dispon quhatsumever uther landes and heritages, pertaine to the perones convict of lese-majestie, quhilkis ar immediatly halden of ony of his subjectes, be presentation of ane heritable tennent, to the Over-lord. And in like maner hes richt and title to all takkes and possessiones of teindes and landes, bruikid be the saidis perones before their conviction; and as the crimes of treason growis within this Realme: Sua the fraudefull inventiones, to the hurt and prejudice of our said Sovereine Lordis Estait, daily maid and maid increasid, be abstracting of the evidentes, infestmentes, and seaisings of the lands and heritages, takkes, and utheris richtes, appertaining to the perones quhilkis ar convict and fore-salted for lese-majestie: Tending thereby to draw our Sovereine Lord and his Successours, and the perones to quhom the saidis landes and heritages foresaidis, ar, and fall be hereafter disposed, in question of their heritable richtes, and titles of their rowmes and possessiones, nocht having in their handes the evidentes of the saidis perones convict, or to be convict, as said is. For remeid quhairof: It is statute and ordained be our said Sovereine Lord, and the three Estaites of this present Parliament, that all Lands, Lordshippes, Bartonnies, Annual-rentes, milnes, multure, fischinges, tennentes, tennandries & service of free tennentes, and utheris heritages quhatsumever, quhilks have bene, or hereafter fall be, peaceable bruikid, and possessed be quhatsumever perones forsalted, or that hereafter fall be fore-salted for crimes of treason and lese-majestie, committed, or that hereafter fall be committed against his Hienesse and his Successours: Or be them to quhom our Sovereine Lord and his Successours suld succede, be reason of the fore-saltout of their nearest aites, as their heritage, be labouring the same with their awin guddes, setting the same to tennentes, and up-listing of the mailles thereof, as their heritage: And swa repute, halden and esteemed heritable possessours thereof, be the space of five zeires, immediatly preceeding the proces and sentence of fore-saltour, led, or to be led against them, be the space of five zeires, immediatly preceeding the deceasse of the perones, to quhom our said Sovereine Lord, suld, or may succede, as aire throw the fore-saltout, led, or to be led against their nearest aites: That all and findrie the saidis Landes, Lordshippes, Bartonnies, annual-rentes, tennentes, tennandries, and service of free-tennentes, milnes, multure, fischinges, and utheris heritages, quhatsumever, lies appertained, and fall appertaine to our said Sovereine Lord and his Successours, hes becomming, and fall becomm in their handes, as escheit, to be disposed and used be them, as their propertie, in all times cumming. Swa that hereafter, na question fall be mooved to his Hienes and his Successours, nor zit to the perons quhilks have alreadie obtained, or hereafter fall obtene, heritable richt of the saidis Landes, Lordshippes, annual-rentes, and uthers above specified be their disposition. Notwithstanding, that they be not able to schaw, nor produce in Judgement, the heritable richt and title thereof: Or contrades, renunciations, and utheris securitis maid there-anent, to the perones fore-salted, or to be fore-salted,

as said is, or their predeceffours. And to the effect that the said five zeires possession of the saidis perſones, as heritable poſſeſſours, may be ſufficiently verified and proved, our ſaid SOVERAINE LORD E, and his Succellours, ſhall, at all times needfull and convenient, at the inſtance of his Advocate, or quhat otheris his Lieges, having intereſt, direct commiſſiones under the teſtimoniall of the great Seale, in dew and competent forme, makand ſik perſones as his Hienes, be the adviſe of the Lordes of his ſecreer Councell, ſhall finde maiſt meete and expedient his Schireſſes in that part, to tak cognition beane condigne aſſiſe, of the Schireſdomes quhair the lands lies, or otheris leaſt ſuſpected, quhabest knawis the veritie, quhat Landes, Lord-ſhippes, and quhat heritages war bruiked and poſſeſſed be the ſaidis perſones convict or to be convicted of treaſon; and war bruiked be them in maner foreſaid, as heritable poſſeſſours thereof, Sa commounlie halden, repute and eſteemed, be the ſpace of the ſaidis five zeires, immediatelie preceeding the proceſſe and ſentence of foreſaltour led, and to be led againſt them, quhilkes ar or ſhall happen to be heirafter convicted of treaſon, as ſaid is. And quhat Lands war bruiked be the perſonis, to quihome OUR SOVERAINE LORD and his Succellours, may or ſuld ſuccede as aires through foreſaltour led, or to be led againſt them for treaſon, as ſaid is. And to call all parties havand or pretendand intereſt. Quhilks perſons of Aſſiſe, ſhall give their ſmall determination thereupon before the Judge: quhaſ fall interpoſe his decreete and authoritie thereto. And thereafter ſhall retoure the ſame to his Hienes Chancellarie, under the ſeales of the ſaidis aſſiſe, quhair the ſame ſhall remaine, *ad perpetuum rei memoriam*. And ſhall in all times thereafter make als full faith in Judgement, as outwith: and be of als great ſtrength, force and effect, to OUR SOVERAINE LORD, and his Succellours, and otheris havand right, be their diſpoſition, for bruiking of the ſaidis Landes, Lord-ſhippes; heritages and annuall-rentes, as gif the hentable infeſtments, charters and ſeaſinges thereof, maid to the ſaidis perſones foreſald, or to be foreſald, as ſaid is, or their predeceſſours, war ſchawen & produced in Judgement. And as concerning takkes and poſſeſſiones of lands and teindes, bruiked and poſſeſſed be the ſaidis perſones foreſald: or the perſones to quihome our ſaid Sovereaine Lord, and his Succellours ſuld or may ſuccede, as aires throw foreſaltour led, or to be led againſt their narreſt aires: It is ſtatute and ordained that letters be directed, be deliverance of the Lordes of his Hienes ſecreer Councell, at the inſtance of his Hienes Comptroller, Or ſik as hes obtained, or that ſhall happen to obtaine, be OUR SOVERAINE LORDIS gift, the right of the ſaidis takkes and poſſeſſiones, Charginge the poſſeſſours of the ſaidis lands and teindes, to enter the ſaide Comptroller or Donatour thereto: To be peaceable poſſeſſed and bruiked be them: ay and quhill they be lauchfullie called, and ordourlie put their fra be the Law, within ten dayes nixt after the charge, under the paine of rebellion and putting of them to the Horne: And gif they failzie therein. The ſaidis ten dayes being by-paſt; To denunce them rebelles, and eſcheit all their mooveable guddes to his Hienes uſe. And that they ſhall not be altered, heichted in mail or dewtie, or removed fra the ſaidis takkes or poſſeſſiones of Landes, or teindes, for the ſaid ſpace of five zeires. That in the meane tyme they maiſt have time and commoditie to ſearch and ſeek out the takkes, richtes, titles and provisions of them, quhom of their richt, apd ſecuntie proceedis: and quhaſ place they ſuccede unto, be foreſaltour and eſcheit, as ſaid is. Quhairby they may mainteine and defend their right or poſſeſſion of the lands or teindes acquired, as ſaid is. And that alwayes the fruites of the ſaidis landes, rowmes and poſſeſſiones, for the ſaid ſpace of five zeires ſhall apperteine and remaine with our ſaid Sovereaine Lord, & his donatour for ever. And becauſe his Maſteſtie & his donatours may be greatly defrauded: As alſo vaſſalles & ſub-vaſſalles to ſewars hurt, through the abſenting and abſtracting of the evidences & rightes of the perſons foreſald: Sum pretending to claime annuall-rents, and ſew dewties of landes, fallen in foreſaltour, of many zeires preceeding: Quhilks is probably ar taken away be poſterior richtes or diſcharges, conſiled or abſtracted be the ſaid perſones foreſald. Therefore it is ſtatute and ordained, be our ſaid Sovereaine Lord, and his three Eſtates: That na perſon preſented be our Sovereaine Lord, to ſew landes foreſald, nor ony vaſſall of ony fewer foreſald, ſhall be compelled to produce the acquitances of ſew mailles, or annuall-rentes, of their foreſald landes, of ony zeires preceeding the foreſaltour of his immediat ſuperiour: Nor zit of ony zeires ſen the ſaid landes come in his Hienes hands, be reaſon of the foreſaltour: norwithſtanding, ony claime irritant, contained in the infeſtmentes, or titles of the foreſald perſones, quhilks were obſcure to the perſones preſented be his Hienes, and ſub-vaſſalles foreſaidis: They alwayes payand the ſaidis annuall-rentes, or ſew dewties for the tyme to-cum, how ſoone it ſhall be verified, that the landes were ſa obliſhed be the infeſtmentes of the ſaidis perſones foreſald, abſtracted, as ſaid is.

3. *In cauſes of double poynding, the partie quha is lauchfullie ſummoned, and compeiris not, ſhall not be hearde in the ſecond inſtance.*

FORSA MEIKLE: As complaint being mooved, at the inſtance of tennentes of landes, againſt divers parties, be quhom they ar charged, poynded and diſtreined, for their mailles and dewties: And of the parties compeined upon compeirand, and ſchawand their richts and titles of the landes: and the other being lauchfullie ſummond, and not compeirand, the partie compeirand, is ordained to be answered and obeyed of the mailles and dewties of the landes, being in queſtion, according to his richt and title then ſchawen and produced: Not *ſimpliciter*, but with this limitation, for ouelt that the Lordes of Councell or other Judges ordinaris, before quhome the ſaide action dependis, had ſcene. And the uther partic

tie lauchfullie summoned, and not compeirand, is likewise decerned, to desist and cease fra all farther molestation, or troubling of the saidis tennentes, for oucht that the saidis Lordes then had seene. Be the quhilk decreete, the parties compeirand, hes undoubted richt to the mailles and duties of the landes, ay, and quhill he be warned at the instance of the uther party, and better richt schawen. And because mony zeires, after the giving of the same decreet, the partie quha was lauchfully summoned, and be contumacie was absent, hes intended action for reduction of the said decreete, from the beginning: And consequently, for compelling of the partie obtainer thereof, to rander and restore the haill profitos of the landes, intrometted with be him, of mony zeires, expresse against the provision of the commoun Law, and gude reason: That he quha compeiris and obeis the Judge, fall be in worse case, nor he quha contemned the judgement, and absentis him therefra. For remeid quhairto, It is statute and ordained, that quhair-ever the partie nor compeirand, is lauchfullie summoned, and schewis nocht richt, he fall not be heard to retreat and reduce the said decreete, nor zit fall be restored againe to the same: Except he have an necessary cause of his absence, & nocht compeirance quhen he was summond, nor zit fall have ony action for the by-run profitos, intrometted with, be the obtainer of the decreete, fra the obtaining thereof. And he quha obtenis the said decreete, fall onely be obliged to answer the uther partie compleinand in the secund instance, according to the richt, quhilk is then competent in his person, & quhilk he fall schaw and produce valziable to bruik, at the time of his complaint and sute, and na utherwayes. And that this ordour be kept & observed, before the Lords of Session, & uther Judges, as effectis, nocht only in all sik questions, as may occur hereafter: But als in all matters of the like sort, by-gane intended, or to be intended, dependant and undecided before the saidis Lords of Session, and uther Judges ordinar. It is alwayes provided, that gif the partie called, and nor compeirand, in the first instance be *minor*, and have tuteurs and curators, he fall have his action for his damage and interest susteined be him, throw his non-compeirance, against his tuteurs and curatours allanerly. And gif the persone being *minor*, having na tuteur nor curatours, fall have their remeid to be restored in *integrum*, as accordis of the Law, upon reasonable cause proponed to that effect.

4. *Writtes ordained to be registrat, necessarily suld nocht be sealed. Instrumentes of leasing ar valide, albeit they be nocht subscribed be twa Notares.*

THE Kingis Majestic, with advise of the three Estaites of this present Parliament, exponis and declaris, that the act anent the sealing of writtes of importance, is nocht to be understand of sik writtes, contraites, or obligations, as ar be the parties agreed upon, to be registrat in the buikes of our Sovereine Lordis Councell: or uther ordinar Judges. seeing the parties consents to registrat the same. Quhilk is ane greater solemne Act, nor the sealling thereof. And that the non-sealing of the same, fall be na exception against the validitie of the saidis writtes, being subscribed be the parties, and agreed on, to be registrat, as said is. Quhilkis his Majestic and Estaites foresaidis, decernis to neede na sealles. Neither that the said act, anent the saidis writtes, to be subscribed be twa Notaris, fall be extended to instrumentes of leasing, quhair-unto ane faithfull Notar, with ane reasonable number of honest and famous witnesses is sufficient. And this declaration to be observed as ane Law, in all times cumming.

5. *The eaters of flesh in forbidden times, suld be punished be escheitring of their guddes.*

IT IS statute and ordained be our Sovereine Lord, with advise of his three Estaites, that na maner of person nor persons his subjectes, of quhat Estaite, degree or condition that ever they be of, fall presume or tak upon hand, to eat ony maner of flesh in time cumming, on Wednis-day, Friday, or Setterday, or in the time of *Lentron*, under the paine of confiscation of all their moveable guddes to our Sovereine Lordis use, & that his Majesties Thesaurer, cause inquire, search and seeke, the contravenares of this present act, call & accuse them therefore: And they being convict, to arceist and uplift the said paine upon them, with all rigour, in exmple of utheris.

6. *Dissolution of annexed landes.*

FORSAMEIKLE As in auncient times, our Sovereine Lordis maist Noble Progenitours, with consent of the three Estaites of Parliament, have judged it maist convenient for the weill of the Realme, that every Free-holder, Spirituall and Temporall, suld sett their landes in few: And that our said Sovereine Lordis Predecessours, of maist noble memorie, being for the time, besetting of their landes, allweill annexed, as un-annexed in few-ferme, suld give exmple to his free-holders to do the like. And to that effect in diverse Parliamentes, halden in the dayes of our Sovereine Lordis Progenitours foresaidis, The annexation and union of landes to the Crown, were dissolved, and now our Sovereine Lord, following and the read of his saidis Predecessours, for the great desire quhilk his Hienes hes, that policie suld increase within his Realme, hes be the advise of his saidis three Estaites in Parliament, dissolved, and be the tenour of thir presentes dissolvit, the union and annexation, of quhat-somever Landes, Lord-schippes, Barronies, milnes, miltures, fischinges, maid to the Crown, in this Parliament halden in his awin time, or in the dayes of quhat-somever his Hienes maist Noble Progenitours: To the effect that the said Landes,

8. *Aient money and victual, assigned to the keeping of the Castles of Edinburgh, Dum-bertane, Striviling and Blacknes.*

FORSAMEIKLE As the Castles of *Edinburgh, Dum-bertane, Striviling* and *Blacknes*, being four of the chiefe strengthes of this Realme, maist necessar to be kepted, alsweil for OUR SOVERAINE LORDIS service, as his residence within the samin, at times convenient: as for the guard and keeping of prisoners and wardoutes, charged for their offenses, to remaine within the samin. Quibilk Castles cannot be safely kepted to his Majesties behoove, and weil-fare of his Rcalme, nor be his subiectes and servandes, of sik fame, lautie and credite, as his Hienes esteemis woorthie to discharge their dewtie in that behalfe: Quhair never able to do the samin, but sufficient rent and living, quhairupon the persones, continually attending upon the said charge and service, may be maintained. Therefore our Sovereine Lord, with advise and consent of the three Estates of this present Parliament, hes statute and ordained, and be the tenour hereof, statuts and ordains, that all the money and victual assigned, given befor for keeping of the saidis Castles: And quhair of the Captaines and keepers of the samin *respective*, have bene in possession, be the space of 5. zeires, preceeding the dait of thir presentis, fall in time cumming, remaine and abide, with the Captaines and keepers thereof, for susteining of the charges of their offices: That is to say, to the said Castle of *Edinburgh*, twelfe hundreth markes, to be payed monethlie, fourth of the customes of the Trone of *Edinburgh*, and fourth of the *super-plus* of the thrides of benefices: The hail thrid of the quheite of the Arch-bischoopprick of *Saint-Andrewes*, seven chalder, twa bolles, thre firlothes, ane peck. The rest of the thrid of the quheite of the Abbaie of *Scone*, three bolles: the hail thrid of the quheite of the Priorie of *Charter-house*, twa chalder, five bolles, iiij. part boll. The hail thrid of the quheite of *Lundoris* three chalder, four bolles, iiij. firlothes, three peckes. The hail thrid of the quheite of the Kirke of *Mony-fruth*, ane chalder, three bolles, thrid part boll. Out of the thrid of the beir of the Arch-bischoopprick of *Saint-Andrewes* aicht chalders, five bolles, thrid part peck. Of the thrid of the beir of the Abbay of *Scone*, ane chalder, twa bolles, ane firloft, twa parte peck. Out of the thrid of the beir of the Priorie of *Charter-house*, three chalders, three bolles, ane peck, thrid part peck. Out of the thrid of the beir of the Abbay of *Lundoris*, sixte chalders, nine bolles, ane firloft: Out of the thrid of the Beir of the Abbay of *Aberbrothok*, ane chalder, nine bolles, three firlothes, twa parte peck. Out of the thrid of the Beir of the Bischoopprick of *Dunkeld*, four chalder, xiiij. bolles, thrid part boll. The thrid of the meale of the Arch-bischoopprick of *Saint-Andrewes*, four bolles. Out of the thrid of the meale of the Abbay of *Scone*, xj. bolles, ane firloft. The hail thrid of the meale of the Priorie of *Charter-house*, twa parte boll. Out of the thrid of the meale of the Abbay of *Lundoris*, four chalders, xj. bolles, three firlothes, twa peckes: Out of the thrid of the meale of the Bischoopprick of *Dunkeld*, four chalders. The thrid of the pees and beanes of the Arch-bischoopprick of *Saint-Andrewes*, ane boll, thrid part boll. To the Caste of *Dumbertane*, the mailles, fermes, profits and dewties of the landes of *Cardrossie* and iniekle *Camray*. The pension of the ferme meale of *Kirk-Patrick*. The Customes of *Dumbertane*, & five hundreth and fiftie markes, out of the *super-plus* the of thrides of benefices. To the Caste of *Striviling*, the few mailles of the Lord-shippes of *Striviling* schire, *Menteith*, *Brechin* and *Nevay*. To the said Castle of *Blacknes*, the money and victualles of the Lord-shippe of *Lanlithcow* schire, according to the gift maid thereanent. And gif ony part of the money and victual, before assigned to the keeping of the foresaidis Castles, and quhair of the keepers and Captaines, for their service, hes bene in possession, allowed in our Sovereine Lords Checker, be the said space of five zeires last by-past; be disposed, given and assigned, or hereafter fall happen to be disposed, given and assigned, to quhair-sum-ever uther person or persones, for times lang or shorte: except to the saidis Captaines and keepers now present, or quibilk fall happen to be for the time: OUR said SOVERAINE LORDE, be advise and consent foresaid, revokis, annullis, and dischargis the same, and als decernis and declaris, that the saidis gifts, assignationes and dispositiones, quhair-sum-ever maid contrare the tenour of this Acte, ay, and in all times cumming, fall be of nane availle, force nor effect, with all that may follow thereupon:

9. *Confirmation of the Act maid aient for forbidden guddes.*

OUR SOVERAINE LORD, with advise of his three Estates convened in this present Parliament, Ratifies and appreevis for his Hienes and his Successours, perpetuallie confirmis all Actes of Parliament maid be his Hienes, or his maist Noble Progenitours, against the transporting of forbidden guddes and Wares, out of this Realme. And ordains the same to have full effect and force in time cumming. Commanding his Hienesse Thesaurer, and all utheris his Officiaries; to quhom it apperteinis, to see the saidis Actes put to dewe execution, against the contraveners theriof: As they will answer upon the dewtie of their offices, at their hiest charge and paine.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES, and utheris, maid be KING JAMES the Sext,
in this ninth Parliament, 22. August, 1584. not imprinted.

- 1 **E**Xception of the Abbotes of New-bogle, and Kinlosse, foorth of the Act anent successours to Prelacies.
- 2 Act maid anent factours of landes, pertaining to persones delated of treason.
- 3 Ratification of the acttes anent the libertie of Burrowes.
- 4 And of the Act anent the excesse of coarsly cleething.
- 5 Commission anent discussing of articles proponed in Parliament.
- 6 Act in favourres of the Laird of Letlungtoun.
- 7 Commission anent the erection of the Colledge of Aberdene.
- 8 The annulling of pensiones foorth of the Bisheppriks of Saint-Andrewes, and Aberdene.
- 9 Ratification of the Kingis revocation.
- 10 Ratification granted to the Commendatar of Pettin-weeme.
- 11 Ratification of the infestment of Beau-lie, to my Lord Lovat.
- 12 Ane uther of the decreete given in favourres of the Erle of Suther-land, against the Erle of Caithnes.
- 13 Ane uther of the decreete arbitral, betuixt the merchandes and Craftes-men of Edinburgh.
- 14 Ratification granted to Alexander Erskene of Gogar, upon the discharge of the Castle of Edinburgh.
- 15 Ratification of the contract, betuixt the King and Eustathius Rogh, anent the myndes.

F I N I S.

THE

THE TENTH

PARLIAMENT CURRENT,

Halden at Linlithcow, the X. daie of December, the zeir of God., 1585. zeires. Be the richt excellent, richt heich, and nichtie Prince, JAMES the Sext, be the Grace of God, King of SCOTTES, and the three Estaites.

10. *Authors of slanderous speeches, or writts, suld be pnnished to the death.*



THIS Statute and ordained, be our SOVERAINE LORD, and the three Estaites, that all his Hienes Subjectes content themselves in quietnes and dewtifull obedience, to his Hienes and his authoritie. And that nane of them presume, or take upon hand publicklye to declaime, or privaty to speake or write ony purpose of reproch, or slander of his Majesties persone, Estaite, or government: Or to deprave his lawes and actes of Parliament, or misconstrue his proceedinges, quhairby ony mislyking may be mooved, betuixt his Hienesse, and his Nobilitie, and loving subjectes in time cumming, under the paine of death: Certifieing them that does the contrare, they sall be repute as seditious and wicked instrumentes, enemies to his Hienesse, and the commoun-weill of this Realme. And the said paine of death sall be execute upon them, with all rigour, in exemple of utheris.

11. *All Ecclesiastical Persones, sall finde caution to leave the Benefice, als gude as they faude it.*

THE Kingis Majestie, considdering the great and shamefull dilapidation of the rentes of the benefices of this Realme; without respect of the posteritie: to the great hurt of the Crown and common-welth of this Realme: Thetefore for sum stay of the said disorder, quhill the inconvenientes past, may be better tryed, and the full remede provided: Be the advise of the three Estaites, convened in this present Parliament, statuts and ordainis that all persones to be provided hereafter, to the Bishoppricks, Abbacies, Priories, or quhat-sum-ever inferior benefices, being at his Hienes presentation, fall before the expedition and Registration of their signatours, find sovertie to the Clerk keeper of the Register: That they fall leave the said benefice at their decease and dimission, unhurt or vitiat in the quantitie of the zeirlye rent theirof: as they find it at their entrie theirot. And that their signatours and provisiones on-nawayes be expedie or passe the sealles quhill the said sovertie be founden. And the same testified be the same Clerk. And in-case ony of the saides persons, provided to the saides benefices, fall happen to doe utherwayes: And be ony fewes, takkes, pensions or changing of victual for money, or ony uther disposition, fall make their benefice in worse estate, nor the same was at their entrie theirot: all setting and disposition, fall be of nane avail, force nor effect.

12. *All leagues and bandes, maid without the Kinges consent, are null.*

FORSAMEIKLE as their wes ane Act maid of before in the regiment of umquhile Marie Queene Dowrier and Regent of this Realme, OUR SOVERAINE LORDIS Gud-dame of worthie memorie: Anent leagues and bandes, as being thocht against all law and obedience of subjectes towardes their Princes. Quhillk Acte sen the making nocht weill observed; It hes given occasion in a pairt of mony troubles, that hes occurred sen-syne. Quhairfore OUR SOVERAINE LORD, with advise of his three Estaites, convened in this present Parliament, Rarifies, appreivis, and for his successeours perpetually confirmis, the said Act of Parliament, and ordainis the samin to have full effect, and execution in time cumming. And als of new with advise of his saidis three Estaites, dischargis and annullis all leagues and bandes maid betuixt his lieges and subjects in time bygane, preceeding the dait heirof. And statuts and ordainis that in time cumming, na leagues nor bandes be maid amangs his subjects of onie degree, upon quhat-sum-ever cullour or pretense, without his Hienes or his successeours privitie and consent had and obteneid thereto: under the paine to be halden and execute, as moveris of sedition and unquietnesse, to the breake and trouble of the publick peace of the Realme, and to be called and perfewed therefore, with all rigour, in exemple of utheris.

13. *All charges, super inquirendis, ar discharged. The writers suld not alter the auld forme and stile.*

OUR SOVERAINE LORD, with advise of his three Estaites, statuts and ordainis, that his Hienesse Secretar, or his depures, keepers of the signettes, passe na mauer of Letters to charge ony persones

persones to compeir, *super inquirendis*, Or to enter their persones in ward, or to do onie deede, under the paines of treason or rebellion: And in case of failzie, to denunce without calling, or cognition tane before. Notwithstanding the subscription of his Hienes, or ony twa, or maie of his Councell: Except the same letters be specially subscribed be the chiefe officiares of the Estaite, at the least be four of them: quhair of the Chancellor, Theasurer, or Secrerar fall be alwayes ane, and fall perfectly understand, and answer, that sik letters ar advicedly directed, for matters being in themselves treason in deede: or utherwayes of the highest importance, concerning his Hienes person, and proper Estaite, that may suffer nadelay. And that the Secrerar admonish all his deputies and writers to the signet, that name of them take upon hand to write, or put in forme ony maner of Signarour or Letter, to be past his Majesties hand, that containis novaltie or informality, contrair the lovable and accustomed stile and forme, notwithstanding the desire of ony partie, under the paine of deprivation. And that everie writer subscribe his name on the back of the signatur, or letter, as allowed be him, That it is written according to the ordinar stile and forme: And that na signatur, or letter passe unallowed or subscribed be the writer, as said is, as they will answer thereupon, at their highest charge and perrell.

14. *Fish slaine on ather side of the water of Forth, may be brocht to ony free Burgh.*

FORSAMEIKLE As in the Act of Parliament, lately maid anent the packing, and peeling of Herring and quhit-fish, and uther fish, slaine on ather side of the waters of Forth: It is expresse provided, that all the saidis fishes, fall be brocht to the Portes of *Leith*, or *Carrail* allanerlie: There to be graithed and handled, as in the said act at mair length is contained: Quhilk sensinc hes bene very hurtfull and prejudicial to the remanent free Burrowes and Sea portes, on ather side of the said water of Forth. Therefore our said Sovereine Lord, with advise of his three Estaites, convened in this present Parliament, declaris, statutis and ordainis, that it fall be lesum to the remanent of the saidis free Burrowes, to have the saidis fishes brocht to ilk an of them in time cumming, alsweill as to the saidis Portes of *Leith* and *Carrail*: Notwithstanding ony restriction maid their anent, be the said Acte, or utherwayes of beior, dispensand therewith for ever. And ordainis letters of publication to passe here-upon, in forme as effeiris.

15. *Licences auent transporting of forbidden guddes, nocht subscribed be the Comptroller, ar of nane availe.*

FORSAMEIKLE As sundrie persones, under coullour of our Sovereine Lordis licences granted to them, hes transported, and daylie transportis forth of this Realme, wooll, tallon, victual, and sik uther forbidden guddes, to the great hurr and prejudice of his Hienesse customes, and the common-weill of this Realme. For eschewing of the quhilk in time cumming, our said Sovereine Lord, and the three Estaites of this present Parliament, decernis, statutis, and ordainis, that all sik licences, for transporting of the saides forbidden guddes granted or to be granted be his Majestie, be subscribed be his Hienes Comptrollers, present and to cum. And utherwayes to be invalide and to have na force nor effect. And ordainis letters to be directed to the effect foresaid.

16. *Addition to the Act maide anent Sornares and thieves of Clannes.*

IT Is statute and ordained be OUR SOVERAINE LORDE, be advise of his three Estaites in Parliament, that in case ony of his Hienes gude subjectes, that received onie harme or skaith, throw slouth or maisterfull reiffe of their guddes, be ony of the notorious rieves, broken men, or Sornares of the clannes of thieves in times cumming, fall happen nocht to be of power of themselves to stay and arreist the bodies and guddes of the persones that hes offended against them, or utherwayes of the same Clan, their servands dependares and partakers being apprehended be them: Thar then the compleener fall desire the Schireffe, Stewart, Baillie, or their deputies, or Proveff and Baillies, within Burgh, or onie uther person, being of power, that happens to be present for the time. To concur and assist to the same compleener, in making of the famin itay and arreistment, conforme to the Acte of Parliament maid at *Edinburgh* the xxiv. day of October, Ane thousand, five hundreth, auchtie ane zeires, Against notorious thieves and Sornares of clannes, as they will answer to his Hienes upon their obedience, and under the paine to be reputed, and esteemed partakers with the saidis thieves, in evildedes: Quhairin gif they failzie, his Hienes with advise of his saidis Estaites, declaris that the said compleener, being his Hienesse obedient subject, fall have sik-like action criminally, or civilie, against the saidis Schireffes, Stewarts, and Baillies, Proveff and Baillies within Burgh, or uthers persones of power happening to be present for the time, And failzeing readlie to concur and assist, as said is, as against the principal thief or rievwar. And further declaris, statutis, and ordainis, that it fall be lesum to his Hienes trew and obedient subjectes, having their guddes stollen and rest be the saidis notorious thieves, broken men, or Sornares of clannes, to apprehend, take, and intromet with the guddes and persones of the offenders, or onie uthers of the same Clan, their servandes, defenders, or partakers, with quhome the thieves, and trew mennis guddes stollen or rest be them, were receipt: and to reeneue the famin, as their awin proper guddes,

ay and quhill the offenders, or uthers of the said Clan, cum to compt and reckoning, and make sufficient surety for redress of the trow mens skairh: Conforme to the said Act of Parliament, and assilozies them fra all danger of spoilzie, or violent proffitres, but onely to be answerable for the principal guddes, quhen they fall have reckoning, compt, and dew redress of their awin guddes, with their coastes and skaithes.

17. *Revocation of the Kingis proprietie.*

OUR SOVERAINE LORDE, Having at sindrie time heretofore, commanded ordour to be taken with the Estaitte of his Houfe and toward his proprietie, quhair-upon the same suld be susteined: And finding nathing effectual done thereanent, as zit. Bot in default of the same, diverse abuses entered, and still continuand in the same house, and great diminution of his Hienes rentes, his Majesties debtes, and his awin house alwayes increasfing. FOR remeid quhairof, his Majestie be advise of the Lordes, and of his Estaites alwa in Parliament, hes maid, and caused publish diverse revocations, quhilkis notwithstanding, hes tane small effect to his Hienes commoditie: Be cause the things appoynted to be recovered, and brocht againe to the same revocations, were alwayes newly impetrat and purchased of his Majestie be inoportune and unreasonabill suites, quhairby his Hienes awin necessitie aucht first to be provided for. THEREFORE his Hienes, zit as of before, with advise of his three Estaites, convened in this present Parliament, revokis, cassis, and annullis, all infestmentes, takkes, pensiones, giftes, assignationes, reversiones and exceptiones quhat-sum-ever, maid of the rentes of his proprietie annexed and pertaining to his Croun, in the dayes of his dearest Gud-fair, King JAMES the Fifth, of worthie memorie. Or in any time by-gane, preceeding the dait hereof, being of their awin nature, or be custome or Lawes of this Realme revocable. And declaris the saidis infestmentes, takkes, pensiones, giftes, assignationes, reversions and exceptions, to have bene, and to be null, and invalide for the crop and zeir of God, 1585. zeires instant, *Whit-sunday*, and *Martine-mes* termes of the same, and in time cumming: Notwithstanding, any ratifications or confirmations theirof, be Parliament or urtherwayes, and ordainis the saidis rentes, to be charged for, intrometted with, and in-brocht to his Hienesse proper use, be his Majesties Comptroller, and his depures, to his Hienes use. Attour his Majestie awonis in the word of a Prince, & promises inviolabill to observe this Act, and to absteine from all new dispositions, of ony of the saidis rentes revoked, as said is, quhill his awin necessities be first of all dewlie and sufficiently provided for. As alwa to allow of that gude forme in his house, quhilkis the saidis Lordes of his secreit Councel, and Officiars of his Estaitte, appoynted in this present Parliament, fall appoynt to beginne the first day of Januar nixt-to-cum. Dischargeing his Hienes Comptroller, of all answering or admitting of ony precepts or fees, pensiones or wages, to ony persons, of the termes foresaid, or in any time cumming: quhill it be newlie directed, and specially appoynted be his Hienesse, with advise of the saidis Lordes of his Privie Councel, and Officiars of his Estaitte, sittand togidder in that number. Quhilk be this present Parliament appoynted, his Hienes awin necessitie being first considered, quhat pensiones, fees and wages, fall be allowed and payed in the Office of Comptrollerie, of the zeir of God foresaid, and in time cumming. To the effect it may be seene, that the thingis commanded to be answered, ar reasonable and profitable to be done, without his Majesties hurt and inconvenient, his awin necessitie being alwayes first considered and provided for, as said is: And consideration had also of the payment of his by-gane debtes, sa far as is possible: Certifieing the said Comptroller, gif he do in the contrair, he fall have na allowance of his doing: notwithstanding ony warrand past before the dait of thir presents.

18. *The narrest Agnat suld be curatour to Fooles, Idiotes, and Furious persones.*

OUR Sovereain Lord, be advise of this present Parliament, statutis and ordainis, that the narrest agnates and kinsmen of natural Fooles, Idiotes, and furious persones fall be served, received, and preferred, according to the disposition of the commoun Law, to their tutorie, and curatorie.

19. *Addition to the Act anent double poynding.*

FORSAMEIKLE, As there was ane Act maid in the last Parliament, balden at *Edinburgh*, in the Moneth of August, ane thousand, five hundreth, fourscor four zeires, anent decreits given upon double poyndings, and hornings, the ane part being lauchfullie summond; compeiris not in that instant, and thereafter desires to be heard be way of reduction, They fall not be heard to retereite and reduce the said decreit, nor zit fall be restored againe to the famin: neither zit have onie action for the by-run proffitres intrometted with be the obtainer of the decreet: As ar mair length is contened in the said Act. Quhilk act is not only extended to all sik questions as may occurre hereafter, but alwa in all sik matters of the like sort by-gane intended, or to be intended, depending and undecided before the Lordes of Session, and uthers Judges ordinar, to ane great hurt and prejudice of ane great number of our Sovereains subjectes, secluding them fra their actiones of reductions of decreetes of double poyndings and hornings, and from the profites resultant thereupon, already intended and depending lang before the making of the said act, quha of law and equite, aucht not to be astricted to observe any statutes or ordinances, before the making of the famin: seing Lawes suld be extended *ad futura*, and not *ad praterita*. Therefore our Sovereain Lord,

Lord, with advife of the three Eftaites of this prefent Parliament, decernis and declaris, the foresaid Act of Parliament, only to be extended to the reduction of decreetes of double poyndings and hornings, as hes, or fall be obtained fen the making of the famin: and not to fiks as wes intended and depending lang of before, and that in refpect, our Sovereine Lordis fubjectes, could not obferve the said act, before the making heir of, and ordainis letters to be dire& hereupon, in forme as effeiris.

20. *Signatoures and other writties, fuld be prefented be the ordinar Officiars.*

OUR SOVERAINE LORD understanding how faire his Hienes is gruded, be the fufcriving of findry Signatoures and letters, at in-oportune fure and desire of findrie perfones, his Hienesse not being fore-warned nor trewlie informed of the effect and contentes of the said signatoures and letters: Forremeid quhairfof, his Majestie with advife of his three Eftaites, convened in this prefent Parliament, staturis and ordainis: That na signatour or letters quhat-sum-ever, fall be prefented to his Majestie, to be fubfcribed in time cumming, bot be his ordinar officiais, unto quhais offices the same properly belangis. And in-case ony signatour, either ignorantly, or upon inoportunitie, fall happen to be fubfcribed, be his Hienesse urtherwayes; Commandis his saids ordinar officiais to stay them: And in no wayes to fubfcribe or paffe them; As they will anfwere at their highest charge and perrell: Quhilk ftaying of the paffing of fiks signatoures, fall be impure to them for na offense: Bot esteemed be his Majestie, as acceptable and gude service, tending to his Hienesse honour, and commoun-weill of this Realme.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES, in this Tenth Parliament, 1585. and not imprinted.

- 1 **R**atifications of the Act of Parliament maid ament infestments given for delivring of Castles.
- 2 Of the assent of the estate, for concluding of ane league, with the Queene of England.
- 3 Ratification granted to James Richardson of Smeeton.
- 4 Item, to the Laird of Elphinstoun.
- 5 Item, to the Laird of Car-michael.
- 6 Item, to the bairnes of the Laird of Segie.
- 7 Item, to Alexander Wood.
- 8 Item, to Walter Dundas.
- 9 Item, to William Commendatar of Pettin-weeme.
- 10 Item, to unquibile Sir James Balfour, his wife and bairnes.
- 11 Item, to William Dowglas, of the Provostrie of Lincluden.
- 12 Item, to Maister Edward Bruyse, of the Abbacie of Kinloss.
- 13 Item, to the Laird of Cesfurd, ament the landes of Ormeiston.
- 14 Item, to George and Andrew Haliburtonnes, of their Penssiones.
- 15 Item, to John Authinleck, of his Pension.
- 16 Item, to Maister George Young, and John Andro.
- 17 Item, to the Toun of Anstruther, in free burgh.
- 18 Item, ament confirmation of sewes and Kirk-landes.
- 19 Item, in favour of the Colledge of Justice, ament the time of sitting.
- 20 Item, of them quha maid payment to factoures.
- 21 Item, of Advocates, to trie and consult with perfones fore-falst, ament their restitution.
- 22 Item, of Noble-men and uthers restored and received to the Kingis favour.
- 23 Item, of John, Erle of Mortoun, his friendes and servandes.
- 24 Item, of Ministers and Maisters of Colledges, and Schooles, concerning their restitution.
- 25 Item, of my Lord Hammiltoun, as curatour to his brother.
- 26 Item, of Claude, Lord Hammiltoun and certaine his friendes, with exception of W. Sinclair.
- 27 Item, of the bairnes natural, of unquibile, James Erle of Mortoun.
- 28 Item, of the Erle of Angus, ament the aires of Qubric-law.
- 29 Item, in favours of the Toun of Drum-freis.
- 30 Item, of Maister William Leslie.

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31. Item,

- 31 *Item, of the posteritie of William Erle of Gowrie. Item of John Acheson.*
- 32 *Item, of Sir William Stewart, lait Captaine of Dumbarten.*
- 33 *Item, to my Lord Glammes.*
- 34 *Item, of the Maister of Glammes.*
- 35 *Item, of the servandes of the Erle of Mar, and Maister of Glammes.*
- 36 *Item, of my Lord Hammiltoun and Claude Commendatar of Paislay, his brother.*
- 37 *Item, of the Laird of Holmendis, and his friendes.*
- 38 *Item, of Sir John Maitland of Thirle-stane Secretar, and James Maitland his brothers some.*
- 39 *Item, of John Hammiltoun of Drumry.*
- 40 *Item, of William Dowglas of Drumlang-rig, anent the landes of Armemes.*
- 41 *Item, of John Hepburne of Bonchard.*
- 42 *Item, of Fraunces Erle of Errol.*
- 43 *Item, of James Murray, and the Ladie Polmaes.*
- 44 *Exception of the Erle of Orkney.*
- 45 *The Lord Ding-well, and William Murray, fra the Act maid anent the revocation of the Kingis propertie.*
- 46 *Item, of the Justice Clerke, anent the landes of Woodhously.*
- 47 *Commission anent the fees of the sealles and chalmer, and subscription of officers.*
- 48 *Item, anent Commissioners of schires, to be sent to the Parliament, remitted to the Kingis will and ordinance.*

F I N I S.

THE ELLEVETH PARLIAMENT,

Halden at Edinburgh, the XXIX. daye of Julij, the zeir of God, 1587. zeires. Be the richt excellent, richt heigh, and michtie Prince, JAMES the Sext, be the Grace of God, King of SCOTTES, with advife of his Eftaites.

22. *The Kingis perfite age, is after twentie ane zeires compleete.*



NENT The propofition maid be OUR SOVERAINE LORD, and his three Eftaites convened in this prefent Parliament, for declaration quhat is the perfite age of his Hienes, makand mention of ane Acte of Parliament, made be King James the Second, of gude memorie, of the daite the twentie day of March. the zeir of GOD. 1437. zeires. And flik-like, of the late Acte maid be his Hienesse umquhile dearest Mother, of the daite the fifteene day of December: The zeir of GOD, 1564. zeires: Like as the faidis Actes at mair length propertis. Defiring therefore the declaration of the faidis Actes, anent the lauchfull and perfite age of the Prince, gif it be of twentie ane zeires compleete.

OUR SOVERAINE LORDE, and his faidis three Eftaites, hes declared, and declaris, that the Kingis Majesties Predecessours, Kinges and Queenes of this Realme, were be the faidis Actes, halden of lauchfull age, at twentie ane zeires compleete: Like as OUR said SOVERAINE LORD, being now of twentie ane zeires compleete, is of perfite and lauchfull age: Swa thar his Hienesse, his Predecessours and Successours, after the said age of twentie ane zeires compleete, might have done, and may do all things that thereafter ane Prince of lauchfull and perfite age, might have done, or may do of the Law.

23. *Ratification of all Lawes, maid anent the libertie of the Kirk, and all utheris in the Kingis minoritie.*

OUR SOVERAINE LORD, now after his lauchfull and perfite age of twentie ane zeires compleete, with advife and consent of his Eftaites convened in this prefent Parliament, ratifies, apprevis, and for his Hienes and his Successours perpetualis confirmis, all and quhat sumever Actes maid be his Hienes, in the Governements of his Regentes, during his zounge age. Orfen the acceptation of the Governement of this Realme in his awin perfone; Or be his maist noble Progenitours, anent the Kirk of God and Religion now presentlie professed, and be the Lawes established within this Realme; and that the said Ratification be als effectuell, as gif all the faidis Actes war heirin exprested, named and numbered, and cassis, annullis and abrogatis all Lawes, Actes, and statutes, canon, civile, municipal, and uthers ordinances quhat sumever, maid in onie times of before, contrait or in prejudice of the faide trow Religion, and Professours thereof.

24. *Anent tryal and punishment of the Adversaries of the trow Religion.*

OUR SOVERAINE LORD, and his three Eftaites convened in this prefent Parliament, Ratifies and apprevis the Actes, and statutes, maid of before, anent the punishment of the Adversaries of Gods trow Religion, presently professed: and be lawes established in this Realme: and the seducers and perswaders of his Hienesse obedient and faithfull subjectes to decline theirfra. And ordainis the same to have full effect; and execution in time cumming, with this addition: That quhatsoever professed and avowed Jesuites, or Seminarie Priesters, fall be fund in ony part of this Realme, within the space of ane Moneth after the publication of the Actes of this prefent Parliament: fall be taken, apprehended, called, and persewed, and incurre the paine of death, and confiscation of all their guidde moveable. And quhaever willingly, and wittingly receiptis or supplies onie of them thereafter, be the space of three dayes, and three nights together, or severally at three times, upon certaine knowlege, that they are perfons of that profession, and beis lauchfullie, and ordourly convict of the same, fall incurre the tinsell of their life-rents. And that they, as alwa all fayers and hearers of Messe or prophaners of the Sacramentes; Or uthers waies perfones suspected to have declined fra the trow and Christian Religion, or refusand to resort to the preaching of Gods word, or quhat sumever perfon that fall be reassoning, or dispersing of buikes or letters, presume to perswade onie of his Majesties subjectes, to decline fra the profession of the said trow Religion, being called to compeir, and answer thereupon before his Hienes and his privie Councill: in case the perfones sa accused, and

and delated, or onie of them, fall be fund culpable, be his Hienes privie Councell or five of them, his Majesties Chancellor, and Clerk of Register being twa of that number, either be the Confession of the saidis persones accused, Or be the deposition of famous witnes: Or gif the saidis persons delated, being called and adjudged criminallie (in-cas his Hienes and his Councell fall swa thinke gud) and beis fund guiltie and culpable in the premisses: That they there-throw, incur the paine of tinsell of all their moveable guddes: Together with the life-rentes of their Landes and livings quhat-soever, to be uptaken and imploied to his Hienes awen use: and na wayes to be dispōned to the persons convict or fugitive, for the causes foresaidis.

25. *The sellers and dispersers of erroneous buikes, shal be punished and the buikes destroyed.*

FORSAMEIKLE as sundrie persones brings furth of utheris Realmes divers buikes and writres, containing erroneus doctrine, against the trow word of GOD, and Religion professed, and be the Lawes established in this Realme: Or conteneing superfluous rites and ceremonies *Papisticall*, quhair-by the people ar greatly abused. FOR remeid quhairof, OUR SOVERAINE LORD, and the three Estaites of this present Parliament, statuts and ordains, that quhairsoever any persones suspecte of hame-bringing of the saidis buikes, fall repaire, resort, and remaine within ony Burgh, it fall be lauchfull to the Provost and Baillies of the same Burgh, with ane Minister, to search and seeke the saidis buikes, and being funde sik buikes as ar before declared, to destroy them, and to committ the hame-bringers to wairde, quhill they be punished in their persones and guddes, at OUR SOVERAINE LORDIS will. For the quhilk this present Act, fall be sufficient commission to the saidis Provost, Baillies, and Minister: And their said searching, seeking, intromission, and destruction of the saidis buikes, fall be repute ane lauchfull deede, for the quhilk they fall incurre na danger of spuilzie, or intrusion, or ony thing that may follow there-upon.

26. *Ministers provided to Benefices under Prelacies, shal be free of the first zeires fruites and fifth penny.*

ITEM, It is declared, statute and ordained, that all Benefices of Cure under Prelacies, quhair-unto Ministers ar Readers or admitted (that actualle servis, and dois their dewties at their Kirk) fall in all time cumming, be free of the first zeires fruites, and fifth pennie of their Benefices. And fall from this time forth have their Signatoures of presentation past at the Privie Seale, upon his Majesties awin subscription onely, and his Secretaris, without ony payment, or caution to his Thesaurer for the saidis first fruites or fifth penny.

27. *Punishment of troublers of the Kirk, invaders of Ministers, and of Excommunicat persones, entrand into the Kirk.*

OUR SOVERAINE LORD, with advise of his three Estaites, in this present Parliament, statuts and ordains, that quhat-somever person or persones, fall happen hereafter, to perturb the order of the Kirk, in time of Divine service, or to make ony tumult, raise ony fraie, either in the Kirk or Kirk-zaird, quhair-throw the people then convened, fall happen to be disordered, troubled, or dispersed: The same fall be ane poynt of dittay, and the persones to be convict thereof, fall tyne all their moveable guddes, to be escheit to OUR SOVERAINE LORD, for their offense; but prejudice of greater punishment, gif there happen ony greater offense, as slaughter, blood, mutilation, schutting of Hag-buttres and Pistolettes, according to the Lawes of this Realme. And for-sameikle as divers persones having committed sundrie offenses, for the quhilk they merite to be separate from the societie of the Kirk; And zit seekis na reconciliation there-unto, bot for necessitie of *Baptisme* to their bairnes, or marriage of themselves, or of their friendes, sum-times minacis and boasts the saidis Ministers, and sum-times for seeking of their livinges, or sik uther quarrelles, sparis not to put violent handes on them. FOR remeid quhairof, it is statute and ordained, be OUR SOVERAINE LORD, with advise of the saidis Estaites; That quhat-somever person or persones, invadis ony Minister, or puttis ony violent handes in him, for the causes above expremed, or ony uther sik forged quarrell, fall be punished therefore with all rigour, and incurre the paine of tinsell of all their moveable guddes, for the said invasion and violence allanetlie; Albeit na slaughter nor mutilation follow thereupon: The ane halfe of the saidis moveable guddes, to be applied to our SOVERAINE LORDIS use, and the uther to the partie offended; But prejudice of greater punishment, gif ony heigher crime concurre, with the violence and invasion foresaidis. And for the better execution hereof; It is statute and ordained, that all persones, delated of the saidis offenses, fall be called and presented therefore criminallie, before the Justice and his deputies, either in Justice aires, or at particular dietes. And that letters be direct to that effect in common forme, at the instance of the Minister, or the Kingis Advocate, or Procuratour for the Kirk, or ony uther that will persew the saidis offenses. And quhair ony excommunicat persones enters in the Congregation, the time of the Ministration of the Sacramentes, or common Prayers; The Minister being certified thereof, fall incontinent thereafter, charge the Excommunicat person,

fone, in the name of GOD, and OUR SOVERAINE LORDE to depart: Quhilk being refused, he fall after the Ministratour of the Sacramentes, or Commonn Prayers ended, require samony of the maist wife, discreete, and substantious of the Paroche, as he pleais: That they, in OUR SOVERAINE LORDIS NAME, fall take and apprehend the said Excommunicate persone, and present him to the Judge Ordinar, within the boundes of the schire, quhair the Parochelies, quhilk Judge Ordinar, fall be halden to receive the same Excommunicate person off their handes, and keepe and reteine him in prison, till he finde caution, under sik summes as fall be modified be the Minister. And samonie of the Elders of that Kirk, as at present for the time, or resortis to the oulkie assemblies; That the Excommunicate person reconcile himselfe to the Kirk, and fall make amendis for the said offense.

AND gif the Excommunicate person foresaid, desoris ony of them in the execution of the premissses, he being convict thereof, his moveable guddes, fall fall in escheit to OUR SOVERAINE LORDE: And his persone fall be punished, at his Hienes will and pleasure.

28. Interpretation of the Act maid anent deprivation of Ministers.

ITEM, It is statute and ordained, that the Commission for deprivation of Persones provided to benefices, for the cause of deprivation, fall extend alswa againit Persones provided to Prelacies, as uthers inferiour benefices under Prelacies, to be used be the persones specified in the said Commission: Or sik uthers, as his Hienes fall give Commission to, in that behalte, for all transgressiones of the Actes maid theranent, sen the Parliament halden at *Linlithcow*, in *December*, the zeir of God, 1585. zeires.

29. Annexation of the Temporalitie of benefices to the Crown.

OUR SOVERAINE LORD, and his three Estaites of Parliament, persitely understanding the greatest part of his proper rent, to have bene given and disposed of auld, to Abbais, Monasteries, and uthers persons of Clergie: quhairby the Crown hes bene sa greatlie hurt, that thereafter his maist Noble Progenitours had nocht sufficient meanes to beare toorth the honour of their Estait, as they had before, quhilk hes bredde findrie inconvenientes within this Realme. And seeing the causes of the dissolution of the patrimonie of the Crown, to the Kirk, after the trueth knawin, ar found nather necessar nor profitable: And that be manie occasiones, through a lang processe of time, the dearth hes sa greatlie increased, not only in this Realme, Bot in all Cuntries, that the Princes charges, ar not able to be uphalden be that part of the patrimonie, quhilk now restis in his handes: And his Hienes for the great love and favour quhilk he bearis to his subjectes; being na waies minded to greeve them with un-profitable taxations, specially for his royall support. It is found maist ineete and expedient, that he fall have recourse to his awin patrimonie, disposed of before (the cause of the disposition now ceasing) as ane helpe maist honorable in respect of himselfe, and least grievous to his people and subjectes.

AND THEREFORE Our said Sovereine Lord, and his saidis three Estaites of Parliament, be the force of this present Acte, have united, annexed and incorporate, and unitis, annexis and incorporatis, to the Crown of this Realme, to remaine therewith as annexed, and as it were propertie thereof, in all time cumming, and with our said Sovereine Lord, and his Successours for ever; All and findrie Landes, Lordships, Barronnies, Castles, Towres, Fortalices, Mansions, Manour places, Milnes, Maltures, Wooddes, Schawes, Parkes, Fischinges, Tounes, Villages, Burrowes in Regalitie, and Baronnie, annual-rentes, tenementes, reversiones, customes great and small, few-fermes, tennentes, tennendries, and service of free tennentes. And all and findrie uthers commodities, profitis and emolumentes quhatsumever, alswell to Burgh, as to lande, (except, as hereafter fall be excepted in this present Acte) Quhilkis at the day and dait of this presentis, viz. The xxix. day of *Julij*, the zeir of God, 1587. zeires, pertenis to quhatsumever Arch-bishope, Bishope, Abbot, Prior, Prioreffe, and quhatsumever uther Prelat, either Ecclesiasticali, or beneficed person, of quhatsumever estait, degree, high or lawe, and at the day and dait of thir presentes pertenis to quhatsumever Abbay, Convent, Cloister, quhatsumever ordour of Friers, or Nunnes, Monkes or Channonnes, howsumever they be named, and to quhatsumever Colledge Kirk, founded for Chantorie and singing; Or to quhatsumever Prebendarie or Chaplanarie quhair-ever they be, or be situate within this Realme and dominion thereof. And sik-like, all and findrie commonn landes, bruike be Chaptours of Cathedral Kirkes, and Chantrie Colledges as commonn: And quhair of the saidis Chaptours have bene in possession before in commonnitie, to be in all times hereafter, taken, halden and repute, as it were the propertie and patrimony of the Crown, to remaine therewith in all times cumming, after the forme and tenour, and ordour of the Act of annexation, maid in the time of our Sovereine Lordis maist Noble Predecessour, King JAMES the Second; And according to all clausies, conditions, and circumstances thereof, quhilk in all poyntes is halden for expresse in this present Act. And als it is statute and ordained, that the execution of this act, in levying and uptaking of the profitis, fall begin and take effect; at the terme of *Martine-mes* nixt to-cum: That our said Sovereine Lord, may receive the rentes and dewties of the said terme, and swa forth to continew in time cumming.

And

Taxation.

AND because it is nocht reasonable, that after the said annexation of the said Temporall landes to the Crown, the saidis Prelates and Ecclesiasticall persons be burdened with ony taxaciones, for, and in respect of the saidis annexed landes, his Majestie, and his Estaies of this present Parliament, hes remitted the ordour to be taken for their reliefe in that behalfe, to certaine persones to quhom the ordour of the general taxation of all landes within this Realme is committed. Quhilk ordour to be taken, fall be observed in all times cumming, and the heritable possellours of the saidis landes, and utheris addebted in taxaciones, fall pay their taxt, according thereto.

Warrandize.

AND Further, is declared, decerned, statute and ordained, be our said Sovereine Lord, and his saidis three Estaies of Parliament, that in case ony of the saidis Prelates, or persones Ecclesiasticall, quhais Temporall landes ar properly comprehended in the said annexation, fall be hereafter called and presented, at the instance of quhat sumever persones, for warrandize of ony of the saidis Kirk-landes, set in few, or takke be them, or their predeccellours to divers persones, be occasion of double infestmentes, or assedationes: or for quhat sumever uther cause, they, and their succellours fall na wayes bee obliged to warrand the same, bot for their awin deed: to wit, quhair the warrandize proceedis, and takis occasion upon double infestmentes, or assedationes of ane land, baith proceeding from ane person disponer thereof, zit on live; In quhilk case allanerlie, they fall be obliged, as said is.

Persons consist of barratrie or restor-ed.

IT IS Aswa concluded, statute and ordained, be our said SOVERAINE LORD, and his three Estaies of Parliament, that the said annexation fall have full strength, force and effect, in all Lord-shippes, tennendries, Barronnies, and uther Temporall Landes, quhilk pertained to ony Prelacie, or uther Benefice, posselled before, be quhat sumever Prelate or Ecclesiasticall person, against quhome proccesse of fore-faltour, or Barratrie hes bene led at ony time, sen our said Sovereine Lordis Coronatioun; Albeit they have bene in ony Parliament before, or fall be now in this present Parliament, or hereafter fullie restored against the saidis sentences, and proccesse, and their restitution fall have na effect, against the said annexation: bot the said annexation, fall have effect against them, notwithstanding the said restitution.

Femes to be set be the King.

IT Sall be alwayes lauchfull to our said Sovereine Lord, in his awin time, to sett in few-ferme, quhat sumever the saidis Kirk-landes, quhilkis were not sett in few-ferme before, gif ony be. And sik-like, gif ony infestmentes of few-ferme of the saidis landes, now annexed, quhilkis were sett in few-ferme before, fall happen to be reitred and reduced, for the reasones and causes hereafter exprest: Quhairin his Hienes and his Succellours, fall onely be heard to quarrell and claime. It fall be lauchfull to his Hienes in his awin time, as said is, to sett the same in few-ferme, notwithstanding the said annexation. And to the effect foresaid, the said provision fall serve for a sufficient dissolution in that behalfe, and his Hienes, and his three Estaies foresaidis, dissolv the same in that part.

Dissolution.

Exception.

AND Sik-like, it fall be lauchfull to our said Sovereine Lord, to use the superioritie and few-fermes of the Landes of *Tullois*, the milne of *Craguby*, millandes anducken of the same: The Landes of *Corstoun* quhilkis pertained to the Abbacy of *Aberbrothock*, lyand within the Schireffe-dome of *For-fare*, and Regalie of *Aberbrothock*, as fall seeme gude to his Hienes. And that the conversion of the victuall in money, or diminution of the rentall, fall be na cause of reduction of the infestment, the said annexation, or ony claufe, or condition therein contained notwithstanding.

FURTHER, Our said Sovereine Lord, and his saidis three Estaies of Parliament, hes declared, and be the tenour hereof declaris, decernis and ordainis, that the Landes, Lord-shippes and Barronnies underwritten, erected be his Hienesse in temporall Lord-shippes and Barroinies, before the dait of this present Acte, quhilk is the xxix. day of *July*, the zeir of God, 1587. zeires, ar not, nor fall not be comprehended in the said annexation: excluding the same alluterly their fra, to remaine with the persons to quhome they were first disposed, after the forme and tenour of their infestments, maid to them thereof. They ar to say; The Lands, and Lord-shippes of *Torphichin*, The Erledome of *Gowrie*, the Lord-shippe and living of *Deir*, now called the Lord-shippe of *Altrie*. The Landes and Barronnies of *New-bottle*, with the uther landes annexed thereto: The Barronnies of *Brouchtoun* and *Kerfe*, the Burgh of the *Cannon-gate*, and ane part of the Town of *Leib*, the Barronie of *Alhamner*, alias called *Qubite-Kirk*: Quhilkis of before, pertained to the Abbacie of *Halyrude-house*. The Landes and Lord-shippes of *Musselburgh*, quhilkis of before pertained to the Abbaie of *Dunfermeling*. Quhilkis Landes and Lord-shippes ar disposed to diverse persones, as their particular infestmentes bearis: And als excepted the haill remanent landes of the Abbay of *Dunfermeling*, declared as zit to abide with the said Abbay, in the same estait, quhairin they then were, and ar not comprehended in the annexation foresaid: Bot to remaine with the said Abbay, quhill forder ordour be taken. As alwa excepted forth of the said annexation of Kirk-landes to the Crown: The infestment of the Temporalitie of *Paislay*: And the Priorie of *Physgarden*, and temporalitie thereof. It is alwayes provided, and our said Sovereine Lord, with advise of his saidis three Estaies in Parliament, provides and declaris, that notwithstanding the said annexation is appoynted to take effect in maner foresaid, At the Feast of *Martymes* nixt-to-cum: Nevertheles *JOHN*, Lord *HAMMILTOUN*, Commendarar of the Abbacie of *Aberbrothock*, fall bruik the fruites, profites and dewties of the said Abbaie, during his life-time, in the same maner as he did before. Except the profites of the landes of *Craguby*, and milne thereof, the landes of *Tullois* and *Corstoun*, few-fermes, and dewties of the same; For the quhilk he fall be recompensed, according

according to the general outdour to be taken with the remanent Ecclesiasticall Persones, quhaiis rent is paired; be the said annexation, according to the Act and ordinance maid there-upon.

IN LIKE MANER, OUR SOVERAINE LORD, with advise of his saidis three Estaites, ratifies and appreevis the gift & disposition maid be his Hiensse to *John Botwell* sonn lauchfull to *Adame*, Bishoppe of *Orkney*, of the Abbacie of *Halyrude-house*, and hail frutes thereof, with the hail freedomes, jurisdictionis, liberties, rentes, proventes, and emolumentes of the same, with the hail reservaciones, clauses, conditiones, and circumstances of the same, after the tenour thereof; As the same of the daite, the tenth day of *December*, the zeir of GOD, 1582. zeires bears; Declaring the same to be sufficient and vailzeable to him, for bruiking and using of the said benefice and hail frutes thereof, induring his life-time. Nowwithstanding, quhat-somever Actes, constituciones or Lawes, Civill, or municipall, maid in the contrair, dispenland there-with, and effect thereof; And that this present ratification, be als sufficient, as gif the said gift and disposition had bene excepted in speciall, in the saidis Actes, or any of them. And this alwayes to be without derogation of the Acte of annexation, of the temporalities of Benefices to the Crown: or of quhat sumever richtes and titles maid be them, or arther of them, in favour of quhat-somever persones, quhilke be this, his Hiensse meanis nawayes to prejudice; Bot the same to stande ratified and appteved, in their full strength and force, as gif they were speciallie mentioned herein.

IT IS Alwayes understand, like as our said Sovereaine Lord, and his three Estaites declaris, that under the said annexation or any claufe herein specified: the teind scheves & uthers teindes of quhat-somever lands, within this Realme pertaining to any Personage or Vicarage, at not, nor fall not be comprehended: Except quhair the teind and stock is sett togidder, as is hereafter declared; Bot that the same fall remaine with the present possessor, having richt thereto; and quha fall have richt to the same hereafter: Nowwithstanding the said annexation, or any generall claufe therein specified, quhilks fall nawayes be extended to the saidis tenementes, maid not gif the said annexation had na wayes bene maid.

Reservand alwayes, and exceptand to all Arch-bishoppes, Bishoppes, Abbotes, Priotes, Priorcesses, Commendatars and uthers Possesores of great Benefices, of the estat of Prelates, and quhilks before had, or hes voite in Parliament, their principle Castles, Fortalices, houses and mansiones, with the bigginges and zairdes thereof, as they lie and are situate within the precinctes and clausures of their places, quhilks fall remaine with them, and their successeours hereafter, for their residence and habitation. Nowwithstanding the said annexation, quhilks fall na wayes include the same; But the same Castles, houses, mansiones, and uthers immediatlie before rehearsed, fall abide in the same Estait, quhairin they were before the said annexation, but prejudice or hurt to be meaned or intended to the saidis Prelates, or any uthers persones, that may have or justlie pretend richt thereto. Providing alwayes they keepe and maintaine the same, in the Estait quhairin they presently ar.

EXCEPTAND alwa fourth of the said annexation, all and quhat-somever mansiones of Parsonages and Vicarages annexed to Parochie Kirkes with four aikers of glebe, maist ewest to the Kirk, and commodious for the Minister, serving the cure theirof, for his better residence there-at, quhilks fall not be, nor ar comprehended in the said annexation: Bot fall remaine with the Minister, Parson or Vicar, or uthir quha fall be provided thereto, for serving of the cure, according to the Actes of Parliament maid there-anent of before.

EXCEPTAND In like maner, all and sindrie landes, profites, tenementes, annual-rentes, teind-scheves, and uthir commodities and profites quhat-somever, given, granted, and disposed for interteinement of Maisters and studentes in Colledges; erected for exercise of learning, and for *Grammer Schooles*, and for sustentation of Ministers; Makand their residence in Burrowes, quhair there is na uthir stipend appointed to them.

AND Sik-like, exceptand and reservand, all landes, tenementes, profites, annual-rentes, & commodities quhat-somever, granted before the daite hereof, be our Sovereaine Lord, or quhat-somever his Hiensse Predecessours; Or be quhat-somever uthiris persones, to any Hospitall or Maison-dieu, within this Realme; And that in favours of the Puir and needy: Providing that the same be not disposed nor applied to any uthir use.

AND Finallie, exceptand and excludand fourth of the said annexation, all Landes, Barronnies, tenementes, annual-rentes, and uthiris commodities quhat-somever, quhilks pertained of before, to quhat-somever Benefice, great or small, being of laick patronages. To the quhilks the said annexation fall nocht be extended, nor comprehende the same: To the effect that name of the saidis laick patronages be hurt nor dammified thereby.

AND Notwithstanding, the said general annexation of all Landes, Lord-shippes, Barronnies, tenementes, annual-rentes, and uthiris commodities above specified (except before excepted) to the Crown of this Realme, to remaine therewith, as it were proper Patrimoine thereof in all time cumming: It is be this present Acte speciallie provided, that quhen the saidis landes, and uthers above specified, or any part or portion theirof, great or small, ar sett in few-ferme; takke and assedation: or ar disposed in and free tenendrie, in blanch cane, or for service of waarde and reliefe, or uthiris waics, as may stand and agree with the Lawes of this Realme: The saidis heritable free tenementes, sewares, Barrennes, tenementes, nighteous titulaires thereof, fall bruik and enjoy their Landes, Lord-shippes, Barronnies, tenementes, annual-

annual-rentes, and their uther rights and titles quhat-fumever, after the forme and tenour of the same in all poynts: And our said Sovereaine Lord, and his Hieneffe Successours, fall be hereafter immediat superiour to them: Like as they fall becom, be vertew of this present Act, immediat tennentes and vassalles to his Hieneffe, and their Successours, in their saidis Lord-shippes, landes and tenementes, for payment of the dewtie and service, contained in their infestmentes, takkes and asseclatones, and utheris richtes and titles thereof; in the same sort and maner, as they might have bene oblieth to the saidis Ecclesiasticall perones, and na uther-ways. And that be the same infestmentes, takkes, richtes, and titles, quhilkis the saidis possesseours hes of the same: They fall bruik, joyis and possesse their saidis landes. And it fall not be necessary to them; to alter their saidis infestmentes and richtes: Nor to take the same of new of OUR SOVERAINE LORD, Norwithstanding the translation of the superioritie in his Hieneffe.

Pensioners.

AND Because there ar divers pensiones, granted to many perones loorth of the saidis annexed landes, alswill be the saidis Prelates, and utheris Ecclesiasticall perones, as be OUR SOVERAINE LORDE, the benefice vakand in his Hiennes handes, ather throw decease, or be proceesse of fore-faltour or barratric, led against the possesseour of the Benefice. OUR SOVERAINE LORD, and his saidis three Estaites of Parliament, decernis, and declaris: That the saidis pensioners, fall na wayes be hurt nor prejudged in their saidis pensiones (they being lauchfullie provided thereto) be the said annexation. Swa that the saidis Pensioners have bene authorized be decreetes of the Lordes of Councill, or uther Judges ordinar: Or have bene in lauchfull possession of their pensiones, at any time preeceeding.

The entering of sales.

IT Is Alwayes declared and decerned, be our Sovereaine Lorde, and his saidis three Estaites in Parliament; That in all and findry landes, Lord-shippes, tenementes, annual-rentes, uthers profites & commodities quhat-fumever, properly comprehended in the said annexation: Our said Sovereaine Lord, and his Successours, fall have the only and full richt of the superioritie of the tennendries, sik-like, and in the same maner, as the saidis Ecclesiasticall perones had the same of before. And that the aires of the present heritable possesseours in all time cumming, fall enter be Brieves of our Sovereaine Lords Chappell allawetly: quhilks Brieves, fall be direct to the Schireffe of the Schire quhair there was na Regalitie before. And quhair there was ony Regalitie quhilks hes now ane heritable Baillie or Stewart, the same fall be directed to the said Baillie or Stewart and their deputies. After the service of the quhilks Brieve, the same being retoured to OUR SOVERAINE LORDS Chancellary, quhilder the saidis landes lie in Royaltie, or Regalitie; The partie fall have precepts to be seased, halden of our said Sovereaine Lord according to his retour, be the same conditions, as our said Sovereaine Lordis uthers tennentes have bene seased be preceptes, direct furth of the Chancellary of before. In the quhilks precept commandement fall be given, to the Schireffe, Stewart or Baillie, to quhom the same fall be directed, to take securitie for the dewtie awand to our said Sovereaine Lord, as the cause fall require be the retoure; As the custome hes bene in the Kingis tennendries in times by-past.

Reduction of infestmentes.

AND BECAUSE OUR said SOVERAINE LORDE, and his Successours, ar decerned and declared be the tenour hereof, to have the full richt to the superioritie of the saidis tennendries of Kirk-landes: IT IS THEREFORE statute and ordained, that his Hieneffe and his Successours, fall have sufficient richt, action and interest, for compelling of all and findrie the saidis tennentes, now presentlie being, and their aires and successours that fall be for the time; To pay the dewties, and do the services contained in their infestmentes, in all time cumming. AND in-case the clausles and conditions of the saidis infestmentes, be contravened, his Hieneffe and his Successours fall have Action to retrace & reduce the saidis infestmentes, according to the clausles, conditions and restrictions specified therein; & of ony fault, offense, or contravention, that fall be done, or committed in time cumming allanerlie. And his Hieneffe and his Successours, fall not have action, title, power or richt, to call ony of the saidis infestmentes or takkes and asseclatones of ony of the saidis Kirk-landes, quhilkis ar maid be them quha had power to make the same, or ony richt or title depending thereupon, in question: Nor zit to persue the reduction, annulling or expyting thereof: Nor zit fall his Hieneffe, nor his Successours have onie maner of Action, richt or title, to retrace, reduce or annull, quhat-fumever infestmentes, of the saidis Kirk-landes, dewtie and lauchfullie confinned be him or his Predecessours, for diminution of the rental: Swa that the said diminution be nocht of the auld penny-maill, *de liquido ad liquidum*: And his Majestie and his Successours, fall nawayes be heard to quarrell the saidis infestmentes of few-serme, for conversion of the victuall in silver deutie: Or for ony uther reason or cause of nullitie, invaliditie, lessioun or hurt: Or be reason of quhat-fumever Law, Cannon, municipall, statute or constitution: Except in the causes foresaidis, for none payment of the saidis dewties, and dew services in time cumming: According to the restrictions contained in the said infestmentes.

AND ALS Except, and quhair OUR said SOVERAINE LORDE, & his Successours, may have querrell, or improve the saidis infestmentes, gif ony of them be fals and feinzied: In the quhilkis causes allanerlie his Hieneffe and his Successours, fall have place to persue, and be the tenour of this present Acte, ar, and fall be expresse and continuallie excluded fra all uther action, cause and persute, except the causes foresaidis.

The sewares will breik their landes conform too their infest.

AND Maitover, our said Sovereaine Lotd, And his three Estaites in Parliament, for the greater assurance to the saidis sewares and free-tennents, declaris that it fall not be lesun to him nor his Successours: And that his Hiennes nawayes means nor intends, directly nor indirectly, to harme or prejudice the saidis

faidis sewares and free tennentes, their aires and successeours in their roumes and possessiones, pertaining to them for any cause, except for the speciall cause above excepted; But that they shal breik their faidis landes, sewes and tennendries, als freelic in all respectes, for payment of the deutie, and service contened in their infestmentes: as onie his Lords, Barronnes, sewares, and free-tennentes, quhilkis was immediat vassalles of auld, hes breuked and joyced their faidis landes and hettages: Or presently bruiks or joyis the same, but only difference hereafter.

AND Because the teind-scheeves, and uther small teindes of all landes within this Realme, ar expresse excepted foorth of the said annexation, and the same na wayes extended thereto. And thereby it is considered, that question may fall out, anent the payment of the few-fermes of the Kirk-landes, to our Sovereine Lord, quhair in an infestment, the landes and teindes is set togidder for ane dewtie; And but division or distinction, how meikle shal be payed for the said land, and how meikle for the teind: quhilk may seeme hurtfull to sk as hes the landes sett to them, with the teindes included: And to the Ecclesiasticall Persones, to quhom the teindes ar reserved. FOR Avoyding of the quhilk question, our said Sovereine Lord, and his faidis three Estaites of Parliament, decernis and declaris, statutis and ordainis, that the comprehending of the faidis teindes, and including the same with the Landes, fall na wayes breik OUR said SOVERAINE LORDIS superioritie foresaid: Bot his Hiennesse shal remaine superiour to the haill tennendrie, stock and teind, after the forme of the infestmentes. And that the richt of the said infestment, shal stande indivisible, sa farre as concernis the halding and tennendries. Bot the said Ecclesiasticall persone, shal have action and richt to the tenth penny of liquidat mailles, contened in the said infestment. And the uther nine parts thereof, shal pertaine to OUR SOVERAINE LORDE: And this to be nocht onie of the penny-maill, but of all uther dewties, that shuld be payed for teind and stock; To witt, that nine partes thereof, shal pertaine to OUR SOVERAINE LORDE: And the tenth-part be just estimation, fall appertene to the said Ecclesiasticall Person. And that all the Judges and Ministers of his Lawes, within this Realme, Judge and decide according to this statute, and na uther wayes, how oft as that question shal be mooved, upon the case fore-said.

Fewes for cum decimis inclu-
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AND For-sameikle, as there is diverse Burrowes in Regalitie and Barronnie, within this Realme, quhilks were before halden immediatlie of the faidis Prelates, and have bene in use to exerce the trade and trafficque of merchandise: To make Burgesies, and to elect Provostes, Baillies and uthers Officers, meete and necesar for the government of their Communities; Our said Sovereine Lord, and his faidis three Estaites in Parliament, na wayes willing that they shal be hurt therein, declaris, decernis, and ordainis, that they shal remaine in the same freedoome and libertie, quhilk they had before the said annexation, to be halden alwayes of our said Sovereine Lorde, in the same maner and condition, be the quhilk they held their faidis liberties, of the faidis Ecclesiasticall persones before, and na-wayes hurt in their richtes and privilegedges. And that the ane sort and the uther be not confounded be this present Act, bot remaine alwayes distinct, as they were in time by-past: notwithstanding the said annexation. It is alwayes provided, statute and ordained, that the Provost, Baillies, Councell and uthers Officers, within the said Burrowes, in Regalitie and Barronnie, quhair they were Provost and Baillies of before: shal be zeirly elected, chosen, deposed and altered, according to the forme and tenour, of the Actes of Parliament, maid in the dayes of our Sovereine Lordis maist Noble predecesseours, and ratified in divers Parliaments, sen his Hiennesse Coronation.

Townes of Regalitie & Barronnie

Forder the faidis Burrowes in Regalitie, and Barronnie, and all lands, tenementes, and annual-rentes, within the libertie of the same, quhilkis were halden of the said Ecclesiasticall persones before, shal fra this present be halden of our said Sovereine Lord, and his Successeours in chiefe, and the aires shal be entered thereto, be our said Sovereine Lords Brieves, to be direct to the faidis Provost and Baillies, of the faidis Burrowes: and the service shal be retoured to his Hiennesse Chancellary. Upon the quhilk retoure, the Director shal deliver ane Precept, in competent and dew forme, with provision of securitie, to be taken for the mailles and dewties of the faidis landes, and annual-rentes, as they shal be retoured: Because the faidis Burrowes, ar not his free Burrowes Regall, and were not relived of their nonc-entries, at the handes of the faidis Prelates, their superiours, in times by-past: And quhair the Prelate received resignation, or gave entres; That the Kingis Majestie shal give it now be ordour of his Chancellary, and quhair the power was in the handes of the Baillies of the Burrowes within Regalities, that they bruik and enjoy their richt and privilegedge, as of before.

Annual-rentes within the said Burrowes.

AND Because the faidis landes, Lordshippes, and Barronies, quhilks before pertained to the faidis Archbishops, Bishops, Abbotes, and uthers Prelates: There is diverse our Sovereine Lordis lieges, constitute heretable Baillies and Stewards of the faidis Lordshippes and Regalities: Quhilkis heritable Baillies and Stewards, our said Sovereine Lord intends not to hurt, be the said annexation. Therefore our said Sovereine Lord, and his faidis three Estaites of Parliament, declaris, decernis, statutis and ordainis, that the said heritable Baillies and Stewards, and their aires and successeours, shal now and hereafter abide and remaine, in their richt and title, quhilk they have of the faidis Offices, except in the change of their superior, in our Sovereine Lord and his Successeours, quhilks in all time hereafter shal be their immediat superiour. Like as the faidis heretable Baillies and Stewards shal be their immediat tennents, and vassalles of their faidis offices: after the forme and tenour of their infestments, and for doing of the service specified in the same.

Heretable Baillies & Stewards.

Further the faidis heretable Baillies and Stewards, shal notwithstanding the said annexation, have the same

These jurisdictions.

fame libertie, power and Jurisdiction, quhilk they had before in actiones and maters Civill : And be the said annexation, there fall na furdur power, Jurisdiction or authoritie, appertene to our said Sovereine Lordis Schireffes, nor accresce unto them : Bot their said power and Jurisdiction, fall remaine in the same Estait, limited as the famin is, at this present, according to the auncient Lawes, and consuetude of this Realme.

AND Furder, the said heritable Stewart or Baillie of the said Regality, fall have the same power quhilk he had before, to replege from the Schireffe or his deputes, in all causes and actiones eriminall or Civill quhair replegiation was granted of before ; And gif the said Schireffe and his deputes refusit to admitte the said replegiation, he and his deputes fall be punished therefore, and his processe led in the contrair, fall be of nane availle. And in causes criminall, the said Baillie or Stewart of the Regality, fall be Judge competent in all maner of crimes, quhairin the Lord or Baillie of the Regality was accustomed to be Judge in times by-past. And albeit our Sovereine Lordis Justice generall, Lieu-tenant, or Justice in that part, be speciall commission, summond the offender, indweller of the Regality, to compeir before them, to underly the Law for the crime, for the quhilk he fall be delated ; The said Baillie or Stewart of the Regality, fall have power to replege fra our said Sovereine Lords Justice foresaid, to his awin court ; in case he have prevented be apprehending of the offenders person ; or be his Summoundes, first directed and execute against the offender, before our said Sovereine Lordis Justice, apprehended the person suspected or delated for the offense and crime : Or execute summoundes upon him, to underly the Law therefore. Bot our said Sovereine Lordis Justice generall Lieu-tenant, or commissioner fall be Judge competent, in case of prevention upon his part, be the apprehension of the trespassour, or first execution of the summoundes against him, and in that case the said Baillie and Stewart of Regality, fall have na power to replege ; Bot gif he pleasit, he fall be adjoynd to the Kingis Justice, and Judge with him. And in case of conviction, the said Baillie and Stewart heritable, assistand to the Judgement, fall have sik part of the escheit, as he may claime be vertue of his Office, and infesment given to him there-upon. And it is alswa decerned, statute and ordained, that na Baillie nor Stewart heritable, of ony Regality, fall hereafter be heard to replege fra our said Sovereine Lordis Justice air, halden be his Justice generall : Bot he fall be adjoynd, gif he pleasit, to the Kings Justice, and fall have sa-meikle of the un-law and penaltie of the perfonen delated, as he aucht to have be the richt of his infesment.

IN Like maner, it is statute, that in all hostes and armies, the inhabitants of the landes within the saidis Bailleries and Stewardries, fall be under the commandment of the saidis Baillies and Stewardes heritable, in sik maner as they were wont to assemble, with the saidis Prelates and Baillies, in time by-gane. As als fall give musters at their weapon-schawinges before them, according to the Acte of Parliament, under the paines contened therein, to be up-listed to the saidis Baillies and Stewardis use.

And Mair-artour, it is specialle provided, that nor withstanding of the annexation of the temporalities of benefices to the Crown : Zit the conventuall brether, of the Abbey of *Dunfermeling*, fall na wayes be prejudged and hurt anent their Livinges, Portiones, pensiones, zairdes and dewties of the said Abbey : Bot that they and everie one of them may peaceablie bruike, joyis and uplift their portiones, pensiones, livinges, zairdes and dewties of the same Abbey, during their life-times ; Conforme to their gites speciall assignations thereof, and to OUR SOVERAINE LORDS ratification and confirmation there-upon in all poyntes.

THE Quhilk day, OUR SOVERAINE LORDE, sittand in Judgement in plaine Parliament, be his declaration maid in presence of his three Estaites, faved and reserved to himselfe, libertie and priviledge to except and reserve forth of the Actes, of the annexation of the Temporalities of benefices to the Crown, of the dissolution of the temporalities annexed, of his hienes revocation generall, and of the ratification of the pacification, and abolition, all sik perfonen, causes and matters, and with sik provisiones, limitationes and restrictiones, as to his Majestie fall seeme expedient. Quhilkis his Hienesse ordainis and commandis his Clerke of Register, to insert and incorporate within the bodies of the saidis Actes. The famin exceptiones and reservationes being delivered to him, subscribed be his Hienesse, and his Chancellor, before the fiftenth day of August nixt-to-cum.

AND Furder, OUR SOVERAINE LORD, According to the libertie and priviledge faved to himselfe, sittand in Judgement, in plaine Parliament, hes excepted forth of the said generall annexation, the Temporalities of the Abbacies of *Coldinghame*, and *Kelso*, and Celle of *Lefmabago* : Declaring them as zit to remaine with the saidis Abbaies and Celle, in the famin estate, quhairin they then were. And that they were not comprehended in the annexation foresaid : Bot to remaine with them quhill furdur ordour be taken. And hes declared, that it fall be lauchfull to his Hienesse, to use the superioritie and few-fermes of the landes of *Lethame*, lyand within the Schireff-dome of *Fiffe* ; Being a parte of the Patrimoine of the Bischopprie of *Saint-Andrewes* : All and findrie the landes and utheris, after specified, quhilks ar ane parte of the Patrimoine of *Lincluden* : They ar to say, the five marke-lande of little *Dryburgh* : The five marke-lande of *Drum-jarg* : The five marke-lande of *Ernpbillane* : The five marke-lande of *Erne-crage* : The five marke-lande of *Blarone* : The five marke-lande of meikle *Dryburgh* : The five mark-lande of *Chapmantoun* : The five mark-lande of *Blacherne* : The five mark-lande of *Ernemunzie* : The five mark-lande of *Culnotrie* : The corne milne of *Corf-Michael* : The five marke-lande of *Garrantoun* : The two mark-lande & ane halfe of *Black-parke* : All lyand within the Barronie of *Corf-Michael*, & Stewartrie of *Kirk*.

Of weire-
fare and
weapon-
schawinges.

Exceptions.

Kirkcudbright. The fiftene schilling land of *Staikfurde*: The fourtie schilling lande of *New-toun*: The mark-land of *Chunie*, and *Skellingholme*: the sex mark-land of *Carrauchtie*: The sex mark-land of *Drum-ganis*: The five marke-land of *Troguier*: The mark-land of *Stoebolme*: The five mark-land of *None-land*: The five mark-land of *Cruif-flanes*: The sex mark-land of *Holme*: The twentie schilling land of *Maricholme*: The four mark-lande of *None-holme*: All lyand within the Barronie of *Drumsteith*, and *Stewartrie* forsaide. Togidder with all Castelles, Towers, Fortalices, Manour-places, houfes, Bigginges, Orchardes, Milnes, Zairdes, Wooddes, fischinges, partes, pendickles, annexes, connexes, out-fettes, tennentes, tennendries, and fermes of few-fermes, canes, customes, services, casualties, and uther commodities quhat-sum-ever.

And gif it fall happen, OUR said SOVERAINE LORD, to dispone ony of the landes, Milnes, and fischinges of the said Provestrie, quhilkis ar comprehended in the said annexation: Or quhilkis ar now excepted and reserved, as said is, and fall be hereafter dimitted in his Hiennesse handes, be the Provost and Prebendaries theirof; THAT Gif his Hiennesse converted the fermes, or victual in silver; The same fall be na diminution of the rental, or cause of reduction of the saidis infestmentes, to be maid thereof.

And als hes declared, and declaris, that it fall be lauchfull to his Hiennesse, to use the superioritie and few-fermes of the landes of *Larg*, and *Kincardin*, with seventene aiker of land, quhilkis landes ar of the Abbacie and Lord-shippe of *Culrossie*: And the preceptorie of SAINT-ANTONIS in *Leith*: And Chaplanarie of SAINT-JAMES, at the *New-haven*, landes, reynendes, and annuelles of the same, as fall seeme gude to his Hiennesse. AND Als declaris, that notwithstanding the said annexation, appoynted to take effect, in maner foresaid, at the Feast of *Martine-mes*, nixt to-cum; That Maister ROBERT DOWGLAS, Provost of *Lincluden*, and WILLIAME DOWGLAS, Sonne to the Laird of *Drumlangrig*, his successeur, fall bruik the fruites, profitis and dewties of the said Provestrie, during their liffetimes, in the same maner as they did before.

AND Als wa Ratifies and approvris the provision maid to JAMES DOWGLAS, Sonne to the Laird of *Drumlangrig*, of the Provestrie of *Lincluden*. And that the act of dissolution, fall be extended in his favour, declaring the same provision to be sufficient, for bruiking and joyning of the said Provestrie, and hail profitis thereof: Notwithstanding, quhat-sum-ever Actes, constitutiones or lawes, Civil or municipal, maid in the contrair, dispensand therewith, and effect theirof.

AND SIK-LIKE Excepts foorth of the said annexation, The landes and utheris under-written, quhilkis ar an part of the patrimonie of *North-Berwicke*: They ar to say, all and hail, the place quhair the Abbay Kirk and Cloister of *North-Berwicke* stude of before, quhilk is now ruinous, and was na Paroch Kirk. And als all and findry the lands of the heuch of *North-Berwicke-Law*, the *Law-meedow*. The milnes of *Kinkeith* with the croftes thereof, the uther four croftes of land, sum-time occupied be ROBERT HUME of *Heuch*, with their pertinentes, lyand on the South side of the Burgh of *North-Berwicke*. All and hail the West part of the Toun of *North-Berwicke*, called the *Nunne-gate*, lyand upon the West-side of the burne, called the *Clartie-burn* with all and findrie Landes, tenementes, houfes, bigginges, out-fettes, tailles, barnes, zairdes, and utheris pertinentes thereof. All and hail, the twa husband-lands in *Bone-stoun*, with their pertinentes. All lyand in the Schireffedome of *Edinburgh*, and Constabularie of *Edingtoun*. All and hail the landes of *Montresie*, the landes of *Alderny*. The landes of the *Grange*, with their pertinentes, all lyand within the Schireffedome of *Fife*, with houfes, bigginges, manfiones, fortalices, zairdes, Orchardes, fermes of few-fermes, tennentes, tennendries, partes, pendickles, and pertinentes, of all and findrie the foresaidis lands. Quhilkis his Majestie declaris, are not, nor fall not be comprehended in the saide Annexation.

30. *Dissolution of annexed Landes, for setting of the samin in few-ferme.*

FORSAMEIKLE, As for great and weightie considerations tending to the weill of the Crown, and of the hail Realme, There is diverse landes and Lord-shippes of auld and of lait annexed, to remaine with OUR SOVERAINE LORD, and his successeurs, Quhilkis may not be disposed nor annaiald, in fee or life-rent, to quhat-sum-ever persone or persones, without the advise of the three Estaites of Parliament, and for profitable and seene causes, for the weill of the hail Realme: And neverthelesse it hes bene thocht expedient in the dayes of our Sovereaine Lordes maist Noble predeceffours, that his said annexed and proper Landes, suld be set in few-ferme, for increafe of policie their-upon, and augmentation of the rental. And to the effect that the saidis Landes might be set in few-ferme in maner foresaid: Oursaide Sovereaine Lordis Predeceffours and three Estaites of Parliament, hes bene in use to dissolve the saids Annexationes. And therefore our said Sovereaine Lord, and three Estaites of Parliamente, finding it now expedient, and profitable for his Hienes, That divers of the saidis annexed landes, within findrie Schireffedomes and Lordshippes be set in few-ferme, for augmentation of his zeirlic rental, and for increafe of policie, as said is. Therefore they have dissolved, and dissolvit the said union and annexation, to the effect abone specified allanerlie. And will that the same be extended to the Lands underwritten, quhidder they be annexed to the Crown to the principalis of this Realme; Or to the Kingis second Sonne.

Providing alwayes, that albeit the landes of the Eriedome of *Rosse*, and Lordship of *Ardmannoch*, quhilkis

quhilkis ar appoynted to remaine with our said Sovereine Lords second Sonne, be sett in few-ferme be vertue of this dissolution: The samin fall na wayes be annullid, disposed, nor put awaye fra our said Sovereine Lordis second Sonne: Bot the same landes and profites thereof, albeit they be hereafter sett in few-ferme, fall remaine in propertie with him, after the forme of the Acte, maid be King *James the Thrid*, our Sovereine Lordis maist Noble Predecessour. And als providing that this present dissolution, fall stand during the dayes of our said Sovereine Lord, that now is allanerlie. Swa that what Landes, his Hienes in his time settis in few-ferme, to quhat-sum-ever person or persones, for augmentation of his rental, as said is, the samin fall abide with the saidis persones, their aires and successours in few and heritage for ever. And after our said Sovereine Lordis decease, the annexation of the remanent landes, not sett in few in his Hienes times, fall returne to their awin nature. Thir ar the names of the landes to the quhilk this present dissolution is, and fall be extended. They ar to say, The landes of the Erledome of *Rosse*, and Lordshippe of *Ardmauch*, The landes of the Erledome of *Orkney*, with the *Iles* pertaining thereto: The landes annexed to the Crown, lyand within the Schireffedome of *Edinburgh*, and Constabularie of *Haddington*: The Friers lands of *Aberdeen*, quhilkis were before disposed to *George Erle Marfchel*: The landes and Lordshippe of *Menteith*, disposed to *James Lord Doune*: The landes and Lordshippe of *Galloway*, aboue and beneth *Cree*. The Erledome of *March*, and the Lordshippe of *Ettrick Forefeft*.

31. THE KINGIS GENERAL REVOCATION.



WE JAMES, Be the Grace of GOD King of *Scottes*, being now of perfite age, of xwentie and zeires compleit, and knowing the remeid competent to us be the common Lawe, and Lawes of our Realme, In revocation of all and findrie alienations, donations, venditiones, or utheris dispositions quhat-sum-ever, maid be us in our minoritie and lesse age, or be our predecessours in their times, in hurt and detriment of our Crown, our saul, and consciences against all Lawes of our Realme, and theirin following the exemple of our most Noble Progenitours, in their general Revocations: And being larelie past our said perfite age of twentie and zeires, and ane large space within our age of xwentie five zeires, during the quhilk, the remeid of our Revocation is competent to us: We make our General Revocation, in maner following.

FIRST We revoke, casse, annull and reiteit, all and findrie infestmentes, chartours, giftes, donations, alienations, and dispositions quhat-sum-ever, maid be our umquhile dearest Mother, before our Coronation: To quhat-sum-ever person or persones, in ony maner of way, in fee, few-ferme, or franck-rentement, of ony Lands, Lordshippes, Barronries, customes, annuelles, fischinges, Burrow mailles or Castle wardes, annexed to our Crown, Offices of Justiciarie, and Schireffships within the samin, appertaining thereto, in contrair, the actes of annexation maid there-upon of before: And quhair lauchfull dissolution of the said annexation was not maid be our said umquhile dearest Mother, and her three Estaites in Parliament, in her awin time, to the effect that the same fall be of nane availe in time cumming, after the dait heirof.

AND SIK-LIKE, We revoke, annull and reiteit, all and findrie infestmentes, Chartours, giftes, donations, alienations, and dispositions quhat-sum-ever, fees and pensiones disposed be us, of our said annexed awin proper Landes, at ony rime preceeding in our Minoritie, and lesse age: Except the fees and pensiones disposed to the Officers of our Crown, their deputies and Clerkes, as hereafter fall be excepted.

Reservand alwayes fourth of this our Revocation, the halfe landes of easter *Aberlednauch*, set in few-ferme in our minoritie, to our trustie servitour Sir *John Murray of Tullibardin* Knight, ane of our Maisters of Housholde, And sik-like reservand fourth of this our Revocation, all and hail the landes of *Knocktane*, *Kildarrach*, *Kirrie-walck*, and five marke-lande of *Kereburne*, lyand within the Schireffedome of *Wigtoun*, and kindlie possessiones to Sir *Patrick Waus of Barnbarroch* Knight: Swa that he and his aires may bruik the same, according to his infestments theirof, daited at *Haly-rude-houfe*, the twentie day of November, The zeir of God 1582. zeires.

ITEM, We revoke all alienations and dispositions quhat-sum-ever, of onie rentes, lands, or heritages, annexed to the Principality, or to the Prince quha is alwayes second person of this Realme, maid be us, or onie our predecessours, to the prejudice and hurt of the Prince, second person foresaid.

ITEM, We revoke, casse, annull and reiteit, all infestmentes, donations, alienations and dispositions, granted be us, our Regentes and Governours for the time, in our minoritie and lesse age; To quhat-sum-ever person or persones in fee, few-ferme, lyse-rent, or utherwayes, of all uther Landes, rentes, annuelles and revenues, not annexed to our Crown, quhilk our umquhile dearest Mother had in her possession before our Coronation. And of all offices sik as Chalmerlaneries, and Baillieries, and of the Office of customarie, maid for maa zeires but fra checker, till the compt be maid in the checker after following, Constabularies, and Bailleries of our proper landes and Castelles. And als we revoke and annull all rentalles, assedations and takkes of our proper Landes and rentes, maid be us our Governours and Regents, in our minoritie, abone the space of five zeires.

ITEM, We revoke, reiteit, rescinde and annull, all and quhat-sum-ever infestmentes or rentalles of few-ferme,

Landes
pertaining
in propertie
to the
crown.

The prin-
cipalitie.

of un-
derred
landes.

of offices.

Reservand
the proper
rentes.

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ed landes.

few-ferme,

few-ferme, of quhat-sum-ever our proper Landes, annext to our Crown, made to quhat-sum-ever persones, be us in our minority, or be our predecesours heretofore, quhilis is made in diminution of our rental, and hurt of our patrimonie, quhair the diminution may be verified and proven.

ITEM, We revoke, rescind, retraits and annull all and quhat-sum-ever infestmentes, dispositions and alienationes, maid be us, our Governours, and Regentes in our minorities, or be onie of our predecesours in their times, of the few-ferme victual of onie Landes and Lord-shippes, pertaining to our Crown, quhil we launchfullie set in few before, for payment of the few-ferme victual, and the same few-ferme victual is set in few thereafter, for silver payment. Because the setting of the few-ferme is clearelie understand to be to the great abuse, hurt, and diminution of our Patrimonie and rent.

ITEM, We revoke all infestmentes, alienationes and dispositions, maid to quhat-sum-ever persones of our Castles and houses, the places and roumes, quhair-upon our Castles and houses war situat, and now are demolished in our minority and lesse age. And sik-like all infestmentes, alienationes and dispositions of quhat-sum-ever our Medowes, Wooddes, and Parkes, with all takkes, assedationes and uther dispositions thierof, set be us, our Regentes and Governours in our minoritie as said is.

ITEM, We revoke all and findrie infestmentes, alienationes, giftes, and dispositiones quhat-sum-ever, maid be us, our Governours and Regentes in our minority; To quhat-sum-ever Persones, in fee, few-ferme or life-rent of all Landes and annual-rentes; Quhilis become in our hands, as propertie be richt of our Crown; Through bastardy, or we being last aire, be reason of recognition, foresaltour, or utherwayes, with all confirmationes, gif onie be granted in Parliament their-upon. That the saids lands may retorne in propertie to us and our successeurs in time cumming. And nevertheles be this head and Article of this present Revocation: We declare, decerne, and ordaine: That nane of the Lord shippes, lands and Bartonnies that be come in our hands, be reason of the fore-saltours, Quhilis were retraits, and rescinded be the pacification concluded at Perth, the three and twentie daye of Februar, The zeire of God, ane thousand, five hundredeth, threefoir twelfe zeires, and ratified and appreeved in our Parliament, halden at Haly-rude-house, the last day of April, The zeir of God, ane thousand, five hundredeth, threefoir thirteen zeires: And be the Pacification maid in our Parliament halden at Linlithgow, in the great hall of the Palace thierof, The tenth day of December, The zeire of God, ane thousand, five hundredeth, fourfoir five zeires: Sall abyde and remaine with us and our successeurs: Bot the same sall retorne to the richteous heritours thierof, and uthers havand interest to the same. Sik-like as gif the saids foresaltours had never bene led. And to that effect we presentlie dissolve the annexation of all landes united to our Crown, and alledged to have fallen in our handes, be reason of the saids foresaltours, quhilis ar retraits, as said is. And sik-like we rescind the annexationes maid in our dearest Gudschirs time of all landes that bee come in his handes, Or in the handes of his Predecesours, be quhat-sum-ever Proces of foresaltour, quhair the said foresaltour is reduced, and declared to be of nane avail.

ITEM, We revoke all tailzies, maid be us in our minority and lesse age, fra the aires general to the aires mail, of onie landes within our Realme, against the Lawe and gude conscience, quhair the saids Landes were dispoiced before to the aires quhat-sum-ever, and the saids infestmentes, changed be resignation in the same persone, and to his aires mail.

And we declare that new conquest tailzied in our said minoritie and lesse age, Sall nawayes cum under this our Revocation: Because it is not against conscience, that onie person, quha acquires the richt of onie Heritable Landes, may take the same to sik aires as he pleasis.

ITEM, We revoke, rescind and retraits, all new infestmentes given be us: Or onie of our saids Governours and Regentes in our minoritie, of onie Landes and Lord-shippes in BLENCH-FERME, that were halden of us, and our Predecesours, befor be service of Warde and reliefe: Bot prejudice alwayes to the heritable possesseurs: That they fall bruik their saids landes heretablie: as they were halden before the said infestmentes, maid in our minoritie.

ITEM, We revoke all Regalities, and confirmationes of Regalities, given be us in our minority and lesse age, or onie of our Predecesours before; against the Actes and statutes, that na Regalie suld be given in heritage without the advise and deliberation of the hail Parliament. And sik-like we revoke all giftes, and infestmentes of quhat-sum-ever Office given heritable, to quhat-sum-ever persones, be us our Governours, and Regentes in our minoritie, and lesse age as said is.

ITEM, We revoke all new creation of landes, Bartonnies, annexations and uniones of diverse Landes in fee, quhilis ar made in our minoritie, in prejudice of our dew service, aucht to us and our Progenitours of before, and sik-like we revoke all discharges, given be us in our said minoritie, of service of suites of Courtes, aucht of auld to our Progenitours foresaidis.

ITEM, We revoke all new infestmentes maid and given in our said minoritie, of Creation of Bartonnies, in the Lands and Lordshippes annexed to our Crown.

ITEM, We revoke all infestmentes, giftes, and dispositiones quhat-sum-ever, set, given and granted be us in our minority, to quhat-sum-ever persone or persons, in fee, few-ferme or life-rent, of quhat-sum-ever Hospitallis, maison-dieus, landes or rentes appertaining thierto, in hurt and prejudice of our conveir Hospitallis, to the end that the saids Hospitalles may be reduced to the first institution, for uphalding of the paur. Providing alwaies that the rentes of the Hospital of the Trinitie Colledge beside the Burgh of Edinburgh, quhil

Feudisme
feudis-
formacum.

The King's
Castles &
houses.

Bastardie,
recogni-
tion, last
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Tailzie.

Blench-
ferme.

Regalities.

Heritable
Offices.

Creation
or union
in Bar-
ronnies.

Suites of
Courtes.

Hospi-
talls.

quhilk is now decayed, assigned and given to the new Hospital, erected be the Provost, Baillies, and Council of the Burgh of *Edinburgh*, be na-ways comprehended under this present Revocation.

Presentations. ITEM, It is alwayes understand, like as we be thir presentes declare that the tennandries holden of uther superiours, be cummin in our handes, be escheit, as last aire, be foresaltour standand, or be bastardie, The presentations or infestments following their-upon, cummin not under our revocation. Because the same being casualties, could not remain in our hands, in prejudice of the superiours of the saidis tennandries: Bot of necessitie it behooved us to present heritable tennents, to the superiours of the samin.

Casualties. ITEM, Wee have deeplie considered the estait of casualties, dailie given and disposed throw importunitie of askers, in sik excessive maner, That difficult it is to enterteinie the daylie and ordinar expenses of our Estaite and Crown: Howbeit the occasion of charges, herewithall continuallic increaseth. And we and our Estaites considering that our casualties aucht nor to be sa inordourlic and inconsideratlie disposed, at the importune suite of all askers, bot our commoditie maid thereof, and sik discretion had in disposition of the same, as we may continuallic live upon our awin.

Therefore, we with advise of our saidis three Estaites, and haill bodie of this present Parliament, revokis, rescindis, cassis, annullis, and dischargis all giftes of fees, penshions, wages, liveries and dispositions, out of our casualties and coffers, given be us with advise of our Regentes for the tyme: or be our selsie, sent the acceptation of the Government of our Realme in our awin person, declaring the same to be null, and of nane avail, force nor effect in tyme cumming: dischargenig our Thesaurers present and to cum, of all payment making of the saidis fees, penshions, wages, liveries, and utheris things appoynted to be payed forth of our casualties, of the terme of *Whit-sunday* last by-past, or hereafter in tyme cumming: Exceptand alwaies the fees and penshions, given to the ordinar Officers of the Crown, their deputes and Clerkes, quhilkis we will, fall not be comprehended in this our general revocation: They ar to say, the fees and penshons given and assigned to our Thesauter, his deputes and Clerkes: To our Secretar and his depute; Our Collectour and his Clerk and procuratur: Our Justice, Justice-Clerk, and their deputes, Advocat, Procuratur for the puir, Maister of Requestes: Our Clerk of Register, Director of the Chancellarie, and Director of the Rolles: Quhilk we decerne and declare, fall stand in force and effect; Notwithstanding this our present Revocation.

Thirde of Benefices. ITEM, We revoke, retireit, casse and annull, all and quhat-sum-ever giftes, penshons and free discharges of the thirde of benefices within our Realme, granted sen our Coronation, be us, our Governours and Regents in our Minoritie and lesse age: And we decerne the same to be of nane avail, in all time hereafter: And sik-like, we revoke all takkes of the thirde of benefices, set be us in our minoritie and lesse age, quhairby the dewtie is diminished: Or quhair we have sett the haill benefice, in diminution of the thirde thereof: And we protest, that quhat-sum-ever we have done to the detriment, hurt and prejudice of our thirde, and of the ministerie, in our minoritie, or les age, that the same may be reduced, as accordis of the Law.

Kirk-landes. ITEM, We revoke all and quhat-sum-ever infestmentes, maid be us in our Minoritie, our Governours and Regents in our name, of onie Kirkes landes, Friers landes, Nunnes landes, or commoun landes, quhilkis oniewaies sell and become in our handes, as our propertie: Except the infestmentes, maid be our umquhile dearest Mother and us, for erection and sustentation of Hospitalles, and Ministers within Burrowes, quhair there is na assignation nor stipend allowed, forth of the thirde of benefices, for sustentation of the Ministers thereof.

Commoun Kirkes. ITEM, We revoke all takkes, assedationes, and utheris dispositiones quhat-sum-ever, of onie commoun Kirkes within our Realme, maid be us in onie time by-past: to the effect that the same may returne to us, unto the tyme that furder ordour be taken. Providing alwaies that at the saidis commoun Kirkes, there fall be Ministers appoynted to serve and make residence, and fall be susteined of the readiest fruites thereof, according as fall be modified.

Monkes portions. ITEM, We revoke all giftes of Monkes portions, first fruits, or fift penny of any benefices, quhair-unto we have richt be our Actes of Parliament, maid of before there-anent.

Patronage of Kirks. ITEM, We revoke all giftes and infestmentes, maid be us in our Minoritie, of quhat-sum-ever advocacy, and donation, and richt of patronages, given or annexed to ony Lordshippe, Land or Baronnie, quhair the said Patronage, advocacy, donation of benefice, pertained nocht of richt of before, and quhilk takkis the beginning and ground fra ony gift and infestment thereof, maid in our Minoritie, as said is, be this clause, *de novo damus*, quhair the purchaser of the said infestment, had na richt to the said patronage, advocacy and donation before.

Super plus and omitted of the thirde. ITEM, We revoke all giftes of super-plus, and omitted of the fruites of benefices, given and disposed be us, our Governours and Regentes in our name, and in our Minoritie.

AND Generallie; wercove, casse, annull, retireit, and rescind, all and quhat-sum-ever thinges done be us, our Governours and Regentes of our Realme, in our Minoritie and lesse age, in detriment and hurt of our saul and conscience, Hurting the Priviledge of our Crown, prejudicial to the same, and to us, in our patrimonie of the same, and quhair the Law and consuetude of our Realme, leivis us to revoke. And this our Revocation, we ordaine to be of als great effect, and als largelie extended in general, and in special, as onie revocation maid be our Progenitours, before the daite hierof: And speciallic, the revocation, maid be our umquhile dearest Mother, and umquhile our dearest Gud-fadir, King JAMES the Fifth, of gude memorie, and his Predecessours quhat-sum-ever, contained in our buikes of Parliament: Quhilkis in all heads.

heads, claufes and circumftances thereof, we hald as herein expreffed. And als we ordaine, and decreine this our faid Revocation, to be fimple and abfolute, without ony exception, reftriktion, or limitation, to be admitted againft the fame, further nor therein is conteined. And to that effect, we annull and refcind, quhat-fum-ever exceptions maid in favours of quhat-fum-ever perfones, in onie of our Revocaciones maid in Parliament, or urtherwaies, at onie time preceeding the daie hercof.

AND We foieimnelie fwear, in prefence of our faidis three Eftaites, be our great aith, prefendie given, at this our firft Parliament, halden after our perfite age of twentie ane zeires complete, And as we were obliſhed to have done, in-caſe we had bene of perfite age at our Coronation: That we fall faithfullie obſerve and keepe the ſtature and acte of Parliament, maid in the daies of our maift Noble Predeceffour, King JAMES the Second, anent the keeping and reteining of the Landes, Lord-ſhippes, and Barronnies, annex to the patrimonie of the Crown, in all poynts and clauſes thereof.

ALS We proteſt be thir prefentes, that gif it fall happen us, for onie reſpect or conſideration, to ſuffer ony perſon or perfones, to uſe or poſſeſſe onie Priviledges or poſſeſſiones, landes, rentes and offices, quhilks ar fallen under our Revocation: It fall maké na richt to the uſers nor halders thereof: Bot it fall be leſum to us, and our Succellores, to put our hands thereto, quhen ever it fall pleaſe us, be vertue of this our Revocation, acts and conſuetudes of our Realme, maid of before; But onie obſtacle, impediment, or contradiction.

32. *Explanation of the Act maid anent deprivation of Miniſters.*

OUR SOVERAINE LORD, with adviſe of his three Eſtaites of this preſent Parliament, having conſidered the act maid in the Parliament, halden at *Edinburgh*, the xxij. day of *Maij*, the zeir of God, and one thouſand, five hundreth, fourſcoir, four zeires, anent deprivation of Perſons, provided to benefices of cure, under Prelacies, for none-refidence at the Kirks of their benefice, and that it ſuld be compted none-refidence to be abſent fra their function four Sabbath daies in the zeir: Be quhill Act commiſſion is granted to certain Eccleſiaſtical perſones mentioned therein; To call and convene before them, the perſones delated and ſuſpected as non-refidentes, or for urther cauſes mentioned in the ſaid Acte, quhilks neceſſarie requiring explanations, and doubtles dailie fallen our there-upon. Therefore declaris, ſtatutis and ordainis, that the ſaid Acte and commiſſion directed there-upon, is, nor at na time hereafter fall be extended, againſt onie of the Lordes of ſecreete Councell, or Senatours of the Colledge of Juſtice, or their members, occupied, or daylie attending on his Hieneſſe neceſſary ſervice: Or againſt ony perſons being ſooth of the Realme, be his Hieneſſe licence, and employed in his ſpecial ſervice, during the time of their abſence. Quhilkis notwithstanding, fall be aſtricted and halden to fuſteine qualified Miniſters at their Kirkes in their abſence. Neither fall the ſaid act and commiſſion be extended againſt ſik Perſones, as were provided to Benefices of cure, under Prelacies, being laick Patronages, before the making of the ſaid Acte of deprivation for non-refidence, and urther cauſes ſpecified therein: Bot that the hail Perſones bruikand benefices, in caſes before declared, fall enjoy and poſſeſſe their benefices during their life-times, fuſteine and the miniſtrie, according to ſik ordour, as is taken, or fall be taken their-anent: As gif the ſaid Act and commiſſion had noch be granted. And that alwaies ſik Perſons, as hes received benefices, and bene collationat, upon condition to ſerve in the function of the Miniſtrie, and to make refidence, and zit failziez their-intill, fall be ſubject to the judgement of the ſaid Acte and commiſſion.

33. *Anent the Parliament.*

OUR SOVERAINE LORDE, Now being of lauchfull and perfite age, and conſidering the decay of the forme, honour and Maſteſtie of his ſupreme Court of Parliament, be occaſion of the troubles that hes occurred, ſen the deceaſt of his deareſt Gud-fchir, King JAMES the Fifth of worthie memorie, and willing to reſtore the ſame to the auncient ordour, dignitie and integritie, hes thought expedient, and be adviſe of his three Eſtaites aſſembled in this preſent Parliament, ſtatutis and ordainis, as followis.

THAT There fall be na confuſion of perſones of the three Eſtaites: That is to ſay, na perſon fall take upon him, the function, Office or place of all the three Eſtaites, or of twa of them: Bot fall only occupy the place of that ſelte eſtair, quhairin he commonly profeſſis himſelfe to live, and quhairof he takis his ſtile.

34. *The unlaw of abſentes fra the Parliament.*

THAT In-caſe ony Erle, Lord or Barron of Parliament, Prelate, or Burgh, being lauchfullie warned, abſentis themſelves fra Parliament without lauchfull and ſufficient excuſe, admitted and allowed be the Lords of the artickles: Our Sovereine Lord, and his three Eſtaites, preſentlie convened, hes ordained, and ordainis, that ane pecunial paine fall be modified and tane of everie ane of the non-compeirances, in maner following: That is to ſay, of everie Erle, three hundreth pundes: of everie Lord, 200. pundes: of everie Prelate, 100. pundes, and of everie Burgh, 100. markes. And that ſik as accompanies noch the Kingis Maſteſtie, on horſ-back decentlie, with ſute-mantilles, from his Hieneſſe Palice, to the Parliament houſe,

house, shall be reputed for absent, and incur the same paines, as gif they were absent. And letters shall be directed to poynd and distrain their lands or goods therefore: Or to pay the same within ten dayes, under the paine of Rebellion, and gif they failzie, to put them to the horne, that the same paines may be inbrought to our Sovereine Lordes use.

35. *Herauldes, Pursuantes, Maisters, Trumpettors committ and fault.*

GIF Onie of the ordinar Herauldes, Maisters, or Trumpettors, shall be noted absent from the Parliament. Or being present, performis nocht that quhilk becommis them of dewties, without lauchfull excuse maid and allowed, as said is, everie ane of them being noted, shall amitte and tynne ane zeires fee, for the first fault: and for the second fault shall be deprived.

36. *Of apparell of the Estaites.*

THAT everie Estait shall have three severall apparels in seemlie fashion, conforme to the patron thereof: Quhilk the Kingis Majestie shall cause make, and command to be observed, under the paine of two hundred poundes, of the persone failzand, and debarring of them furth of the Parliament house.

37. *The number of the Lordes of the Artickles.*

ITEM, That the number of the Lordes of Artickles, be equall in ilk Estait, and that the fewest number of everie Estait be sex, and the maist number ten.

38. *Procuratours may compeir for all persons accused.*

ITEM, That na Advocate, nor Præloquitor, be nawaies stopped, to compeir, defend, and reason for onie person, accused in Parliament for treason, or utherwaies: Bot that quhat-sum-ever partie accused, shall have full libertie to provide himselfe of Advocates, and Præloquitors, in competent number, to defend his life, honour and land, against quhat-sum-ever accusation: Seeing the intending thereof, shuld not prejudice the partie of all lauchfull defenses: as gif it were *pro confesso*, that the accusation were trew, annulling all actes maid in the contrair hereof before.

39. *Decison in Parliament, may not be impugned be inferiour Judges.*

NA Fore-saltour, lauchfullie and ordourlie led in Parliament, nor na decisiones past in Parliament, betuixt partie and partie be proces, after cognition of the cause, shall be called in questione be ony inferiour Judge.

40. *The ordour of Parliament, shuld be inviolably observed.*

OUR SOVERAINE LORDE, with advyse foresaid, declaris, statutis and ordainis, that the ordour abone written, shall be inviolably observed in all time cumming, as the necessar and lauchfull forme of all Parliaments, and faithfullie promittis to do, or command na thing, quhilk may directly, or indirectly, prejudice the libertie of free voiting and reasoning of the saidis Estaites, or ony of them in ony time cumming.

41. *Contention for prioritie of place, or vote in Parliament, shuld be punished.*

FORSAMEIKLE As in divers Parliaments, halden be OUR SOVERAINE LORD, And his maist Noble Progenitours, findry questiones hes bene amangst Noble-men, and uthers of the Estaites for prioritie of places, and voites in Parliament, and there-upon sum-times querrelling to the disturbance of the supreme Courte of Parliament, quhilk aucht to proceede with greatest honour and quietnesse. FOR remeid quhairfoir in times cumming: It is statute and ordained, be OUR SOVERAINE LORD, with advyse of his three Estaites of this present Parliament: That nane of his Estaites, shall presume in time cumming, to make querrell or provocation of trouble to uther, for prioritie of places, or voites in Parliament, utherwaies nor be supplication: And content them with the ordour and direction of his Hienes, and his saidis Estaites, ay and quhill their final decision of controverfie, under the paine to be reputed and halden, as disturbers of the publick peace and quietnes of the Realme, And to be grievously punished therefor, at the discretion of his Hienes, and Lordes of the Artickles assembled, at that Parliament.

42. *Actions of molestation, and utheris possessours, shuld be decided before the inferior Judges.*

OUR SOVERAINE LORD, And the three Estaites convened in this present Parliament, ratifies, approveis, and for his Hienesse and his Successours, perpetualle confirmis the Act of the Lordes of

of Councill and Session, maid anent proceeding in causes of molestation: And ordainis the same to take full effect and execution in time cumming; as a maist necessar and profitable Law to all his Hienesse subiectes, and the said hail Acte to be insert in the buikes of Parliament: Of the quhilk Act, the tenour follows.

AT *Edinburgh* the day of The zeir of God, 1580. zeires. For-sameikle as the multitude of Actiounes, before the Lordes of Session impschis greatlie the ordinar course of Justice, in weightie causes of heritage, and utheris maters of great importance, quhilkis ar maist proper to be decided be the saidis Lordes of Session, and the greatest lett and impediment procedis from the greate number of Actiounes of molestation and troubleance in the possession of properties and communities, quhilkis were accustomed of auld to be decided be the Schireffes of everie Schire, Baillies of Regalities, and uthers ordinar Judges, quhair the landes lyes, and be the determination of ane Assise of the best and worthiest of the Cuntrie: And the saidis Lordes be dailie experience, understanding persfetlic, quhat stop and hinder the saidis maters possessor, ar to the expedition of uthers weightie causes, how sumptuous sik proces ar to the parties, be bringing of the witnesses forth of the farre partes of this Realme: for veresieing of the summoundes, or exception admitted be ather partie, in the said mater: And zit the truth of the case is nocht thereby sufficiently tryed, partie be the abuse of the witnesses; And partly, because it is nocht possible to the saidis Lordes of Session, to trie the veritie sa weill, be examination of the witnesses before them, as the Schireffe and his depures, may try the same, be ane inquest of the best and worthiest upon the ground. For the quhilkis causes, the saidis Lords of Session hes thought meete and expedient, statutis and ordainis, that all maters of molestation and troubleance in properties and communities, consisting in the possessor, to be intended herefter, or already intended, quhairin na *Litis-contestation* is maid, fall be remitted to the Schireffe of the Schire, Baillies of Regalities, and uthers inferior ordinar Judges, quhair the landes upon the quhilkis question fall be mooved lyes: And to that effect, quhensoever onie partie fall meane them to the saids Lords, upon troubleance or molestation, committed upon properties or communities: The Lords be their deliverance, fall direct letters, ordaining the saidis inferior Judges ordinar, to take cognition therein upon summoundes or precepts, to be direct upon fiftene dayes warning: And the Courtes following, to bee continued fra aucht daies, to aucht daies, at the longest, or shorter, as the cause fall require, at the discretion of the Judge. Quhilk cognition fall be taken be this ordour. First that the parties defences fall be lauchfullie discussed in the place quhair the saidis inferior ordinar Judges use to sitt: Or that fall be appointed unto them be the saidis Lordes of Councill. And gif the defences be all repelled; That the saidis Judges, after the production of the parties richtes consisting in writt, fall put the hail uther poynts of the summons or exception, quhilk fall be admitted, swa meikle thereof, as be the ordour observed before, nicht or suld have bene provin be witnesses, to the knowledge of ane condigne inquest: To be elected and chosen of Persones least suspect, and that best knawis the veritie to ane sufficient number. The maist part quhair of fall be Landed-men, haveing at the least four pleuchies of Lande: Or three hundreth markes of zeirlik rent unreddeable, and uthers substantious and famous honest Zeamen: Quhilkis Persones fall be taken and chosen in the Parochin, quhair the saidis Landes debatable lyes, gif ane sufficient number may be found there: And failzeing thereof, that the nearest Parochiners nixt adjacent, admittand alwaies all objections competent against their persones, as accordis of the Law.

QUHILKIS persones of inquest, after they be lauchfullie sworne and admitted, fall have power to visit the grounde, gif they thinke it expedient, and take all uther tryal, as they fall thinke gude, upon their zithe and conscience, and fall returne their answer to the Judge, upon the truth and veritie of the claime, or exception admitted, And that in face of judgement: That the said Judge ordinar, may thereafter give his sentence definitive, upon the saidis debates, and gif the saidis persones of inquest commit error in their saidis determination; They fall be called, accused, and punished therefore, *puna temere jurantium super assisam*, within their persones and gaddes, according to the auncient Lawes of this Realme, and consuewde observed within the samin.

AND Gif it happenis mutual persute, convention or reconvention on ather side, to be intended, baith the parties doand their dew diligence, be intending and persewing of their actiounes *hinc inde*, before *litis-contestation* maid be ather of them. And all their reasones and allegations in the Lawe, being produced, before the mater be put to the knowledge of ane inquest: The Judge fall procede in them baith *pari passu*: And fall remit the heades and Artickles of the claime precepts, summoundes or exception, quhilk consistis *in factis*, and was accustomed to be verified be witnesses, to the determination of ane assise. Quhilk fall take cognition in baith the causes, quhere they cannot be denied. And the equal halfe of the said Assises, fall be taken of the persones summound for ather of the saidis parties, and gif the number of the halfe of the Assise, may not bee had of the number summound be ather of the parties: In that case the Judge fall take sa monie, as wantis of uthers sufficient assisours, albeit they be nocht summounded be nather of the parties: the samin persones being alwaies landed-men, or being substantious, famous and honest zeamen, as said is: And the od-man fall be chosen be cavill. And quhair it fall happin the Schireffe of the Schire, Baillie of Regalitie, or uther inferior Judge ordinar, to be suspect and unable to Judge the saidis causes, for deadlie seede, and uther reasons, quhilkis may decline the Judge, or the place of judgement to be incompetent, that therewith the partie cannot have sure access for his persute and defense.

IN That case, the mater being mooved to the saidis Lordes, and found and declared be them, the uther partie being lauchfullie summound: they fall appoynt unsuspect Judges, and ane place competent, for the saidis cognition and determination, for the causes foresaidis, be commission be their Acte and ordinance: Or under the testimonial of the great Scale, be their deliverance. And the saidis Judges to be appoynted, fall at the acceptation of the saidis commissiounes upon them, make faith, nocht onelle, that they fall dewlie and lauchfullie minifter Justice in the saidis maters: And that they have nocht taken, nor fall nocht take onie rewarde, profite or gude deede, fra onie of the parties, and that they have nocht made, nor fall nocht make paction or contract with onie of them, for onie certaine summe, before the pley be intended, or during the dependance thereof, and the aithe of the saidis Judges, to bee tane before the recompense of their juste travel, to bee modified be twa of the Lordes of Session before the pronuntiatioun of the decreete, in the saidis maters, quhilk fall be payed unto them, before the giving of the decreete foresaid: Or at the acceptation of the commissioun upon the supplication, the partie obtainer theirow, fall make the first payment: bot fall have the samin modified, to be repayed to him, be him that times the plee: gif it be found *quod temere litigaverit*, with the utheris expenses, to be susteined be him, in the recoverie of the saidis decreete nevertheles, gif the persones to be appoynted Judges to the saidis causes, fall happin to bee drawin fra their awin dwelling house or places, to the ground of the lande or uther place, quhair Justice fall be ministrin in the saidis mater; The partie quha fall require them thereto, fall make the expenses for their voyage, in ganging, abiding, and returning, quhilk fall nor be impute to the Judges, as ony fault before the Lordes of Council, or before the nearest Judge adjacent to the landes, quha fall have power of the saidis Lordes to that effect, be the said commissioun, and insert therein. And because sum-times the question fallis our betwixt possessours of landes, lyand *contigue*, and zit in diverse Schireffedomes: And at sum-times the awn land lyand within the Royaltie; And the uther within the Regalitie: That in the first case, the Schireffe of ane of the Schires: And in the second cause, neither the Schireffe nor Baillie of Regalitie, may be judges competent to baith the Actiounes. Therefore quhen sik cases occurris, the Lordes upon the complaint of the partie having interest; fall appoynt Judges unsuspect, with ane competent place, keepand and observand in all uther circumstances the ordour abone written. And further, the saidis Lordes declaris, that this act and ordinance, on nawais hurt nor prejudice the Lordes of Session, and Colledge of Justice, and their members: Bot that they have, and fall use their privilege, to persue their actiounes, before the saidis Lordes or utheris ordinar Judges, according to auld accustomed use, used and observed before the making of this Act.

43. *The paine of malicious Pleyers.*

ITEM, OUR SOVERAINE LORD, And the three Estaites, understanding that the maist parte of the lieges of this Realme, ar becom willfull, obstinar and malicious pleyers: Swa that they will nocht bee content to pay and satisfie their creditoures, of sik debtes as they aucht justlie to them, and do and fulfill all maner of lauchfull deedes, quhair-unto they ar speciallie oblied, without calling and compulsion of the Law and extremitie theirow. Therefore statuis and ordainis, that the partie against quhom decreete beis given, anent liquid summes before the Lordes of Session, fall pay to the saidis Lordes twelve pennies of everie punde, effeirand to that quhilk beis recovered and obtained before them: And in all decreetes consistand *in facto*; He quha tins the pley, fall content and pay to the saidis Lordes, the summe of five pundes money: And alswa the expenses of the partie obtainer of the decreete, at the modification of the Judge, And ordainis the same forme and ordour to be observed heirintill: as hes bene kept be the saidis Lordes, in uptaking of 40. schillings of ilk decreit of before.

44. *The Lordes of Session ar Judges to the interpretation of the Law of Oblivion.*

OUR SOVERAINE LORD, With advise of his three Estaites of Parliament, statuis and ordainis, that the Lordes of Council and Session, fall in all time cumming be Judges ordinar to the interpretation of the Acte of oblivion and parties compleenand, to intend, persue and give in the libelles and supplications thereupon to them: And as they decerne and decreete in the saidis maters; to be also effectual, as gif they had first bene appoynted ordinar Judges, to the saidis causes, be the foresaid Acte of Oblivion. Providing alwaies there be nine ordinaires of the saidis Lords of Session, at the giving and pronouncing of ilk decreete, and interloquitour in the foresaides causes: Sik-like as they observe in all uther maters and actiounes, depending before them.

45. *Quhen, quha, and how Notares suld be admitted, of their Cautiounes and Protocol.*

FORSAMEIKLE As the Kingis Majestie and Estaites of Parliament, considering the great fraude used be diverse Notares, in the Office of Notarie, within this Realme, the hurte and skaith cumming there-through, to his Hieneffe Lieges: And that mony persons within thir few zeires, being admitted to the Office of Notarie, with over slender tryall taken of their knowledge and qualification, and they being for the maist parte ignorant of the commoun course of the Law, forme and practicke: Quhilk ordourlich

aucht to be observed in making of their instrumentes: contracts, and utheris writtes, titles and securites,
 nocht knowing quhat may stand be Law, ordour and practick, observed within this Realme, and quhat
 not: hes genered and daile generis mony pices: questionis and controverfies, amangst his Hienesse Lieges,
 bringing them in great trouble, charges and expences. FOR Remeid quhairof, it is statute and ordained,
 be his Majestie, with advise of the three Estaites of this present Parliament, that all admiffion of Notares in
 time cumming, cease and stay for the space of five zeires, nixt after the daie of thir presents: And that
 nane be admitted Notares thereafter; bot they that hes reasonable understanding in the *Latine* toung, and
 and is at the least congruous: That they have served and bene in companie with ane of the Lordes of Sessi-
 on, Commiffaires, writers to the Signet: Or sum of the Schireffe, Stewarde or Baillie Clarkes, of the
 Schire, or commonn Clerkes of the head Burrowes of this Realme: And have served them trewlie, the full
 space of seven zeires, and reporte their testimoniall of their trueth and qualification, to be shawen to the
 Lordes of Councell, in time of their examination, quhilks sall take care in the same examination bee their
 selves, or sum of their awen Clerkes of the Signet, quhom they please call to them for that effect. And
 speciallie, they sall cause the parties, desirous to be admitted Notar, give a present and full prooffe in their
 presence of his writing and congruitie, be forming of sum evident; As charter of Ward, blench, few-
 terme, burgage, mortification, or apprising, or of ane precept past on ane retour, or of *Clare constat*,
 or of ane instrument of resignation, in favour *ad perpetuum remanentiam*: or sum instrument of leasing, or
 of ane contract, a compromit, a procuratorie, a tacke, a reversion, acquaintance, obligation, or sum
 uther commonn forme of evident. And nane to be admitted, bot be tryall and prooffe in maner foresaid;
 And quhairas diverse and findrie Notares, hes bene admitted in time by-gane, and caution found be them,
 conforme to the actis maid there-upon, and that the cautioners, quhilks become caution for them, ar for
 the maist part deceased. It is statute and ordained, that the bands and actes of the saidis cautioneris, sall
 extend against their aires: And that all Notares within this Realme, sall bring and present their Protocol
 buiks, before the Lordes of Session, betuixt this and the first day of *Januar* nixt-to-cum; To be used and
 considered be the saidis Lordes: That it may be knowin how monie of their Cautioners ar on live; And
 how monie deceased: And quhair they ar deceased, or sall be found be the saidis Lordes to be insufficient,
 that uthers new and sufficient cautioneris, bee founden in place of the cautioneris deceased, to the content-
 ment of the Lordes of Councell. And that ilk Notares as sall be foundin altogether ignorant, and not worthe
 for using of that Office, sall be deprived of all using thereof in time cumming: And ordainis the Schireffe
 of everie Schire, Baillie of Regalitie, their deputes and uther Judges ordinar quhat-somever, to sende trew
 report and knowledge to the Clerk of Register, betuixt this and the first day of *November* nixt-to-cum, of
 all persones using the Office of Notarie, within their boundes and jurisdiction. And gif onie Notares failzie
 in presenting of their Protocol buiks, to the effect under-written, that nor onelie sall they be deprived fra
 their office, and all heir instrumentes quhilks they sall give forth thereafter, declared null, and to make
 na faith: Bot alsua they sall be called and perswaded, as transgressours of his Majesties Lawes and Actes
 of Parliament, and punished as persones defamed, and un-worthie to bruik Office or place of credite there-
 after. And further ordainis, that ilk Cautioner, to be foundin be Notares in time cumming, for dew admi-
 nistration in their Offices, becum oblished in speciall, that their Protocol buiks, within xv. dayes nixt af-
 ter their decease, sall be brocht to *Edinburgh*, and delivered to the Clerk of Register, or ane of his deputes,
 appoynted be him to that effect, quha sall be halden to satisfie the relic bairnes, or Executour of ilk Notar,
 for the same Protocol, at the fight and modification of the Lordes of Session: And thereafter the saidis
 Notaris buiks to be reteined and kept in OUR SOVERAINE LORDIS Register. And the
 Clerk of Register, and his deputies, to be answerable therefore: And to make the same patent & forth-
 command to all OUR SOVERAINE LORDIS Lieges, having interest thereto, upon their rea-
 sonable expences.

46. *Of the number of Officiars of Armes, their deprivation, their cautioners, and head. Courtes, to be haldden be the Lyon, King of Armes.*

OUR SOVERAINE LORD, And three Estates of Parliament, considering how of late
zeires, there is entred in the office of Armes, sundrie extraordinary Maisters, and Pursuivants, and ane
verie great number of Messengers, through importune sute of diverse parties, in slika confused and incertaine
maner, that it is become doubtfull quha ar admitted, and how, and quha deprived, or nocht : Or quhid-
der their cautioners be livand or departed this life. And seeing there was always in times of best government,
a certain number of Officers of Armes : It is now therefore thocht expedient, statute and ordained, that
in time cumming, there shall be onely twa hundredth persones, wearand and bearend our Sovereine Lordis
Armes, in the haill boundes of the Realme of *Scotland* : In quhill number, *Lyon*, King of Armes, and
his Brether, the ordinar Herauldies, Maisters and Pursuivants, shall be comprehended, being in number
xviij. persones, and the remanent, to be divided amongst the remanent Schireffe-domes of the Realme, in
maner following : That is to say, within the Schireffe-dome of *Orknay* and *Zetland*, four : within the
Schireffe-dome of *Inverness* and *Cromartie*, ten : Within the Schireffe-dome of *Narne*, twa : Within
the Schireffe-dome of *Elgin*, and *Forres*, five : within the Schireffe-dome of *Bamff*, four : within the
Schireffe-dome of *Aberdene*, xij : Within the Schireffe-dome of *Kincardin*, four : Within the Schireffe-
dome

dome of *Forfare*, x: Within the Schireffe-dome of *Fiffe*, x: Within the Schireffe-dome of *Kinross*, twa: Within the Schireffe-dome of *Clack-mannan*, twa: Within the Schireffe-dome of *Perth*, and Stewartries of *Menteith* and *Stratherne*, xij: Within the Schireffe-dome of *Strivling*, five: Within the Schireffe-dome of *Dumbertane*, four: Within the Schireffe-dome of *Linlithgow*, four: Within the Schireffe-dome of *Edinburgh* principall, xxiiij: Within the Schireffe-dome of *Edinburgh*, and Constabularie of *Hadington*, four: Within the Schireffe-dome of *Berwick*, four: Within the Schireffe-dome of *Roxburgh*, viij: Within the Schireffe-dome of *Selkirk*, twa: Within the Schireffe-dome of *Peblis*, iij: Within the Schireffe-dome of *Lanark*, x: Within the Schireffe-dome of *Renfrew*, iij: Within the Schireffe-dome of *Argile* and *Tarbert*, iij: Within the Schireffe-dome of *Bute*, twa: Within the Schireffe-dome of *Air*, xij: Within the Schireffe-dome of *Wigtoun*, iij: Within the Schireffe-dome of *Dumfries*, and Stewardries of *Kirk-cudbright* and *Annandaill*, xij. And to the effect that the ordour now appointed, may take the better effect; ordainis and commandis, *Lyon* King of Armes, that he on wayes receive ony maner of person, to the office of messengerie in time cumming, except it be in the place of ane of the persons, that fall be thought meete to be retained, after the first day of *November*, next-to-cum, be his decess or deprivation: Notwithstanding ony precept or warrant given, or to be given in the contrair: Quhairin, gif he failzie, he fall incur the indignation of our Sovereine Lord, and the persons so admitted, fall have na place to use and exerce the said Office, nor his executiones quhat-sum ever, fall navais be valide in Judgement, or out-with. And for tryal quihiks of the persons now occupyand the office of messengerie, or worthie and meet to be retained in that Office during their life-times. OUR SOVERAINE LORD, ordainis letters to be direct to the Commissioners, nominat be his Hiennesse, in the Schires, quihiks conveyeing in the Tol-buith of the said Burgh of the Schire, at the next head court after *Michaelmes* next-to-cum, fall retorne their advise to the Lordes of Councell and Session, upon the first day of *November* next-to-cum: Quhat messengers within everie Schire, (not exceeding the number above written) they think maist honest, worthie, and able to be retained in the office, during their life-times: Or quhill they be deprived for worthie causes. Quihiks persones, being thought meetest to be retained, as said is, fall be recommended be the saidis Lordes of Session to *Lyon* King, to be continued in their offices, And authorized be him, with testimonialls of new, as found worthie be the judgement of the Schire, quhairin they dwell, and recommended be the Lordes of Councell and Session: And that they have new blasones of Silver, in ane forme and quantitie, in ane honest and civill forme: seeing the commoun Armes, maid be messengers in times-by-past, wer fa slender and gude cheape: That the greater number of slichtmen sought to be admitted to that office, quihik aucht indeede to be used be persons of discretion, honestie and credite: That every person so admitted of new, fall finde gude and responfable soverties for observation of the injunctiones, conveined in the end of this present act, under the paine of five hundteth marks, to our Sovereine Lords use: with costes, skaithes, damages, and interest of parties greeved be the falsed, negligence, or informalitie of ony Officer, That the names of the persones, alsweill admitted of new, as deprived, be published and imprinted, within the space of ane moneth, after the said first day of *November*, next-to-cum: That nanefall be abused, or pretend ignorance in default thereof. And for all complaintes to be maid to *Lyon* King of armes, upon the default of Officiars in time cumming, he fall sett twa peremptour Courtes in the zeir, to be holden in *Edinburgh*, upon the sext day of *Maij*, and the sext day of *November*, gif they be lauchfull: and faulting thereof, the next lauchfull daies. And fall summond the partie compleined upon, be his precept, contemnd the cause of the complaint relevantlie libelled. And cause summond the persones accused, and his cautioner, on fifteene daies warning, and deliver their copies, concludand, in-case the officiar be found culpable, nocht onlie his deprivation fra his Office, bot his cautioner to incur the paine, quhair of the third part fall appertene to the said *Lyon* King of armes for his labours. And that his acts and decreetes, be formalie written and registrat, and patent to all our Sovereine Lordis Lieges havand interest. And sik-like letters conforme to pas there-upon, as upon the decreetes of quhat-sum-ever Judges ordinar within this Realme.

47. *All Superfederees as contrair to furtherance of Justice, ar forbidden.*

FORSAMEIKLE AS OUR SOVERAINE LORD, And Estaites of this present Parliament, understanding great contempt to be done to his Hiennesse Lawes, and great hurt to his Lieges, be passing of Licences and *Superfederees*, quihik dailie uses to be granted to sik as be themselves, or uther friends, hes credite of his Majestie, they being at his Hienes horne: either for causes of treason, or non-satisfying of their debt to their creditors: or not obtemperand decreetes and charges. THEREFORE OUR SOVERAINE LORD, with advise foresaid, statutis and ordainis, that na sik Licences and *Superfederees*, be granted in onie time cumming. And in-case onie happenis to be purchased, declaris the same to be null of the Law, and not admissable be onie Judge, nor effectuall to the purchaser in onie waies. And ordainis all Judges within this Realme, to proceede and do Justice to the parties, sik-like, and in the same maner, as gif the saidis *Superfederees* had never bene purchased, nor produced.

48. *Requisition of teynding, may be done upon twa severall Sabbath-dayes.*

ITEM, OUR SOVERAINE LORD, With advife and consent of his three Eftaites, ratifies and appreevis, the Acte of Parliament, maid at *Edinburgh*, in the zeir of God, ane thousand, five hundredreth, three-score nineteene zeires: For reliefe of the labourers of the ground, troubled for want of timous teynding of their Cornes. And ordainis the same to be observed, and to be put to execution in all poyntes, after the forme and tenour thereof, with this addition: That it fall be sufficient to all labourers and awners of the Cornes, in time cumming, to require teynding of the partie, having the title, tack, or richt to the saidis teind-scheeves, openlie in the *Parochie Kirk*, upon twa severall Sabbath-dayes, before noone, after the scheering of the saidis Cornes; Providing that there be xiiij. dayes interjected fullie, beruixt the daie of the first requisition, and before it fall be lauchfull to the awners of the saidis Cornes, to teind the same, and lead the stocke therefra, in maner contained in the said former Act.

49. *He that accusis another of treason, quha is acquite thereof, committis Treason.*

FORSAMEIKLE As the cryme of Treason is maist odious, and deservis the highest punishment in all persones culpable thereof. Swa on the uther part, the malicious accusers of innocent persones, ar nocht to be credited, bot severellie punished: **THEREFORE** It is statute and ordained, be OUR SOVERAINE LORDE, and the three **Estates** of this present Parliament: That quha-ever accusis ane uther person of treason, the partie calumniat being called, accused, and acquite of the said crime of treason, his accuser fall incur the same crime of treason, quhairfo he accused the uther.

50. *Landed-men conviit of thieft, rief, or receipt thereof, committis treason.*

ITEM, It is statute and ordained, be our SOVERAINE LORDE, and his three Eitaites, in this present Parliament, that in-case it fall happen onie Landed-men, to be lauchfullie and ordourlie conviit of the crimes of commonn thieft, receipt of thieft, or stouth rief in time cumming: They fall incur the crime and paine of treason: That is, tinsell and fore-saltour of life, landes and guddes.

51. *Murther or slauchter under credite, is treason.*

ITEM, It is statute and ordained, that the murther or slauchter of quhat-sum-ever OUR SOVERAINE LORDIS lieges, quhair the partie slaine is under the traift, credite, assurance and power of the slayer: Alsik murther and slauchter, to be committed in time cumming, after the daite hereof, the fame being lauchfullie tried, and the person delated found guiltie, be ane Assise thereof, fall be treason, and the persones found culpable, fall fore-fault life, landes and guddes.

52. *It is not lessum to take ane greater annual-rent, for the 100. pundes, nor ten poundes, or five bolles victuall.*

OUR Sovereine Lord, with advife and consent of his three Eftaites of this present Parliament, statutis, ordainis, and declaris, that quhat-sum-ever person or persones, in time cumming, be onie block or bargain, upon pledge or annual-rents alsiveill of victuall, as of money, fall take or receive mair for the leane, interest, profite of zeirlie annuall of ane hundred pundes money, during the hail space of ane zeir, norten pundes money: Or five bolles victuall: Swa of greater or smaller summes proportionallie. That all sik persons, takers or makers of sik blockes and conditiones, for greater or mair profite, interest, commoditie, or annuall, for the space of ane zeir, or for langer or shorter space, after the proportion of the zeir, then ten pundes money, or five bolles victuall, for ilk hundred pundes be zeir, fall be halden repute, persewed and punished as ockerers and usureris, and receive and incur punishment and Judgement of the same: Conforme to the Lawes of this Realme, already maid and established thereupon. Providing alwayes that this present Act of Parliament, force and execution thereof, on-nawaies fall be extended to onie lauchfull bandes, contractes, obligationes, infestmentes, or uther securities quhat-sum-ever, maid upon annual-rentes of money or victuall, preceedand the daie of thir presents: bot they to stand and abide in their awen strength and effect in all poyntes, after the forme and tenour thereof, as they were maid from the beginning.

53. *Anent the making of the prices of Wines and Tymmer.*

IT IS Statute and ordained be OUR SOVERAINE LORD, with advife of his three Eftaites of this present Parliament, that nane bearand charge or office within Burgh, beand Merchant, hame-bringer, or portioner of Wines and Tymmer, fall be fetters of prices on the same, during the time of their Office, and their-upon they fall be subject to suffer ane assise of their neighbours, within fiftene dayes nixt after the expyring of their office, before the Provest and Baillies of the Burgh, to be newlie chosen, havand the Kinges Commissioner sittand in Judgement with them to that effect, without quhome it fall not be lessum to procede:

proceede : To the effect that Justice be not abused ; and to the effect that certaine ordour may bee observed in all time cumming , anent the setters of prices of Wines , and Tymmer , and of their number , and for eschewing all deceipt and abuses done their-anent .

IT IS Statute and ordained , that zeirlic in time cumming , there be twa Barrones , or uther twa sufficient landed Gentilmen , nominate at the head Court after *Michael-mes* within ilk Schiref-dome of this Realme , and uther twa perones to be zeirlic nominate at that same time be the Kinges Majestie and his seccer Councell . Quhilks foure perones , fall be all actuall inhabitantes within the saidis Burrowes ; Or at the farrest , dwelland within sex mile to ilk Burgh : And foure Burgeses that are knawen not to exerce , nor be parteners in sik trade of Marchandice , to be chosen zeirlic at the said feast of *Michael-mes* , be the Councell of ilk free Burgh , of Merchantes , or craftsmen of ilk Burgh , according to their proper Custome and priviledges , presentlie observed be them in zeirlic election of their Councell , and Officiares . Quhillis aucht perones zeirlic to be elected and nominated , as is before specified , fall be the onelie pricers of all Wines , and Tymmer , that cummis within this Realme hereafter . And that they exerce their said office from the day of their election to that day twelf-month allanerlie , And that zeirlic new election be maid of ilk officiares to indure na langer , bot for the space of ane zeir , as is abone written . And ordainis ilk Schireffe depute , be himselfe or his Clerk , to intimar and nominate to the Councell of ilk Burgh the names of the saides twa Barrones , zeirlic to be chosen , as said is , within three dayes nixt after ilk feast of *Michael-mes* : and the Thefaurer and his depures , zeirlic within sex daxes nixt after ilk *Michael-mes* , To advertise and certifye the Councell of ilk free Burgh , of the Kinges Commissioners , zeirlic to be nominat be him , to that effect . With power and licence to the saidis four Burgeses , zeirlic to be elected , as is abone specified ; That in case the saids twa Barrones and the Kings Commissioners being lauchfullie warned personally , or at their dwelling places , be the Townis Officiar , to repaire to the Burgh to that effect , and cummis not within 48. houres nixt after the said warning ; That then it fall be lcsfum to the saids foure Burgeses of ilk Burgh , be themselves to set the prices of the saides Wines and Tymmer , and the samin power and licence is in like maner granted and permitted to the saidis foure Burgeses , zeirlic , quhen it fall happen the Kingis Commissioners and Barrones , nocht to be elected and dewlie intimar , to the saidis Burrowes , in maner , and at the speciall times above specified . And als staturis and ordainis , that na Wines be brocht in this Countrie , be quhar-somever inhabitantes thereof , without ane Testimoniall of the price of the same , under the Townes Scale where they were coft : and ane Testimoniall fall be sufficient for the hail Wines of ilk Schip , and the price to be maid of the commoun prices that Wines gives , the time of their bying thereof .

54. *Unlauchfull Customes of victuall , and uther guddes ar forbidden.*

FORSAMEIKLE As ane of the speciall causes of dearth , proceedis from the exorbitant Customes and impositions , layed upon victualles , cornes and guddes , command to mercattes , free-portes or Havens , without onie warrand , and quhairif they have not bene in use and custome past memorie of man , quhilk is ane oppression of the people , and ane cause of in-crease of dearth . THEREFORE OUR SOVERAINE LORDE , With advise of the three Estaites of Parliament , forbidis and dischargis through the hail Realme , all sik customes and impositions , quhairof there is na warrand , neither have the intromettours and uptakers thereof , and their predecesseures , bene in use and possession thereof , past memorie of man . And ordainis the takers of the saidis exorbitant impositions to be called therefore : And quhat-ever they have up-rane , to be adjudged to rander the samin to the Kingis Majesties use : And they furder to be punished in their perones and guddes , as oppressours of the people ; conforme to the Lawes of the Countrie : And that na custome be rane hereafter , bot according to our auld Lawes and Actes of Parliament , and quhair-upon the up-takers hes special Warrand , at the least , bene in possession theirow , past memorie of man , as said is .

55. *Victuall may not be transported forth of this Realme , neither be Land , nor be Sea.*

ITEM , In consideration that the great increase of the dearth of vivers , principallie proceedis throw transporting of the samin , baith by Sea and Land : Quhilk would be alutterlic abstained fra , and remeid found therefore : In respect quhairof , OUR said SOVERAINE LORDE , with advise of the saidis three Estaites of Parliament , staturis , decernis , and ordainis , that the Wardens of the Marches , fall be answerable to the King , for all victualles and guddes transported in *ENGLAND* , syling their Marches . In doing quhairof , they ar na furder oblihted to their Native Countrie , nor to an *English-man* , in case his guddes stollen , fylc his March . And to the effect the saids Wardens may be the mair diligent there-anent , decernis and ordainis the equall halfe of the saids guddes and victualles , transported in *England* , to appertene to the said Warden : And the uther halfe thereof , to appertene and be maid fourth-command to OUR SOVERAINE LORDIS use . And for staying the transporting of victualles be Sea : It is statute and ordained , that the Schippe and hail guddes , and gearre belanging to the Maisters thereof , and Clerkes of the same Schippes transporters of the said victualles , fall be confiscat , and the saidis Maisters and Clerkes , perones subject to imprisonment , at the will of his Majestic : And for the better exeeution thereof , OUR

SOVE.

SOVERAINE LORDE, with adviſe ſoteſaid, declaris and ordainis ilk free Burgh within this Realme, zeirlic at the Feaſt of *Michael-mes*, to elect and chooſe ane ſufficient Burges, to be ſearchour at the ſea Portes, of the ſaidis victualles, to be adjoynd to the Kingis ſearchers, of equal power with him, in all reſpectes. And that they may uſe and exerce the ſame office conjunctlie or ſeverallie, as occaſion ſhall ſerve and ſpectes. And the equal half of the ſaidis victualles, to be applyed to the uſe and commoditie of ilk Burgh: require: And the equal half, to the Kingis uſe. And ſik-like, grantis the ſame power to the Baillies of all Regalities and Burrowes of the ſame, quhair-unto the ſaidis Burrowes, and Baillies of Regalities, ſhall be halden to anſwere zeirlic of their diligence, in the premisses.

56. *Horſe ſuld not be balden at the hard meate, after the firſt day of Junij.*

ITEM, It is ſtatute and ordained, be OUR SOVERAINE LORD, with adviſe of the Eſtates of this preſent Parliament: That na perſon quhat ſumever within this Realme, keepe, hald, or interteinie ony Horſe at hard meate, after the firſt day of *Junij* zeirlic, in time cumming: Except Earles, Lordes and Barronnes, quha, and ilk ane of them may ſpend twa thouſand pounds of zeirlic rent, at the leaſt. And fra the ſaid firſt daye of *Junij* zeirlic; It is permitted to ilk Earle and Lorde, ilk ane of them to halde and interteinie, at the hard meate, twa Horſes at the maiſt: And ilk Barrone, ane Horſe onelie. With certification to the contraveners of the ſaid Acte, that it ſhall be lauchfull to the Schireffe of ilk Schiteffedome, and their deputies, to eſcheit and intronet with their Horſe, quhair-ever the ſamin may be apprehended. Like as our Sovereine Lord and three Eſtates, be thir preſents, gives them full power to that effect. That the ane half of the ſaidis eſcheit Horſes to perteine to the King, and the uther half to the Schireffes.

57. *Anent victualling of Schippes, paſſing to the North fiſchingers, and caution to be found for their returning.*

ITEM, OUR SOVERAINE LORD, And his three Eſtates, convened in this preſent Parliament, ſtatutis and ordainis, that the cuſtomares and ſearchers, ſhall take inquiſition and note, quhat quantitie of victuall every Schippe or Veſſell, takis in at her paſſing to *Loch-broome*, and utheris the North *Iles*, and loches in the Harveſt ſeaſon in fiſhing: And take ſovertie that they ſhall returne the third part of their lading of Herring or qulite-fiſh, within this Firth, or utheris free Burrowes, to be ſold to OUR SOVERAINE LORDIS Lieges, for their ſuſtentation, and furniſhing of the Countrie, under the paine of ane hundreth pundis.

58. *Anent licences to be granted for eating of fleſh, in forbidden time.*

ITEM, OUR SOVERAINE LORD, And his three Eſtates of this preſent Parliament, ratifies and apprevs, the Acte of his laſt Parliament, maid at *Edinburgh*, in *Auguſt*, the zeir of God 1584. Againſt the eaters of fleſh in *Lentron*, and upon *Wedneſ-day*, *Frydaye*, and *Satterday*, everie oulk; And ordainis the ſame to have full effect and execution in time cumming: With ſpeciall proviſion, that na licences ſhall be granted for eating of fleſh on the ſaidis dayes, in time cumming: Except the deſirer thereof, report a Teſtimoniall, ſubſcribed be a Doctor of Medicine, or be the Miniſter of the Parochin, quhairin he dwellis, that ſik a perſon is ſicklie, and neceſſarie mon have the ſaid licence: And then to be granted, upon the compoſition of xx. pundes: to be payed to the Theſaurer thereof. And in caſe onie licences ſhall be procured for onie Fleſhers to ſlaie and ſell fleſh, on the ſaidis dayes, and time of *Lentron*, Or to Cookes to prepare them, and make them reddie: The ſaid licence ſhall not paſſe the Signet, quhill the partie in quhais favours it is purcheffed, pay for the ſame licence to his Hieneſſe Theſaurer, the ſumme of ane hundreth pundes, without deſalcation, or compoſition.

59. *Slayers of wilde-beaſtes, committes thieft.*

OUR SOVERAINE LORDE, underſtanding that there hes bene diverſe Actes of Parliament maid of before, anent the ſlaying of Hart, Hinde, Dae, Rae, Hares, Cunninges, and utheris Wild-beaſtes with Culveringes, Croſ-bowes, and Hand-bowes: And ſpecially the Actes maid in the Parliament, halden at *Edinburgh*, the zeir of GOD, ane thouſand, five hundreth, threeſcore ſeven zeires, And in *November*, 1581. zeires. Quhilkis Actes, hidderto hes tane na effect, and that in default of the Magiſtrates, quhilk were appoynted to put the ſame to execution. THEREFORE, His Hieneſſe, with adviſe of his three Eſtates of this preſent Parliament, hes ratified and appreved the ſaidis hail Actes in all poyntes, paſſes, claues and articles thereof, with this addition: That the ſlayers and ſchutters of Hart, Hinde, Dae, Rae, Hares, Cunninges, and uthers Beaſts, without licence, or allowance of the awners, ſhall be like cryme to the committers, as the ſtealers of Horſe and Oxen, and the committars thereof, ſhall incur the paine and puniſhment, dew to the cryme of thieft.

60. *The places appoynted for Proclamation, and serving of Brieves.*

ITEM, For the eschewing of sik hurt and inconvenient in time cumming, as findrie parties heretofore hes susteined, throw Proclamation of Brieves at places doubtfull, and appoynting them to be served in places incertaine, far distant fra the head-Burrows of the Schireffe-dome, quhair the Lands-lies, quhilk hes maist frequently occurred in sum Schireffe-domes, quhair there is sum uthers jurisdictions of Stewardries or Baillieries, within the bounds of the same Schireffe-domes, and sum Schireffe-domes, quhair of the head Burrows ar decayed or fallen in disuetude. For remeid of the quhilk inconvenients and doubts in time cumming: It is statute and ordained, that all Brieves for service of landes, lyand within the bounds of the Stewardries of *Stratherne*, and *Menteith*, fall be proclaimed at the mercat Croffe of *Perth*, and to be served at the places used & woont within the saids Stewarttries. All within the Stewarttrie of *Fife*, be open Proclamation at the mercat-croce of the Burgh of *Conper in Fife*. All within the Baillieries of *Kyle*, *Carriſt*, and *Cunninghame*, at the mercat croce of the Burgh of *Air*. All within the Stewarttries of *Kirkcudbright* and *Annandail*, at the mercat croce of *Drumfries*. And that the places of serving of Brieves, and halding of Courtes to that effect, be alwayes in the Tolbuith of the head Burgh of the Schire, Stewartrie or Baillierie, or uthir pairtes within the same Stewarttries, and Baillieries, quhair Brieves were maist usually served, and Courtes halden to that effect of before.

61. *Ane laick patrone inſeſt in the richt of patronage, wed-set be onie his predeceſſours, after the Redemption theirow, cannot be hurt, be lang poſſeſſion of ane Eccleſiaſticall perſon.*

OUR SOVERAINE LORD, With adviſe of his three Eſtates of this preſent Parliament, underſtanding that diſverſe Earles, Lordes, Barronnes, and uthers his Hieneſſe Free-holders, being inſeſt in their lands and Barronnies, with advocation, donation, and richt of Patronage of Benefices: They have annallied certaine of their landes and Barronnies, in wed-sett, under reverſion, through the quhilk is alienations, the ſaidis landes and Barronnies hes remained with the perſones receivers theirow in wed-sett, ane 100. zeires and mair. In the meane time, certaine Prelates, Abbotes, or uthir Eccleſiaſticall perſones, havand richt or riddle, cled them with the ſaidis Benefices, and thereby, quietlie intrudis them in the poſſeſſion and richt thereof, in default of the ſaidis Patrones, quha take na regard theteto, during the ſaid none-redemption of the ſaidis wed-ſettes. Quhair through, the ſaidis juſt and lauchfull laick Patrones of the ſaidis benefices, hes bene heavellie prejudged in their richtes and preſentations of the ſame in time by-gane: Therefore for remeid theirow, It is ſtatute and ordained, be our Sovereaine Lorde, that na poſſeſſion apprehended bee Biſhoppes, Abbotes, Priors, or uthir Kirk-men, of quhar-ſum-ever Parſonages, Vicarages, Chaplana-ries, Prebendaries, or uthir Benefices, belangand to the ſaidis Erles, Lordes, Barronnes, Free-holders, or uthers laick patrones, and quhair in they ar ſpeciallie inſeſt be their chartoures, ſall be ony waies hurtfull or prejudiciall to their richtes and titles, of the ſaidis laick patronages, after redemption of their landes and wed-ſettes, alſweill alreadie uſed in times by-paſt, as to be uſed: Bot that the ſaidis laick patrones may as freelie bruike, joys, and uſe their ſaidis Parronages, and preſent qualified perſones thereto at all times: ſik-like as the ſaidis Kirk-men had never apprehended poſſeſſion of the ſame, and notwithstanding thereof.

62. *The principal gift of Penſions ſuld be produced, and the ſamin being improven, The confirmation, and all decreets following there-upon, ar null.*

OUR SOVERAINE LORD, and the three Eſtates of this preſent Parliament, having conſideration how that findrie Benefices within this Realme, hes bene burdened with counterſaifted and invalide giftes of Penſiones of victual, or ſilver, or ſpeciall aſſignation of haill Kirkes, with fruites theirow: And upon the ſaid feinzied and invalide giftes, hes obtained his Hieneſſe, or his Predeceſſours ratification and confirmations, hes obtained decreets before the Lordes of Seſſion, and uthers Judges, quhair in-caſe they had produced onie principall, either the ſame wald have bene found invalide, or the falſed theirow wald have bene tryed or knawen. Therefore it is ſtatute and ordained, be OUR SOVERAINE LORD, and the three Eſtates foreſaides, in time cumming, that quhair ever queſtion or controverſie ſall ariſe, upon the Penſions to be purchaſed or obtained, be quhat-ſum-ever perſons, after the dait hereof: Or upon the invalide of the ſamin Penſiones, the partie ſuiter of the ſaid Penſion, ſall be halden to produce the principal gift and penſion, To the quhilk their ratification and confirmation ſall be relative, at the deſire of the partie, quhais benefice is burdened bee that penſion, uthirwaies they ſall be ſecluded fra all richt, to the ſaid penſion, or ony part thereof. And in-caſe the principal gift and diſpoſition, beis outhir improven or reduced be the Judge ordinar: In that caſe the ſaid party pretendand richt to the ſaid penſion, ſall never be heard to acclaime onie benefice thereby; Notwithstanding onie ratification, confirmation, decreets, or letters in the four formes following there-upon: Quhilk the ſaidis Lordes declaris, needis na reduction in this caſe, in times cumming: The grounds to the quhilk, the ſaidis ratificationes, confirmationes, and decreets is relative, being tane awaie.

63. *The Checker suld begin the first day of Julij. Anent absents therefra, and chargeing persones to compeir.*

OUR SOVERAINE LORD, with advife of his three Estaites, convened in this present Parliament, for the greater certaintie of his Hienes Checker, and gude ordour to be kept therein, quhairthrow gude reckning, and compt may be maid of his Hieneffe rentes in dew time: Statutis and ordainis, that his ordinar Checker, fall begin zeirlie in time cumming, upon the first day of *Julij*, and fall end upon the last day of *August*. And that alswill the persones, quha fall be nominate and constitute Auditeurs of the Checker, as all that aucht to make compt therein, be dewlie warned be Precepts, to compeir thereat, ilk person, under the paine of 40. pounds. And in-casse of their absente, at the dayes appoynted; That they be un-lawed in the said summe, and letters of horning or poynding to bee direct against them, for payment theirof. And the Comptroller to charge him with the saids un-lawes in his compts. And at all time, fra the first day of the said Checker, quhill the end thereof, that the comptares, that aucht to give compt therein, in-casse of their disobedience of the precept of the Checker, be charged of new, at the mercat-croce of *Edinburgh*. And in-casse of their disobedience of the same charge, to be denounced rebelles, and put to the home, at the same mercat-croce of *Edinburgh*. Quhill denuntiation, his Majestie decernis to be alsufficient, as gif the samin were maid at the mercat-croce of the head Burrowes of the Schires, quhair the person dwellis, and registrat in the same Schireffes buikes thereof: And that the horning be registrat in the Thesaurers buikes, or Schireffes buiks of *Edinburgh*: That the Thesaurer, Comptroller, and Col-lectour, bethemselves, or their Deputes and Clerkes, be present, during the haill time of the fitting of the Checker, for sik thinges, as may occur in ilk one of their offices. And that na-thing be treated of in this ordinar Checker, bot onelie the handling of the Kings Majesties awin affairs. And for maters and actions, beruixt partie and partie: Ordainis the Checker to convene and sit everie Tues-day after noone, during the fitting of the Session, or at uther times, as it fall please the Kingis Majestie to appoynt.

64. *All Schireffe Clerkes suld present in the Checker zeirlie all seafinges.*

ITEM, It is statute and ordained, that the Acte of Parliament, maid be our Sovereain Lordis dearest Gud-schir, King *James* the Fifth of gude memorie, for presenting be the Schireffes and their Clerkes, of the Protocolles of all seafinges zeirlie in the Checker, be put to dew execution in all points. And our said Sovereain Lord, with advife foresaid, of new ratifies and apprievs the same Acte. And ordainis that the Clerk of Court of ilk Schireffe-dome, cum with the said Schireffe or his deputes, in everie Checker, and bring with him ane buik, conteneing all seafinges, given be them, subscribed with the said Clerkes awin hand and figure manuall: That the samin may remaine in the register: swa that the Kings Majestie may know his tenements, and all utheris having interest, may have recourfe thereto.

65. *All receivers of the Kings rents, suld find Caution in Edinburgh.*

OUR Sovereain Lord, with advife of his three Estaites of this present Parliament, statutis and ordainis, that na Chalmerlane, nor receiver of the Kings rentes remoovable, be received be the Comptroller, bot sik as findis soverties to the Comptroller in *Edinburgh*, to make compt in the ordinar time of the Checker, and to make payment within xx. dayes after ilk time. Alswa it is statute and ordained, that all heritable Chalmerlaines and compters, be charged to finde sovertie, to the same effect.

66. *Hieland-men and Borderers, may be summoned at the mercat-croce of the Burgh.*

ITEM, That all warnings and executiones, in the Kings causes to be maid against *Hiel-men*, Hieland-men, or Borderers in broken Countries, *ubi non patet tutus accessus*, be maid at the mercat-croce of the head Burrowes of the nixr Schires, in the Law-land.

67. *The Comptroller suld answer for all Chahnerlanes.*

ITEM, It is statute and ordained, that the Comptroller in time cumming, charge him in his compt, with the haill rent of his Hieneffe propertie, and be answerable for the haill charges of the Chalmerlaines and receivers removeable: Because they ar of the Comptrollers awin making: And for uthers that hes their offices heritable, that the Comptroller schaw his diligence against them, before the making of his compt, quhill fall alwayes end, before the first day of *September* zeirlie. And declaris that his Majesties propertie, evin instant, as it is presentlie, fall finde, susteine his house, according to the advife given be the Checker in *August*, 1586. And that quha ever hes the intromission and receipt of the rents of the said propertie, aucht and mon furnissh, the expenses of his house in reddie money: that his furnishing may be als gude cheape, as onie uthers. And this ordour to begin at the first day of *September*, nixt-to-cum: Or quhen his Majestie thinkis gude.

67. *Aient Precepts of the propertie, and the Comptrollers comptes.*

ITEM, That na precepts or discharges of ane part of the propertie, to be allowed in time cumming in Checker, except the same fall be subscribed and accepted be the Comptroller, and alwaies the parties acquittance to be produced upon compt, and na thing to be allowed *periculo computantis*.

68. *All rentalles ar personall life-rents, quhairin na mention is maid of aires.*

ITEM, It is statute and ordained, that all rentalles, sett be onie OUR SOVERAINE LORDIS Predecessours, of gude memorie, of onie landes, pertaining in propertie to his Hiennesse (except few rentalles, set to men and their aires) fall have na further strength nor effect, nor ane naiked life-rent, and that after the decease of the rentalles, his Majestie have power with advise of his Comptroller, to set, use, and dispoise their-upon at his plesour of new in few, either for augmentation of the former rental, or for new entres silver, and that all bee set in augmentation of the Kingis rental.

69. *The casualities suld not be disposed in great.*

ITEM, It is statute, that his majesties casualities fall not be given away in great: as of the casualities of ane haill Cuntrey togidder: Or the confirmation of the haill fewes of onie Prelacie: or of onie speciall crimes.

70. *Aient payment of pecuniall paines and compositionnes.*

ITEM, It is statute and ordained be OUR said SOVERAINE LORD, with advise and consent foresaid, that all pecuniall paines of offenders, fall be taken up in gold and silver, at the avall of the money, quhen the Actes ware maid, or els augmented in the money now current. And the famin regard to be had in making of compositionnes, takand the ground and exemple fra the last zeir of the regiment of King James the Fifth.

71. *The paine of negligent Schireffe Clerkes.*

ITEM, It is statute and ordained, that in-case onie Schireffe Clerk, within this Realme, refusis at onie time hereafter to receive and register onie letters of horning presented to them, be quhar-sum-ever parties to that effect: Or gif the same be not dewlie registrar, after he have written, extracted and regisat, on the back therof. And in-case he send nor zeirelie to the Thesaurer or his deputes, ane persite inventar of the haill hornings registrar ilk zeir in their buikes. Or in-case onie uther thing beis done be the saids Schireffe Clerks, undewtfullie. That then and in these particular cases abone written, the same being lauchfullie tryed, ilk Schireffe Clerk, fall tyne all his mooveables, to be escheitted and applyed to his Hiennesse. And his principal Schireffe, *toties, quoties*, fall be compelled to paie ane hundredth pundes to his Hiennesse, by the damage and interest of the parties skaith their-throw, and to have his reliefe of the said Schireffe Clerk, in thar behalfe.

72. *Of the sovertie to be founden be officiares of Armes: And of their daylie wage.*

ITEM, For the better and mair suit serving of the King, be officiares of armes: It is statute and ordained, that nane be reteined, or hereafter admitted to that service; Bot he that with his uthers injunctiounes, fall finde soverty, to be alwaies furnished with a sufficient reddie horse, quhairt-upon to serve his Hiennesse and lieges, and that his sovertie fall be answerable for the damage and interest of his falsed, slouth and informal doing in his Hiennesse service, or uther parties, gif onie fall happen. And that the wage of onie Officiar of armes on the day, fall be ane marke money, Summer and Winter over-head.

73. *Relieves suld be entred in compts: The Schireffe or the partie may be poynded, conforme to the buik of Responde.*

ITEM, It is statute and ordained, that na relieves be componed sot in time cumming: Bot the trev and full avall thereof, to be maid compr and payment of in the Checker. And in-case, Schireffes, Stewardes and Baillies, make not their compts, at the ordinar time of Checker (beside the ordinar execution, to passe against them therefore) That upon the sight of the buik of *Responde*, letters be directed, to charge the persons, to quhome precepts of leasing hes bene granted: Or the Schireffe and his deputes, at the option of the Thesaurer, or baith; To pay the summes contained in the *Respondees*, or to poynd the Schireffe, or the pattie: gif the partie have not the Schireffs discharge thereof, to schaw and produce.

74. *The Schireffes suld make compt of all escheittes.*

ITEM, It is statute and ordained, that all Schireffes in time cumming, make compt to the Checker, of quhat-sum-ever escheittes, up-taken and intronnetted with bee them, within their jurisdiction: And that ilk Schireffe charge himselve speciallie with the famin escheittes, in ilk Checker zeirliche.

75. *Commissions suld passe the quarter Seale: The obtainer thereof suld finde Caution: They suld not be granted upon slaughter.*

ITEM, It is statute and ordained, that all special Commissions of Justiciarie, be maid be signaroures, ro passe the quarter seale, in time cumming, to the effect, that *Respondees* may be maid there-upon, after the auncient and lovable fashon. And that he quha obteinis ane Commission, finde sovertie at the Chancellarie, that he fall within fourtie dayes thereafter, report a testimonial of his diligence, under the paine of forty punds; And that alwaies na Commissions be granted, to proceede on slaughter: bot the Justice generall, and his deputes, to proceede there-upon.

76. *The King may persew all crimes, without the partie.*

ITEM, That the Thesaurer and Advocate, persew slaughters and utheris crimes, althocht the parties be silent, or wald utherwaies privilie agree. And that in Justice aires, or particular diettes, the haild Assi-foures be called for, and the abientes amerciat, to moove them, ro make the better obedience.

77. *Na allowance without production of acquittance.*

ITEM, That na allowance be given in the Thesaurers comptes in time cumming, *periculo computantis*, bot quhair a acquitrances ar presendie schawen and produced.

78. *Anent the hearing of the Thesaurer's comptes. Particular comptes, and Ratificationes passed in Parliament.*

OUR SOVERAINE LORD, with advise and consent of the three Estaites of this present Parliament, hes statute and ordained, that the Thesaurer fall not excede twentie thousand pundes in ane zeire in his discharge, with certification gif he do, na *Superfedere* will be granted for super-expenses, in time cumming. It is also statute and ordained, that inferior comptes that suld precede the Thesaurers comptes and mon enter in it, be first heard. And likewise it is statute and ordained, be our said Sovereine Lord, with advise and consent foresaid, that na Ratificationes be passed in Parliament, upon simple Articles of privar parties, bot the matter desired to be ratified, to be first passed be infestment, upon composition payed to the Thesaurer, before onie sik matter be confirmed in Parliament, and the famin on nawaies to be passed or granted, except they be presented be the said Thesaurer, or his deputes, ro that effect.

79. *Justice Courtes suld not be continued.*

ITEM, It is statute and ordained, be the Kingis Majesties special will and direction: That na precept for continuation of onie Justice Court, be admitted be the Justice, or his deputes, in time cumming.

80. *The Schireffes suld give up the names of their deputes, and suld finde caution.*

ITEM, It is statute and ordained, that all Schireffes within this Realme, give in zeirly, at the first down-fitting of the Session, to the Lords of Session, The names of their deputes and Clerks, that they thinke ro use for that zeir. And sik-like, ordainis letters to be directed, charging ilk Schireffe, under the paine of rebellion, with certification &c. To finde caution, Burgeses, indwellers within *Edinburgh*, Acted in the buiks of Councell, that they fall zeirliche make their Compts in the Checker, and paye all thinges, restand, auchtand to the Kingis Majestie, be vertew of their office.

81. *Of the forme how Justice aires fall be balden twise zeirliche, in the monethes of Aprile and October.*

Because of the great delay in actiones Criminall, throw the not halding of Justice aires, twise in the zeir, according to the auncient and lovable ordour, established be diverse gude Lawes and Actes of Parliament, maid of before: Considering the ordinar judgement in criminal causes is onelic now at *Edinburgh*, quhair particular diettes ar sett, for certain special and highest crimes, the punishment of uther offenses, quhairby the common-weill is greatlie grievied, left to the Justice aires, that very fendill haldis, and there-throw ar become contemptible. **THEREFORE**, and for ease and reliefe of the subjectes, that ar sa frequentlie inquired, be cumming in convocation, to dayes of Law, and ro passe upon Assises in *Edinburgh*, quhair the Courtes ar oftimes continued, in hinderance of Justice, and to the great trouble and needeles expenses

of the Kings lieges: It is statute and ordained, be our Sovereaine Lord, with advife of his three Eftaites, convened in this present Parliament: That Justice aires fall be halden twife everie zeir, in time cumming, over all the Schires of this Realme, in the Moneth of *April*, and *October*: Beginnand in the Moneth of *October* nixt-to-cum, gif convenientlie it may be. And be reason the mater cannot be ordered, and over-tane at anis, be onie few number, to passe successivelie over all the hail Realme, from ane Schire to ane uther, that OUR SOVERAINE LORD, fall cause his Justice Generall, make aucht deputies: Or elle his Hieneffe fall make fa mony, be his awin Commission, under the testimonial of the great Seale, of sum of the Senatouris of the Colledge of Justice, or certaine weil experimented Advocates, thar ar maist able to travell, appoyntand twa over everie quarter of the Realme, quhilk continis seven Schireffedomes, or thereby, with ane depute of the Thesaurers, and ane uther of the Justice Clerkes. And that the Stewardries, and the Baillieries cum to the head Burrowes of the Schireffedomes, quhairin they lie: Before the cumming of the quhilkis Justices deputies, ditraie fall be uptaken, and the persons indicted arrestit, in maner hereafter specified. Quhilkis Justices fa directed, fall be received at their entrie in the Schire, be the Schireffe principal, or his sufficient depute. As also be the Wardanes, within their Wardanries, and their deputies, being Knights or Gentil-men landed, with the free-halders of the same Schireffedome, that fall be warned be the Schireffe, to that effect, be Proclamation, for conveneing at the place and time appoynted: Quhilkis fall conveye the saidis Justice deputies, to the head Burgh of the Schire, and accompanie them, during their remainyng there: And quhill they be out of the boundes of the said Schire, and received be the nixt Schireffe, or his depute. And upon the morning, after the cumming of the saidis Justice deputies, to everie head Burgh of the Schire, gif the day be lauchfull: and failzieng thereof, the nixt lauchfull day, they fall beginne and fense their aire, call the suites, and put the offenders, gif ony bee alreadie in prison, to the knowledg of ane Assise. And as they be found culpable, or Innocent, to minister Justice upon them, conforme to the Lawes of the Realme. Thereafter to call the pledges and Cautioners of perones, that hes founde fovertie to underlie the Lawe, the third daie of the aire, or sooner, upon fiftene daies warning. And thridly, the perones newlie indited and arrestit, and doe Justice likewaies upon them: and that they direct their Precepts for sumounding of Assisours, ane or maa, ilk person under the paine of fourtie punds. And having ended their Justice aires: they fall deliver the extract thereof, subscribed with their handes be indenture, to the Thesaurer, or his depute: Quhilkis fall cause up-take the summes, contained in the said extract, and make compt of the summes contened therein, at the nixt Checker, before the auditour thereof. In the first end of quhilk summes, fall be allowed to the Thesaurer or his depute, the charges and expenses of the Justice and Clerkes, as the famin fall be modified and appoynted be the Lords Auditores of his Hieneffe Checker, or onie five of them. And to the effect that all Executions and arrestmentes requisite, may be dewlie prepared, before the cumming of the saidis Justice deputies:

It is statute and ordained, that OUR SOVERAINE LORD, with advife of his Chancellor, Thesaurer, Justice-Clerk, fall nominate and give Commission to honorable and worthie perons, being knaven of honest fame, and esteemed na maintainers of evill, or oppression; And in degree, Erles, Lordes, Barronnes, Knights, and special Gentle-men landed, experimented in the lovable Lawes and customes of the Realme, actuall in-dwellers in the same Schires, to the number hereafter limited, according to the boundes and quantite of everie schire: That is to say, within the Countries and Schireffedome of *Orkney* and *Zetland*, xiiij: Within *Invernes* and *Cromartie*, twentie ane: *Narne*, seven: *Elgin* and *Forres*, seven: *Bamff*, seven: *Aberdene*, twentie ane: *Kincardin*, seven: *Forsare*, fourtene: *Fife*, fourtene: *Kinross*, seven: *Clack-mannan*, seven: *Perth*, twentie ane: *Strivling*, seven: *Dumbartane*, seven: *Linlithow*, seven: *Edinburgh* principal seven: Constabularie of *Haddingtoun*, seven: *Berwike*, seven: *Roxburgh*, fourtene: *Selkirk*, seven: *Pebilis*, seven: *Lanark*, fourtene: *Renfrew*, seven: *Argile*, seven: *Bute*, seven: *Sir*, twentie ane: *Wigtoun*, seven: *Dumfries*, twentie ane. Quhilkis fall be the Kingis Commissioners and Justices, in the furtherance of Justice, peace and quietnesse: Togidder with four of the Councill of everie Burgh, within the selfe: Quhilkis fall be constant and continual up-takers of dittay. Givand, grantand, and commitand to them full power to take inquisition, and make Dittay be their awin knowledge: Or be an sworne inquest, or sworne particular men, of all perones suspected culpable, of the crimes and defaultes contened in the Table, to be maid be the Thesaurer, Justice Clerke, and Advocate, annexed to this present Act, divided in twa fortes. And all perones delated as culpable in the first degree; The saidis Judges and Commissioners, fall ather apprehend and commit to waird (gif convenientlie they canne) Or els fall deliver them in the Portuous, to the Crowner of the Schire, everie Moneth anis to be arrested, and put under fovertie, be him, or his deputies, to the nixt Justice aire, to be halden nyse in the zeir be the Kingis Justices deputies, directed from his Hieneffe, in maner before specified. And upon all perones delated and suspected, as culpable of the uther crimes and defaultes, in the second degree: The saidis Justices and Commissioners in the Schires, sell procede and do Justice themselves, at their courtes and meetings, to be kept fourtimes evrey zeir: That is to say, At the first day of *Maij*: At the first day of *August*: At the first day of *November*, and at the first day of *Februar*, or utherwaies, at ony time; three thereof, then being togidder, and alwaies sitting in the Tolbuith, of the head Burgh of the Schire: And that they remaine at every one of the saids four times in the zeir, three daies togidder, or langer, or shorter, as they finde occasion: with power to them to direct their precepts & portuous, to the Crowners: and their precepts, to Schireffes or Officers of armes,

to summond Assises, ilk person, under the paine of ten poundes. As alswa to send their extractes to the Thesaurer, after everie one of their four meetings, to the effect, the paines and un-law therein conteined, may be taken up: Quhair of compt, reckning, and payment fall be maid, at the next Checker, and the charges and expensies of the saidis Justices and Commissioners, allowed therein, in sik quantitie, as fall be modified and appoynted, bee the Lordes of his Hiennesse Checker, betuixt and the first day of November, next-to-cum. And in-casse of disobedience or contempt, that they notifie the same to the Kingis Majesties deputies, at the saidis Justice aires. And gif they alswa fall finde them contemned and disobeyed ony waies: to signifie the same to OUR SOVERAINE LORDE, and his secreit Councell, quha fall provide for punishment of the contempt, be force, to the terrour and example of utheris offendours, to commit the like in time cumming: And the saidis Justices of baith sortes, for the space of ane zeir, and further, induring OUR SOVERAINE LORDIS will, to indure.

82. *Hochares or slayeres of horse, Oxen: destroyers of pleuch-graith, trees, cornes, or breakers of milnes, suld be punished as thieves.*

ITEM, his Hiennes ratifies the act maid anent the punishment of hochares of oxen, horse and guddes in time of labouring; With this addition: That quhat-sum-ever persone or persones curtis and destroyes pleuch and pleuch-geire, in time of teeling, or willfullie destroyis and curtis growand trees and cornes, fall be called theifore, before the Justice or his deputies, at Justice aires, or particular diettes, and punished therefore to the death, as thieves. And the same paine to be extended, and strike on breakers of milnes, or stickers, gerares, and fellares of oxen or horse, in time of leeding of cornes or fewall.

83. *Officiars of armes, convicted of falsed, suld be punished to the death.*

ITEM, It is statute and ordained, that Officiars of armes, committand falsed or oppression of the Lieges, in execution of their Office, fall be called therefore, before the Justice, or his deputies, at Justice aires, or particular diettes, and punished to the death, in-casse they be found culpable.

84. *Deforcers of Officiars, suld be punished at the Kings will.*

ITEM, It is statute, that all deforcers of Officiars, in execution of their Office, be summond upon fifteene daies warning, civille or criminally, at the option of the party persewer, and their lives and guddes to be in the Kings will therefore.

85. *Letters of Law-borrowes suld nocht be granted against complices generallie: Anent caution to be found be the raisers thereof.*

ITEM, It is statute and ordained: That seeing in times by-past, letters of Law-borrowes, being given with this word (*Complices*) be the Clerks of Session, hes imported, and daylie dois import great skaith, damage and heirship, to findrie of his Hiennesse Lieges, be plaine collusion, betuixt the parties purchasars, and Officiars executors of the same. That therefore na letters of Law-borrowes, be granted in times cumming, be onie Clerke, with power to charge complices: And that caution bee found to the Justice Clerk, and his deputies, that letters of Law-borrowes in times cumming to be granted, fall be dewlie execute, upon all persons conteined therein, arther personallie, or at their dwelling places, and be open Proclamation at the mercat croces, of the head Burgh of the Schire, quhair the parties dwellis, betuixt aucht houres in the morning, and twelve houres at noone, Summer and Winter, in open time of day; In presence of famous witnesse, speciallie designed, and Copies affixed upon the zettes or doores of the dwelling houses of the persones conteined therein, with the hail names: And an urther on the mercat-croce, under the paine of twa hundreth markes. And willis and declairis, that this be alswa observed in all criminall letters, and utheris quhat-sum-ever, that importis tinsell of life, and moveable guddes.

86. *The time of sensing of Courtes.*

ITEM, It is statute and ordained, that all Judges, and amongst the rest, the Justice deputies, keepe the hour of Cause, in sensing and proceeding in their Courtes, in times cumming, as it was observed of auld, *Viz.* At eleven houres, before noone.

87. *Expenses of the partie accused and acquite.*

ITEM, It is statute and ordained, that quhair parties ar maliciousslie charged, to underlie the Law, at particular diettes, before the Justice, and his deputies, in-casse they be found innocent, and clerged thereof: That their expensies in time cumming, for keeping of the saidis diettes, be modified be the Justice, Justice-Clerke, and their deputies, beside the ordinar paine of them that ar ather acquite, or past free.

88. *Of perſones to be ſummond, to paſſe upon Aſſiſes.*

LIKE - Wayes it is ſtatute and ordained, that na Officiar, nor Officiars ſummond onie maap perſones upon aſſiſes, in time cumming, nor fourtie five perſones, to be given in roll, ſubſcribed be the partie purchaſer of the ſaidis letters: Or ane Notar in his name. Nor zit put out, nor put in the ſaidis Roll, onie perſones for gratitude or gude deede, under the paine to be called therefore, at particular diettes, before the Juſtice or his deputies, and puniſhed as common oppreſſours to the death. And that Dittay be tane of all ſik Officiars, as hes uſed, or ſhall uſe the ſame, and they to be called and puniſhed therefore, as ſaid is.

89. *False Customers and ſearchers, ſuld be puniſhed.*

ITEM, It is ſtatute and ordained, that all Customers and Searchers, committand fraude in their Office, be over-ſight of the transporting of forbidden guddes ſooth of the Countrie, for gratitude given to them, ſhall be called therefore at Juſtice aites, and particular diettes, and puniſhed in their perſones, at OUR SOVERAINE LORDIS will, And all their moveable guddes, to be eſcheitted to his Hieneſſe uſe, in-caſe of their conviction.

90. *The haill Proces and probation, ſall be uſed before the aſſiſe, in preſence of the partie accuſed, and his Procuratours.*

OUR SOVERAINE LORD, Conſidering the wranges alleged ſuſtained be diverſe Noble-men, and utheris Lieges of this Realme, being accuſed of treaſon, beſolliſting, boaiſting, and minacing of the aſſiſe, after they were incloſed: The accuſers and utheris perſones their favourers, having libertie to paſſe to the ſaid Aſſiſe, and to produce to them ſik writtes and witneſſes, and uther probation, as they pleaſed, to veriſie the crime, outwith the preſence of the parties accuſed: Quhairby the juſt deſenſe of their lives, landes and honours, was taken awaie. THEREFORE our ſaid SOVERAINE LORD, with adviſe and conſent of the three Eſtates of this preſent Parliament, hes ſtatute, declared, and ordained, that in all times cumming, the haill accuſation, reaſoning, writtes, witneſſes, and uther probation and inſtruction quhat-ſum-ever of the crime ſhall be alledged, reaſoned and deduced, to the Aſſiſe, in preſence of the partie accuſed, in face of judgement, and na utherwaies. And that all and quhat-ſum-ever Lieges of this Realme, accuſed of treaſon, or for quhat-ſum-ever crime, ſhall have their Advocates and Procuratours, to uſe all the lauchfull deſenſes, quhom the Judge ſhall compell to procure for them; In-caſe of their reſuſe, that the ſute of the accuſer be not tane *pro confeſſo*. And the partie accuſed, prejudged in ony ſorte, before he be convicted, be lauchfull tryall. And to the effect, the ſaidis Advocates and Procuratours, may the mair freele and willingly do their Office, in the Premiſſes: our ſaid SOVERAINE LORD, with adviſe and conſent foreſaid, annullis, caſſis and reſcindis, all and quhat-ſum-ever Actes of Parliament, and utheris ſtatutes maid be him, or onie of his Predeceſſours of before, in contrair hereof.

91. *Of Aſſiſſours doubtand, and inclusing thereof.*

ITEM, It is ſtatute and ordained, that how-ſoone the haill perſute, deſenſes and anſwers thereto, ar ſullie heard be the Aſſiſe, gif onie of the ſaidis aſſiſſours hes ony doubt, quhairof they wald be reſolved: That they propone the ſame openlie, in preſence of the parties, in face of the judgement, before they paſſe out of judgement themſelves. And immediatlie after that the ſaid aſſiſe hes choſen their Chancellor, the Clerk of the Juſticiarie, ſhall incloſe the ſaid aſſiſe them allane, or in an houſe be themſelves, and ſuffer na perſon to be preſent with them, or repaite to them in ony waies, nather Clerke nor utheris, under pretenſe of furdre information, reſolving of onie doubt, or onie uther cullour or occaſion quhat-ſum-ever. Bot that the ſaid houſe be halden ſaſt, and na man preſent therein, bot the ſaidis Aſſiſſours, and that they be not ſuffered to cum out of the ſaid houſe, for quhat-ſum-ever cauſe, or to continue the giving of their ſentence to ane uther time: bot that they be incloſed, as ſaid is, unto the time they be fullie agreed, and returne their anſwere, be the mouth of the ſaid Chancellor, to the Judge. And our Sovereine Lord, with adviſe foreſaid, decernis, declaris and ordainis, that gif ony of the ſaidis accuſers, informers of his Hienes Advocate, or uthers perſones quhat-ſum-ever, pretend in onie waies in time cumming, to informe, ſollist, reaſon, diſpute, ſpeak or repaite to the ſaid Aſſiſe, after their remooving ſooth of judgement, and inclusing of them, in maner abone written: Or uthervaiſes tranſgreſſe onie poynt of this preſent act: In that caſe, the partie accuſed, ſhall be halden and pronounced cleane, and innocent of the crimes and treaſons then layed to his charge. And this preſent acte, ſhall beane ſufficient warrant to all Aſſiſſours in criminal cauſes hereafter, to pronounce the partie accuſed, cleane and innocent, in-caſe onie of the premiſſes beis contraveened.

92. *Anent the quieting of diſordered ſubjectes, inhabitants of the Bordours, Hic-landes, and Iles.*

OUR Sovetaine Lord, and his three Eſtates convened in this preſent Parliament, conſidering the wicked inclination of the diſordered ſubjects, inhabitants, on ſum partes of the bordoures fore-anent

England,

England, and in the *Hie-landes* and *Iles*, deliring in all mischieves, and maist unnaturallie and cruellie wailland, herriand, slaying, and destroyand their awen Nichiboures, and native Countrie people, takand occasion of the least trouble that may occurre in the inner partes of the Realme, quhen they think that care and thocht of the repressing of their insolence, is ony waies forzer: to renew their maist Barbarous cruelties, and goddesse oppressiōnes. FOR remeid quhairof, attour and beside the lovable Lawes and constitutiōnes already maid, in this behalfe: Quhilk OUR SOVERAINE LORD, with advise of his three Estates, ratifies and appreis be thir presentis: It is statute and ordained, that the first day of everie Moneth in the zeir, gif it be lauchfull, and failzieng thereof, the nixt lauchfull daie, immediatlie following, fall be a special and peremptour diet for his privie Councell, to convene and sit, baith in the fore-noone, and after-noon: For receiving, hearing, answering, and directing of all complaintes, causes and maters, concerning the mis-rule of the disordered and trouble-som subjectes, inhabitants of the *Hie-landes*, and *Bordours*, and attemptes committed be them, upon the gude and peaceable subjectes in the In-countrie, without prejudice of uther, and maa diettes to be appoynted for the same effect, gif the occasion swa require: And speciallie that upon the said first day of everie Moneth, or uther nixt lauchfull day, tryall and inquisition to be taken of the diligence done, in the execution of thinges directed the Moneth preceeding, and of the thing necessarie and expedient to be put in execution, during the nixt Moneth to cum thereafter: and that a particular register be kept be the selfe, of all thinges that fall happen to be done, and directed in maters concerning the quietnesse and gude rule of the *Bordours*, and *Hie-landes*.

93. *Caution shuld be found be Lands-lords, and utheris.*

THAT All Lands-lordes and Baillies of the landes, on the *Bordours*, and in the *Hie-landes*, quhair broken men hes dwelt, or presentlie dwellis, contained in ane Roll, ratified in the end of this present Parliament, fall be charged to finde sufficient Caution and sovteie, Landed-men in the In-countrie, to the contentment of our SOVERAINE LORD, and his privie Councell: Betuixt and the first day of October, nixt-to-cum: Or within fiftene daies after the charge, upon conditions following, under the paine of rebellion: And gif they failzie, the said day being by-past, to put them to the Horne: That is to say, gif onie of their men, tennentes, servandes, and indwellers upon their lands, rowmes, steadings and possessiōnes, or within their Bailleries, commitis ony maisterfull reise, theft, or receipt of theft, depredatiōnes, open and avowed fire-raising, upon deadly feedes, protected and maintained be their Maisters: That the Landis-lordes, and Baillies, upon quhais Landes, and in quhais jurisdiction they dwell, fall bring and present the persones compleined upon, before OUR SOVERAINE LORDIS Justice, or his deputes, to abide tryall, and underly the Law for the same, upon fiftene daies warning, to be maid be them lauchfully: And failzeing thirof, that the saidis Landis-lordes and Baillies, be debt-bound, to satisfie the partie skaithed, and to resound, content, and pay to them their heirshipes and skaithes, of their awin proper guddes and lands, according to the avall and quantitie tane fra the compleiners, quhilk fall be modified be aith of the partie hurr, ather before the Lordes of Councell and Session, or the Justice, or his deputes, quhair-upon execution fall passe, baith against the principall and sovteies, in forme as effectis. Providing alwaies, that the Landes-lordis, quha hes their landes lyand in far *Hie-landes* or *Bordours*, they making residence themselves in the *In-landes*, and their tennentes and inhabitantes of their landes, being of Clannes, or dependars on Chieftaines, and Captaines of the Clannes, quhom the Landis-lordes ar nawaies able to command, but only gettes their mailles of them, and na uther service nor obedience, fall nawaies be subject to this act, bot in maner following, *viz*: They fall be halden to direct their Precepts of warning, obtaine decreetes against their tennentes, and denunce them to the horne. And immediatlie after their denunciation, that the saidis Landes-lordes, raise letters, be deliverance of the secrete Councell, and charge the Chieftaines and Captaines of the Clannes, on quhom their tennents dependis and obeyis, to take and apprehend the disobedient tennents, and present them to the Justice, under the paine of rebellion: and in case the Chieftaines disobey, to cause denunce them to the horne, register the same, and report the letters of horning, dewlie execute, indorfar and registrar to the secrete Councell, within the space of 40. daies thereafter: quhairin, gif the saidis Landes-lordes failzie, they fall be subject to the former condition of this act: as alwa, in case the saidis Landes-lordes, at ony time hereafter, rental or sett tackes to ony of the saidis disobedient *Hie-land-men*, or *Bordour-men*, in ony their lands, and omittis to take sufficient caution for them, that they fall be answerable and obedient to our Sovereine Lords Lawes, and specially that they fall obey and obtemper the hail contents and effect of this present act: and that the Lands-lordes and Baillies, concur, fortifie, and assist uthers, in removing of all persons disobedient to the Lawes, or fugitive therefra, out of their landes and possessiōnes. And in case ony refuse to concur to the effect foresaid, being dewly and lauchfully required. In that case if hurr, and the Lands-lordes and Baillies of the disobedient person, to have the reliefe of the persons refusand. And in case ony person, Landes-lord or Baillie, receive or receipt ony person fugitive, after the committing of the crime, upon their lands, or stayis or arreistis them noch, quhen ever they passe throw their boundes, with onie trew mennes guddes, rest or stollen, gif the same cummis ony waies to their knowledge,

or that it beis tryed that they might have staied or withstand the saidis riefes and oppreffions, Quhilk knowledge and power of the Over-lordes, fall be tryed be ane Assise: The Maisters, Landes-lords or Baillies, recipients of the offenders, or not stay and arrestand them, passand throw their boundes, as saidis, fall be halden to bring and present the persones offendoures, to the Lawes, in maner foresaid: Or els to pay and redres the parties skaithed, in maner abone written. And quhair the awners of the restand stollen guddes, follows not, the stayers and arreisters of the persones and guddes, passand throw their landes, fall be halden to make certification, be publication at the mercat-croce of the head Burgh of the Schire; That the partie having interest, being thereby advertised, may challenge their awin guddes in sex dayes space, utherwaies, the stayers and arreisters of the guddes, fall not bee answerable threlore.

ITEM, Althought sum of the Lordes of the ground, never usis to make residence in the partes, throw the quhilkis thieves resorts, in their passing to steall and rieve, and returne therefra: zit fall they be bounden be their Baillies and tennents, to make their arreistments, and stay and make publication of the same: gif it be in their power, or cummis to their knowledge: or utherwaies, to be halden and oblithed for redres, as gif they dwelt upon the landes themselves. And that the chiefe of the Clanne in the boundes, quhair broken men dwellis, throw the quhilkis limmeres and broken men, repairs in their passing to steall and rieve, or returning therefra, fall be bound to make the like stay, arreistment, and publication, as the Landes-lordes, or Baillies, and be subject to the like redres and action criminal and civil, in-case of their failzie or negligence. And because findrie immediat tennents, to OUR SOVERAINE LORD, hes disponed their landes to utheris, halden of themselves; In that case, it fall be sufficient for the Overlord, to enter and present his tennent and vassall, for answering for his sub-tennent: And the Landes-lord, to have his reliefe upon his tennents there-anent, as accordis.

96. *The chiefe of all Clannes, fall finde pleges.*

Attour and beside of the foresaid ordour, devised against the Lands-lordes and Baillies, on quhais landes, and in quhais jurisdictiones the thieves, fornares, and broken men dwellis and remainis: It is als wa statute and ordained, that the Captaines, Chieffes, and Chieftaines of all Clannes, alsweill on the *Hie-land*, as on the *Bordoures*, and the principalles of the branches of the saidis Clannes, to be speciallie noted in ane Roll, ratified and insert in this present Parliament: Quhilkis Clannes, dwellis upon the landes of diverse Landes-lordes, and dependis upon the directiones of the saidis Captaines, Chieffes, and Chieftaines (be pretence of bloud, or place of their dwelling) Althought against the will oftimes of the Lord of the ground, be charged in maner, and under the paine abone written; to enter sik persones pleges, as fall be nominate be the Kingis Majesties letters to be direct to them, upon xv. daies warning, before his Hienes and his secreet Councell, at the dayes to be appoynted, to be placed, as his Hienes fall think convenient, for keeping of gude rule in time cumning, according to the conditiones abone written, quhairunto the Landes-lordes, and Baillies, are subject; under the paine of execution of the saidis pleges to the death, in-case of transgression, and noch redresse maide be the persones offendares, for quhom the saidis pleges lyes. And that the saidis pleges fall be relieved quarterlie, with uthers of the same clan or branche, to be specially named, alsoone as may be, after the beginning of this ordour. And that the saidis pleges fall be keeped in the Kinges strait-ward, upon their awen expenses, ay and quhill the principalles of the clanne or branches, find sufficient and responsal sovertie, acted in the buiks of secreete Councell; that the pleges entred, fall keepe trew warde, ay and quhill they be freed, and relieved ourdourlie. And zit the persones with quhome they fall happen to be placed to remaine; fall on nawaies give their licence or libertie to the saides pleges, to departe or passe hame, under the paine of 2000. pundis, to be payed be everie Noble-man, Barron or Gentle-man, that grant ony sik licence. Quhilk caution being anis funden, the saides pleges fall be placed to remaine with Noble-men and Barronnes in free ward uncharged, with the buirding of their awin expenses. And all Clannes, Chieftaines, and branches of Clannes, refusand to enter their pleges at the day, and in maner contained in the charge, to be directed to that effect; to be esteemed publick enemies to God, the King, and all his trew and faithfull subjectes, and to be persewed with fire and sword, quhair ever they be apprehended, without crime, paine or danger, to be incurred be the doers there-throw. And that compt be tane, anis in the zeir, at the first day of *November*, quhat persones pledged for, ar dead, and quhat zounge men sprung up in their race and Clanne, able to offend. And quhair complaint is maid upon ony person pledged, for the principal of the Clanne or branch, to be elarged, to present the offenders, before the King or his Councell, or before the Justice and his deputies, to underlie the Law for the same. And in-case of failzie of the presenting of the person or persones, complained upon, the plege ly and for the said person, to be execute be Justice, and the principal clan or branch to be prealed to enter new plege, and to be still debtor to the party grieved, for his skaith susteined.

95. *All men borne in the Hie-landes and Bordours, returne to the place quhair they were borne.*

ITEM, That all sik notorious thieves, as wer borne in *Liddif-dail*, *Esk-dail*, *Enf-dail*, *Annan-dail*, and the landes, sum-time called *Debaitable*, or in the lands of the *Hie-landes*, that hes lang continued inobedient,

and decreete to be given against them, with the profitis thereof: Sik-like, and in the same maner, as micht or suld have bene given against the persones committers of the deede themselves: and executiorialles to passe thereupon, in forme as effeiris. And als, gif it fall happen the partie harmed, be the persones committers of sik enormities, to follow and persew his awin guddes and gear tane, as said is, for the recoverie of the same: and in the reliefe of his awin guddes and geare, to slay, hurt or mutilat, onie of the takers thereof: It is hereby expresselie declared, statute and ordained, that the said partie harmed, or his assistares, and complices, fall never be accusable of ony sik slaughter, mutilation, or uther hurt: Bot als freeilie remitted and discharged in that behalfe, as gif he had our SOVERAINE LORDIS special Commission to that effect. And als ordainis and declaris, that quhat-sum-ever persones fall happen hereafter, to beare feede for ony sik slaughter, hurt, or mutilation, fall be subject to the paines and action abone written: And it fall be lauchfull to the partie harmed, to call and conveye them criminallic or civilie, at his option, for the saidis riefes and oppressiounes, in maner before specified.

101. *Maintainers and receipters of thieves, fall be answerable for their doings.*

ITEM, Quha bringis onie *Scottes* or *English* thiefe in his companie openlie or privatelie, to the Kingis Majesties Court, or Burgh of *Edinburgh*, or requistis for him, to hald him back fra the dew punishment appointed be the Law, without licence of the King, his Lieu-tennent or Wardane: Sall be subject to the action Criminal or civil, of him quhom unto the said thiefe hes offended be thieft, or rief: Or be compelled for the same to redresse, as principal thiefe or reivar. And quhat-sum-ever *English* thieves, fall cum in onie part of *Scotland*, without licence of the King, his Lieu-tennent or Warden, fall be taken and used as lauchfull prisoners: And quha-sa-ever wald avow sik thieves to be their prisoners, or brocht in be them upon licences, fall nocht keepe them in companie in the Kingis Court or Palice, or in the hic streit, quhair his Hienesse, or his Justice sittis, and remainis, beand weapons: bot hald them in close house, fra their cumming, to their departing: under the paine to be repute as favourers, fosterers, and maintainers of thieves and thieft, and to be punished therefore, conforme to the lawes of the Realme.

102. *Dittay suld be taken up anent blak-maill.*

ITEM, It is statute and ordained, that the Justice Clerk, and his deutes, and the Kingis Commissioners, constitute to further Justice, quietnesse and gude rule in all Schires, fall diligentlie inquire and take up Dittay, of the up-takers and payers of black-maill, and to make rentalles of the quantitie thereof: And to persew alsweill the takers, as payers thereof, at Justice aires, or particular diettes, and do Justice upon them, according to the Lawes, and receive sovertie, under great paines, that they fall abstene in time cumming.

103. *Landis-lordes and utheris, suld present zeirlic trespassours, to the Justice.*

ITEM, It is statute and ordained, that the Justice-Clerk, fall twise in the zeir, *Viz.* At the first daie of *Marche* and *September*, procure the Kingis Majesties close Valentines, to be sent to the Maisters, Landis-lords, Baillies and Chieftaines of all notable limmers and thieves, charging to present them, outhere before his Majesties self, or before the Justice, and his deutes, at the day and place to be appoynted, to underly the lawes, conforme to the lawes and generall bande, and under the paines conteneid in the same, and to try quhat obedience, beis schawin be the persones, quhom unto the saidis Valentines, fall be directed: And in-case of their contempt, be undewtifull answer, to put themselves to the knowledge of an Assise, and minister Justice upon them, conforme to the Lawes and generall bande.

104. *It is not lessum to ane Scottes-bordourer, to marie with ane other in England.*

ITEM, Sen experience declaris, that the mariage of the Kingis Majesties subjectes, upon the daughters of the broken men and thieves of *England*, is not only an hinderance to his Majesties service and obedience: Bot als wa to the common peace and quietnes, betuixt baith the Realmes: It is therefore statute and ordained, be our Sovereain Lorde, and the three Estates of this Parliament: That nane of his subjectes presume to take upon hand to marrie with onie *English-woman*, dwelling in the opposite Marches, without his Hienes expresse licence, had and obteneid to that effect, under the great Seale: under the paine of death, and confiscation of all his guddes moveable: And that this be a special point of dittay in time cumming.

105. *The Wardane suld put in Bill the names of all English-men, quha occupis possessiones in Scotland.*

ITEM, It is statute and ordained, that the Wardanes of the Marches, fore-anent *England*, take diligent inquisition, quhat *English-men* occupis ony *Scottis* ground, in pastourage or tillage: and they bill the

the persons offenders in that behalfe, against the treaties, and seeke redresse, according thereto, as they will answer upon their allegiance, at their hieghest charge and perrell, and under the paine of incurring of his Hieneffe indignation and displacour.

106. *The pleges of the Bordours, shuld be placed in the North-side of Forth, and the Hic-land pleges, on the South-side thereof.*

ITEM, It is thocht expedient, statute and ordained; That all pleges received for the gude rule and quietnesse of the *Bordours*, shal be placed on the North-side of the water of *Forth*, without exception or dispensation, and the pleges for the gude rule of the *Hie-lands* and *Iles*, to be placed on the South-side of the same water of *Forth*: And that the Justice-Clerke, and his deputies, to quhom the care of this ordour is committed, take speciall regard to the dew execution hereof, as they and everie ane of them will answer upon the execution of their office.

107. *Auent the reliefe of the Landis-lord or Baillie.*

ITEM, For reliefe of the Landis-lord or Baillie, that shal happen to be charged for entrie of his tennentes or persones, dwelland under his jurisdiction, to underly the Law, or to make redresse, that he use warning, and seeke the ordour of remooving, against his tennentes and occupiers of the ground, and make them the Kingis rebelles, within the space of fourtie dayes, after the nixt terme, un-receiving mailles or dewties fra them, in the meane time. Quhairin his diligence being tryed and fundin gude and sufficient, be the Kingis Majestie, and his privie Councell, Or be his Justice and his deputies: And that he performe all things that he culd, or that was in his power to do, after the fact com to his knowledge: In that case, he shal be relieved of the paine and danger of the Law.

108. *Malefactours fugitive, hes na action contrair the executours of the Law against them.*

ITEM, In-case onie Landes-lorde, Baillie or chieftaine of Clanne, shal happen to be burdened, with the taking and presenting of ony Malefactour, and that the same Malefactour is fugitive fra the Law, and refuiss to relieve his Landis-lord, Baillie, or chieftaine: And that there-throw, according to the Lawes and generall band, they shal bee constrained to burne the said disobedient persons house, and to hold them, their wives and bairnes off the ground: It is statute and ordained in that case, that the saidis disobedient persones, their aires, wives, bairnes, nor na utheris pretending richt fra them, or be their deede or occasion, shal have onie action criminall or civil, for the saide remooving, burning and ejection, bot shal be simple assoltized therefra, and all that may follow there-upon, quhen-ever or quhere-ever the same shal be persewed.

109. *The sellers of guddes pertaining to Malefactours, shuld be punished.*

ITEM, That sik mediat persones, as takis upon them to be selleris of the guddes of thieves or inobedient persones, and Clannes, that dare not cum to publick mercates in *Law-land* themselves, quhairby the execution of the acts maid aient thieves and Sornares of Clannes, is greatly impeded and defrauded, fall for that deede, being tryed culpable rheirow, incurre the paine of banishment, and confiscation of all their guddes moveable: The ane halfe to our Sovereine Lords use, and the uther halfe to the partie apprehender and suiter.

110. *Kirk-men shuld not warrand, but fra their awin deede.*

ITEM, It is statute and ordained, be OUR SOVERAINE LORDE, and three Estaites of Parliament: That quhair there is diverse of the Bishoppes, Abbotes, Prelares of this Realme, that hes sett their livinges, for certeine summes of money, to be payed to them for their life-rentes: As alsua hes disposed diverse and sundrie pensiones, foorth of the twa part of their benefices; partie to their Conventes, and partie to utheris: And for the reddier and mair sure payment, hes assigned the same to be tane up, of the readiest of the saidis Bishoppes, Abbotes and Prelates few-landes, quhilkis being now assigned and annexed to the Crown; the saidis possessours, will be put therefra, and the saidis Prelates called for their warrand, quhilk will be sa great action, and import sik skaith unto them, that they will never be able to susteine na honest ranck. THEREFORE OUR SOVERAINE LORDE, having consideration, that the saidis temporall Landes, is taken fra the saidis Prelates, be Act of Parliament, and Law of our Realme, and dissolved fra their benefices, swa that na fraudfull deede, can be alledged, in the person of the saidis Prelates: His Majestie, with advise of his three Estaites, hes ordained, that the saidis Prelates, quhais landes ar assigned and annexed to the Crown, and dissolved fra their saidis benefices: They shal be na-ways halden to warrand, tack, pension, assignation, or uther disposition quhat-somever, maid of the Temporall landes of the saidis Benefices, fermes or profits thereof, unto the possessours, nor na utheris:

utheris : Bot sall be free fra all warrandice in time cumming, Notwithstanding ony contract, pension, or assignation thereof, maid in times by-past. Providing alwayes, that quhair the saidis Bishoppes, Abbottes and Prelates, be their awin deede, hes maid double richtes, ather tackes, pensiones, assignationes, or uther dispositiones of onie thing, dispooned furth of the said Temporall landes, fermes or profites thereof, or twa or maa severall perones, possessoris of the saidis Temporall Landes, or utheris quhar-sum-ever : Theyr fall be halden to warrand the saidis double richtes, maid to them, for their awin deede and disposition allanerly. And ordainis the Lordes of Session and Councell, to Judge according to this Act, as ane of the Lawes of our Realme.

III. *The taxation of the Burrowes suld not be altered.*

OUR SOVERAINE LORD, And three Estaites of Parliament, understanding that be the late annexation of Kirk-landes to the Crown, the taxt of the Clergie mon be altered, and ane great parte thereof, layde upon the saidis Temporall annexed landes. And because the free Burrowes of this Realme, abidis in the same Estait, quhairin they were of before : Therefore our said SOVERAINE LORD, now after his perfite age of twentie ane zeires compleit, with advise and consent of the three Estaites of this present Parliament, statutis and ordainis, that the taxation of Free-Burrowes, fall na-wayes be altered, but fall stand as the same stude, in all times preceeding : That is to say, their part of all generall taxationes in time cumming, fall extend to the sext part thereof allanerlie.

IIII. *Na Burgh may sell their freedome, without consent of the Parliament.*

FORSAMEIKLE As it is not lauchfull to onie of the Kingis vassalles, ro sell and annalie their lands, in prejudice of his Majestie, their superior : Even sa it is found expedient, statute and ordained, be OUR SOVERAINE LORDE, and three Estaites in this present Parliament : That it fall not be lauchfull to onie of his Hiennesse free-Burrowes, to sell or annalie, their freedome and priviledge, in hail or in part, to onie uther Burgh, or utherwayes quhar-sum-ever, without expres licence and consent of his Hiennesse, and three Estaites in Parliament, under the paine of amission and tinfell of the free-dome of the Burgh : Outher by and or selland the saidis free-domes, in hail or in part, as said is.

IIII. *The Commissioners of small Barronnes, and Free-halders, hes voite in Parliament.*

OUR SOVERAINE LORDE, Considering the Acte of his Hiennesse Parliament, halden at *Linlithcow*, the tenth day of *December*, the zeir of God, ane thousand, five hundredth, fourscore five zeires : Makand mention, how necessar it is to his Hiennesse, and his Estaites, to bee trewlie informed of the needes and causes pertaining to his loving subjectes in all Estaites, speciallie the Commounes of the Realme. And remembring of ane gude and lovable Acte, maid be his Hiennesse Progenitour, King JAMES the First, of worthie memorie, in the Parliament halden at *Perth*, the first day of *March*, the zeir of God, ane thousand, four hundredth, twentie seven zeires, anent the commissioners of small Barronnes in Parliament : That his Majestie, and his saidis Estaites, wald ratifie and appreeve the same to have full effect, and to be put to execution in time cumming : and of new, statute and ordaine, for the mair full explanation of the same act, and certaine execution thereof ; that precepts suld be directed forth of the Chancellarie, to ane Barron of ilk Schire first, To convene the free-halders within the same Schire, for choosing of the Commissioners ; as is contened in the same Acte : Quhilks Commissioners, being anis choosen, and send to Parliament, the Precepts of Parliament, for conveneing of free-halders, to the effect foresaid, to be directed to the last Commissioners of ilk Schire, quhilks fall cause cheise twa wise men, being the Kingis Free-halders, resident indwellers of the Schire, of gude rent, and weill esteemed, as Commissioners of the same Schire, to have power and to be authorized, as the Act reports, under the Commissioners Scale, in place of the Schireffes : And that all Free-halders of the King, under the degree of Prelates and Lords of Parliament, be warned be Proclamation, to be present at the choosing of the saidis Commissioners : and nane to have voite in their election, but sik as hes fourtie shilling land in free-tennendrie, halden of the King, and hes their actuall dwelling and residence within the same Schire. Quhilk mater, being remitted be the saidis Estaites, convened in the said Parliament at *Linlithcow*, ro the will and good consideration of our said Sovereine Lord, to doe and ordaine therein, as his Hiennesse suld think maist expedient and requisite, betuixt and his nixt Parliament : And now his Majestie intending, God willing, to take ordour for the finall setting and establishing of that gude forme and ordour, maist meete and expedient to stand in perpetuie in this behalfe, according to the effect of the said Acte of Parliament, maid at *Linlithcow*, in consideration of the great decay of the Ecclesiasticall Estait, and uthers maist necessar & weightie considerations mooving his Hiennesse : Therefore his Majestie, now after his lawfull and perfite age of xxj. zeires compleit, sittand in plane Parliament, declaris and decernis, the said Act maid be King James the First, to take full effect and execution, and ratifies and appreevis, the same be thir presences : And for the better execution thereof, ordainis the Commissioners of all the Schireffe-domes of this Realme, according to the number prefervid in the said Act of Parliament, to be elected be the Free-halders foresaidis, at the first

first head Court after *Michael-mes* zeirlie : Or failzieing thereof, at onie uther time, quhen the saids Free-holders please convene to that effect : Or that his Majestie fall require them thereto : Quhilks conventions, his Majestie declaris and decernis, to be lauchfull : And the saidis Commissioners being chosen, as said is, for ilk Schireffedome, their names to be notified zeirlie in writte, to the Director of the Chancellarie, be the Commissioners of the zeir preceeding, and thereafter, quhen onie Parliament, or generall Convention is to be holden : that the said Commissioners be warned at the first, be vertue of precepts furth of the Chancellarie : or be his Hienesse missive letters or charges : And in all times thereafter, be precepts of the Chancellarie, as fall be directed to the uther Estaites. And that all Free-holders bee taxt for the expenses of the Commissioners of the Schires, passing to Parliament or generall Councelles, and letters of poynding or horning, to be direct for payment of the summes taxt to that effect, upon ane simple charge of sex dayes warning allanerlie. And that the said Commissioners authorized with sufficient Commissiones of the Schireffedome, fra quhilk they cum, sealed and subscribed with sex at the least of the Barrones and Free-holders thereof, fall be equall in number, with the Commissioners of Burrowes, on the Articles, and have voit in Parliament and generall Councelles in time cumming : And that his Majesties Missives, before generall Councelles, fall be directed to the saidis Commissioners, or certaine of the maist ewest of them : As to the Commissioners of Burrowes, in time cumming. And that the Lordes of Council and Session, fall zeirlie direct letters, at the instance of the saidis Commissioners, for conveneing of the Free-holders, to chuse the Commissioners for the nixt zeir, and making of taxation : to the effect abone written. And that the compeirance of the saids Commissioners of the Schires in Parliaments, or generall Councelles, fall relieve the haill remanent small Barrones, and Free-holders of the Schires, of their suites, and presence, aucht in the saids Parliaments. Providing alwayes, that the saids small Barrones, observe there promises and conditions, maid to his Majestie. Upon the quhilk declaration and ordinance, maid and pronounced be our Sovereine Lord, sittand in plaine Parliament, as said is ; *John Murray of Tullibardin*, asked Actes and Instrumentes : And *David*, Earle of *Crawford*, Lord *Lindesay* for himselfe, and in name and behaile of uthers of the Nobilitie, protesteing in the contrair.

II 4. *The just quantitie of wechtes, mettes and measures.*

FOrsameikle As in our Sovereine Lordis late Parliament, holden at *Edinburgh*, the twentie nine day of *Julij*, last by-past : his Hienesse and his three Estaites convened therein, moved be the generall complaint of all his loving and gude subjectes : Bot speciallie the puir fermorares and labourers of the ground : Gave, granted, and committed, full power and Commission of Parliament, to his trustie and weil-beloved Counsellors, and uthers after specified : They at to say, Maister *David Muggill*, of *Nisbet*, his Hienesse Advocate : Maister *David Carnegie*, of *Culluthie* : *Robert Fairlie*, of *Braid* : Sir *Archebald Naper*, of *Edinbillie* Knight, Generall of his Hienesse Cuinzie-house : *John Arnot*, Commissioner of *Edinburgh* : *William Fleming*, Commissioner of *Perth* : *Robert Forester*, Provost and Commissioners of *Strirling* : And *Heugh Campbell*, Provost and Commissioner of *Irving* : Oronie seven, sex, or five of them conjunctlie : The said Lord Advocate, being ane : To convene in his ludging, within the Burgh of *Edinburgh*, als oft as they fall thinke expedient, betuixt and the last day of *August* by-past, and thereafter sight and consideration of the Lawes and Actes of Parliament, maid anent mettes, measures, and wechtes, in time by-gane, and groundes quhairon they have proceeded, havand regard to equitie and indifference : To sett, make and establish ane just mette, measure and wecht, to be commoun and universall, amangst all OUR SOVERAINE LORDIS Lieges ; To buy, sell, receive, and give out : and to present the same to his Hienesse, and his privie Councell, betuixt and the twentie sex day of *Maij*, nixt-to-cum : That the same might be notified, to all OUR SOVERAINE LORDIS Lieges, with all convenient speede and diligence thereafter : As the saidis Commissioners wald answere to his Hienesse, upon their obedience : Ordaining letters to be directed, to charge and compell hereto, gif neede be, in forme as effeiris : Like as at maill length is contained in the said Commission, given be Act of Parliament, in manner foresaid : According to the quhilk, a sufficient number of the saids Commissioners, conveneing, and having scene and considered, the saidis Lawes and Actes of Parliament, maid anent mettes, measures, and wechtes, in time by-gane, and groundes quhairon they have proceeded, havand regard to equitie and indifference : hes sett, maid, and established, ane mett. measure and wecht, to be commoun and universall, amangst all our Sovereine Lords lieges, to buy, sell, receive, and give out, and thereupon hes delivered their report and conclusion, subscribed with their hands, beairand in effect, that they have sighted, red, and considered, the saidis Lawes and Actes of Parliament, maid anent mettes, measures, and wechtes in times by-gane : the persire groundes quhairon they have proceeded : that is to say, the Elvand, the pund *Trois*, and the stane proportionat and effeirand thereto : the boll-mett, firloir and peck : the pint, quart and gallon, everie ane in their awin proportion. And hes found that maist wisely, the proportions and groundes of all thir wechtes, mettes, and measures, hes bene fa established of auld, that everie ane of them, comptrollis uthers, and be just conference, makis and establishis, ane certaine measure and wecht, and therefore hes thought maist expedient, that the same proportion and comptrolment be observed in all time cumming. And first hes fund the Eln, and stand thereof, committed to *Edinburgh*,
con-

containing 37. inches : The stane containing xvj. li. *Trois*, ilk *Trois* punde, containing xvj. unce. The pint of *Strivling*, ij. pund, and ix. unce *Trois* wecht of cleir water : All the premiffes, to observe a just proportion, according to the Law and Actes of Parliament : and as to the firlo, quhair of there hes bene mention maid in the Act of King *James* the Second, to have bene of 18. pints : having tried and comptrolled the same in deepnes and bread, be the Elnwand, and in quantity and wecht, be the said stope of *Strivling*, hes found the same les in proportion, nor it aucht to be. beand comptrolled be the rest of the wechtes and meafures abone writtyn, and this as appeiris careft be error of the Prenter : be reason that be just calculation and comptrolment, the same extended to 19. pintes, and a jucat. And for eschewing of fraud, hes thought expedient, that all victuall fall be meafured be straik. And be reason that malt, bear, and aites, hes bene used to be meafured be heap, hes fund be examination and triall, that the heap in proportion, is the just thrid of the firlo or peck : Therefore remitted to the Kingis Majestie, and Lords of secret Councell, whidder they thoct it maist expedient, to cause make ane particular measure for metting malt, bear, and aites be straik : Or that ane measure fuld stand univerfallie, to receive and deliver three for twa, or sex for four of malt, bear and aites, according to the proportion of victuall, and stufte used in times by-past to be mette by straik, sik as quheit, rie, beanes, peafe, mcall, salt, and quhite, fauld in the mercattes and the Countrey : except the water mett, to remaine according to the use of the Countrie. Sik-like, that there be double standerts of the foresaidis wechtes, mettes and meafures maid of brasse : the ane of everie ane of them to remaine in the register, and the uthir, with the Towns, to quhom they have bene committed of auld, to be direct furth to the hail lieges, to be used univerfally, and this without prejudice to onie persons, quha ar founded, infest, or addebted be tack, or contract of auld, or new formes of uthiris meafures, bot that their foundation, infestment, tack or contract, fall stand in effect, and the measure of their foundation, infestment, tack or contract, fall be proportioned to the measure now to be established be his Majestie, his Parliament and Councell : Swa that the same quantitie fall remaine with the giver, and the receiver, but prejudice of onie of them, as the said report, exhibit to the Lordes of secret Councell, at mair length proportis : Quhilk being seene, considered and allowed be them : They therefore, according to the power and authoritie of the said Parliament, and report of the saidis Commissioners, have decerned and ordained, and be thir presentes, decernis and ordainis, the Firlo to be augmented, and the standert thereof to be of the forme after specified : And to contene nine-tene pintes, and twa Joucattes : And this to be the measure of all victuall and stufte, used in times by-past, to be fauld be straike, sik as Quheite, Rie, Peas, Beanes, Meale, and quhite Salt, fauld in mercats, or in the Countrie : The widenes and breadnesse of the quhilk Firlo, under and abone, even over, within the buirdes, full contene auchtene inches, and sext part of ane inch : The deepenes, seven inehes, and halfe inch. And the Pecke to be maid effeirand thereto. And that the steppes of the said Firlo, be of the auld proportion in thicknesse of baith the buirdes, ane inch & ane halfe : That the bosome thereof be crossed with iron, nailed to the same, and to the ring of the Firlo : and the edge of the bottom, entring within the lagene, be pared out-with, towarde the nether side, and to be maid in-with plaine and just rule richt : That the mouth be ringed about with ane circle or girth of iron, in-with and out-with, havand a croce iron barre, passing over fra the ane side to the uthir, three-squared, ane edge downe, and a plaine side up : Quhilk fall gang rule richt, with the edge of the Firlo, and everie square fall be ane just inch of breadth : And that there be ane prick of iron, ane inch in roundnesse, with ane shoulder under and abone, rising upright, out of the center or middest of the bottom of the Firlo, and passing throw the middest of the said over-croce barre, ruiffed baith under and abone : And that the Cowper cause the right straike of the said Firlo, passe fra the ane end of the said over iron barre, to the uthir. And be reason that Malt, Bear, and Aites, hes bene used to be meafured be heape : and for eschewing of fraud, thinkis expedient and ordainis, that all victualles fall be meafured be the straike in time cumming : Seeing be the just tryall and examination, the heape in proportion, is found the thrid of the Firlo or peck : And that the foresaid measures of the Firlo and Peck, stand univerfallie : receiving and delivering three for twa, or sex for four, of Malt, Beir, and Aites, according to the proportion abone writtyn : Except the water-mette, to remaine according to the use of the Countrie. And that there be double standerts of the Firlo, maid of Brasse, be the Burgh of *Lindisburw*, and of the foresaidis uthiris mettes and weightes, be the uthiris Burrowes, to quhom they have bene committed of auld : And ane of everie ane of them, to remaine in the Register, and the uthir, with the saidis Burrowes : And the just measure and quantitie of the same, to be direct furth be the saids Burrowes, to the hail Lieges of this Realme, to be used univerfallie, in maner and forme before rehearfed.

AND That the foresaidis wechtes, mettes, and meafures, with the quhilkis, all and quhar-fum-ever perones, fall be halden to buy, sell, mett, measure, wey and receive, have course allanerlie, within this Realme, after the twentie sex day of *Mayj*, nixt-to-cum : and na uthiris wechtes, mettes, nor meafures, under the paines contened in the Actes of Parliament, maid here anent, in his umquhile-dearest Mothers dayes. And that all Firlores to be used in mereattes, baith to Burgh and Land, be burnt and sealed, with the burning iron of the head Burgh of the Schire, quhairin the saids mereattes ar halden. And that the Provests and Baillies of Burrowes and Cities, baith of Regalitie and Royaltie : And als the Baillies of Burrowes in Barronie, and uthers quhar-fum-ever places, quhair mereattes of victuall ar halden, fall be bound that all mea-

measures to be used, fall be of ane forme and quantitie, according to this present Act. And gif ony differ-
rent measures be found in onie of the places abone written; the saids Provestes and Baillies of Royalties, Re-
galities, and Barronies, to be accusable thereof, conforme to the saids Actes and Lawes, maid be his
Hieneft dearest Mother of before. PROVIDING Alwayes, gif onie persones be founded or in-
fest, or addebtet be tack or contract of auld, or new termes of uther measures, then ar abone written;
Their foundation, infestment, tack, or contract, quhiddir it be mair or lesse, fall be proportioned to
this measure that now is: Swa that the same quantitie, fall remaine with the giver and receiver, but
prejudice of onie of them. And ordainis the Clerk of Register, to insert this present Act, quhilk is of the
daie, at *Haly-rude-bouffe*, the first day of *November*, the zeir of God, 1587. zeires, in the bulks of
Parliament *ad futuram rei memoriam*; And that letters be direct for publication of the premisses, be
open Proclamation, at the mercat-croce, of the head Burrowes of this Realme, and utheris places neede-
full; That nane pretend ignorance of the same. Commanding and charging, all and findrie, the
saids Provestes and Baillies of Barronies and Cities, baith of Regalitie and Royaltie: And als the Bail-
lies of Burrowes in Barronie, and utheris quhat-sum-ever places, quhair mercattes of victuall ar halden,
to put in execution this present Act, and everie parte thereof, sa far as concernes them: Swa that
the same may take full effect, after the said xxvj. day of *Maij*, nixt to cum: After the forme and
tenour of the saids Actes of Parliament, and under the paines abone written, contened therein: with
certification to them, and they failzie, they fall be called, accused, and the paines of the saids Actes
fall be execute upon them, in all rigour, in exemple of utheris.

F I N I S.

T H E R O L L

Of the

Names of the LANDIS-LORDS and BAILLIES of LANDES dwelling on the
Bordours and in the Hielandes, quhair Broken men hes dwelt, and presentlie dwellis.
To the quhilk Roll, the 94. Acte of this Parliament is relative.

Middle March.

The Earle *Bothwell*.
The Laird of *Farnie-berst*.
The Earle of *Angus*.
The Laird of *Buck-cleuch*.
The Schireffe of *Teviot-daill*.
The Laird of *Bed-roule*.
The Laird of *Wanchop*.
The Lord *Hereis*.
The Laird of *How-paislay*.
George Turne-bull of *Halrovie*,
The Laird of *Little-dene*.
The Laird of *Drum-langrig*.
The Laird of *Chisholme*.

West March.

The Lord *Maxwell*.
The Laird of *Drum-langrig*.
The Laird of *Johnestoun*.
The Laird of *Aple-girth*.
The Laird of *Holmends*.
The Laird of *Gratnay*.
The Lord *Hereis*.
The Laird of *Dun-widdie*,
The Laird of *Lochin-war*.

Laudis-lords and Baillies. Hielandes and Iles.

The Duke of *Lennox*.
The Laird of *Buchannan*.
The Laird of *Mak-farlane* of the *Arroquibair*.
The Laird of *Lasse*.
The Laird *Mak-caula* of *Ardincaple*.
The Laird of *Merchinfion*.
The Laird of *Glennegyis*.
The Earle of *Glen-carne*.
The Laird of *Drumgubassill*.
The Laird of *Kilcreuch*.
The Tutour of *Menteith*.
The Laird of *Knokhill*.
Henry Schaw of *Cambusmoir*.
The Laird of *Kippenrosse*.
The Laird of *Burley*.
The Laird of *Keir*.
The Maister of *Levingstoun*.
The Lord of *Doun*.
The Lord *Drummond*.
The Laird of *Tulliebardin*.
The Laird of *Glen-urquibay*.
The Laird of *Laweris*.
The Laird of *Weyme*.

The Abbot of *Inche-chaffray*.
 Coline Campbell of *Arabeith*.
 The Laird of *Glen-lyou*.
 The Erle of *Atbole*.
 The Laird of *Grantullie*.
 The Laird *Strowane*, *Robert-sonne*.
 The Laird *Strowane*, *Murray*.
 The Laird of *Wester-wemes*.
 The Laird of *Abbots-hall*.
 The Laird of *Teling*.
 The Laird of *Inch-Martine*.
 The Laird of *Pury-Footbringham*.
 The Laird of *Moncreif*.
 The Laird of *Balleachen*.
 The Barron of *Fandowie*.
 The Erle of *Erroll*.
 The Erle of *Gowrie*.
 The Laird of *Cultiebragane*.
 The Lord *Ogilvie*.
 The Laird of *Clouay*.
 The Laird of *Fintrie*.
 The Laird of *Edzell*.
 The Erle of *Marre*.
 The Maister of *Elphinstoun*.
 The Erle of *Huntlie*.
 The Maister of *Forbes*.
 The Laird of *Grant*.
Makintofche.
 The Lord and Tutor of *Lovate*.
Chifholme of *Cimmer*.
 The Laird of *Glengarrey*.
Mackenzie.
 The Laird of *Fowlis*.
 The Laird of *Balnagoun*.
 The Tutor of *Cromartie*.
 The Erle of *Suther-land*.
 The Laird of *Duffus*.
James Innes of *Touchis*.
 The Erle of *Caithnes*.
 The Erle *Marschell*.
 The Lord *Oliphant*.

The Laird of *Bowquholly*.
 The Laird of *Dunnybeith*.
Mackye of *Far*.
Torgubill Mak-lewid of *Togoyth*.
 The Laird of *Garloch*.
Makgillicballum of *Raarsay*.
Mak-lewid of the *Harrich*.
Mackinnoun of *Strathodell*.
Mak-lewid of the *Lewis*.
Makneill of *Bara*.
Mackeane of *Ardnamurchen*.
Alane Mackeane of *Iland Terim*.
 The Laird of *Knoydert*.
Macklene of *Dowart*.
 The Laird of *Ardgower*.
John Stewart of the *Appin*.
Mackoull of *Lorne*.
Mackoull of *Roray*.
 The Laird of *Lochninnell*.
 The Laird of *Caddell*.
 The Laird of *Skelmurelie* for *Rauchry*.
Mackondachy of *Innerraw*.
Angus Mackoneil of *Dunnyweg*, and the *Glennes*.
 The Laird of *Lowip*.
 The Schireffe of *Bute*.
 The Laird of *Camys*.
 The Erle of *Argile*.
 The Laird of *Auchinbrek*.
 The Laird of *Ardringlas*.
Maknauchtane.
Mak-lauchlane.
 The Laird of *Lawmount*.
 The Laird of *Parbreck*.
 The Laird of *Duntrane*.
 Constable of *Dandie*, *L. of Glasfry*.
 The Laird of *Elenegreg*.
 The Laird of *Otter*.
 The Laird of *Coll*.
Macklene of *Lochnie*.
Makfee of *Collonsay*.
 The Lord *Hammitoun*.

T H E R O L L

Of the

CLANNES that hes CAPTAINES and CHIEFTAINES, quhom on they depende;
of times against the willes of their Landis-Lordes, alsweill on the *Bordoures*, as *Hie-landes*;
and of sum special perones of Braunches of the saidis Clannes.

Middle Marche.

Ellottes.
Arme-stranges.
Nicksonnes.
Crofters.

West Marche.

Scottes of Eusdaill.
Beatisonnes.
Littles.
Thomsonnes.
Glendinninges.
Iringes.
Belles.
Carvuthers.
Grabames.
Johnstones.
Jordanes.
Moffettes.
Latimers.

Hie-landes and Hes.

Buchanmannes.
Mak-sarlanes of the Arroquibair.
Mak-knabbes.
Grabames of Menteith.
Sirwantes of Balquibadder.

Clanne-Gregore.
Clan-Lauren.
Campbells of Lochbinel.
Campbells of Innerraw.
Clan-dowall of Lorne.
Stewartes of Lorne, or of Appin.
Clan-Mackeane Avricht.
Stewartes of Athoill and partes adjacent.
Clanne-Donogubyn in Athoill, and partes adjacent.
Meinzies in Athoill and Appin.
Clan-mak-Thomas in Glensche.
Fergussonnes.
Spaldinges.
Makintoshes in Athoill.
Clan-Chamron.
Clan-Rannald in Loch-Aber.
Clan-Rannald of Knoydart, Moydart, & Glengarrey.
Clan-Lewid of the Lewis.
Clan-Lewid of Harrich.
Clan-Neill.
Clan-Kinnon.
Clan-Jeane.
Clan-Chartane.
Grantes.
Frazeres.
Clan-Keinzie.
Clan-Auerkis.
Munroes.
Murrays in Southerland.

A N E T A B L E

Of the

PARTICVLAR ACTES and utheris, maid be KING JAMES the Sext, in this elleventh Parliament, the twentie nine of Julij, the zeir of GOD, ane thousand, five hundreth, foure-scoir seven zeires, nocht imprinted.

- 1 *C*ommission anent the Cuinzie.
- 2 *C*ommission for ane Taxation anent the Kingis mariage.
- 3 *C*ommission for establishing of ane uniuersall mette, measure, and wecht.
- 4 *C*ommission for satisfaction of the Clergie for their life-rentes.
- 5 *C*ommission anent the Prioritie of places, and voyting in Parliament.
- 6 *A*nent our Soveraine Lordis priuie Councill.
- 7 *R*atification of the Priuilege of the Session.
- 8 *A*ct in fauour of the Lordes of Session, as fall become aged and un-able.
- 9 *A*nent the vacance of the Session.
- 10 *R*atification of the Actes anent Fore-stalleres and Regratoures.
- 11 *A*cte in fauoures of them, quha hes maid payment, bona fide, to *Faictoures*.
- 12 *A*cte anent sewes and tackes of Kelso, subscribed bee Sir John Maitland.
- 13 *C*ertaine maters remitted to the Checker.
- 14 *A*nent the wed-setting of the Kingis propertie.
- 15 *A*nent granting of respettes and remissions.
- 16 *A*nent uniuersall concord amangst the Kingis lieges.
- 17 *R*atification of the pacification, restitution and abolition, granted to our Soveraine Lordes Lieges, at diuerse Parliaments of before.
- 18 *A*cte in fauoures of the Noble men, being with the Kingis Majestie at Striviling.
- 19 *R*atification to the Erle of Angus, of the Erledome of Mortoun.
- 20 *S*ubmission of the controversie, betuixt the Erle of Angus, and the Lorde Fleming.
- 21 *A*ct annulling of the richtes and titles of Dumfermeline, maid be the Maister of Gray.
- 22 *R*atification to the Erle of Crawford, of the Bastardrie of Maister George Creichtoun, and his bairnes.
- 23 *A*ct betuixt the Erle of Crawford, and the Burgh of Dundie.
- 24 *A*ct in fauour of the Maister of Grahame.
- 25 *A*ct in fauour of the Erle of Marr.
- 26 *S*ubmission betuixt the Countesse of Murray, and the Lairde of Pettarrow.
- 27 *R*atification of the Erledome of Gowrie.
- 28 *A*ct in fauour of the maister of Eglington.
- 29 *A*ct in fauour of Claud, Commendatar of Paislay for Cambuslang.
- 30 *A*ct in fauour of Claud Hammiltoun, sonne to the Commendatar of Paislay.
- 31 *A*ct in fauour of Walter, Commendatar of Blantire.
- 32 *A*ct in fauour of maister Edward Bruyse, touching the *Abbacie* of Kinloss.
- 33 *R*atification to Alexander, Commendatar of Piulcardin.
- 34 *I*n fauoures of the Commendatar of Scone.
- 35 *I*n fauour of maister James Haliburton.
- 36 *O*f the College of Glasgou.
- 37 *O*f the new College of Saint-Andrewes.
- 38 *A*nent the parsonage of Dunfe.
- 39 *A*ct in fauour of maister David Lindeſay, Minister at Lelth.
- 40 *O*f Thomas Hutsoun, Maister of his Hienesse Chappell Royall.
- 41 *A*nent the benefices presented be the Erle of Orkney.
- 42 *R*atification of the infeftments of Sir John Maitland of Thirlestane Knight.
- 43 *T*o maister Peter Young, of Seytoun.
- 44 *T*o Sir Patrick Vaus, of Barnebarrow Knight.
- 45 *T*o maister George Young, of the Arche-deanrie of Saint-Andrewes.
- 46 *A*ne uther to the said maister George, and John Andro.
- 47 *A*ct in fauour of the Ladie Burlie, and her bairnes, thriſe.
- 48 *I*n fauour of John Achefon.
- 49 *A*nent the aires of Mony-ward.

- 50 In favoures of James and John Meinzie.
- 51 Remission of the Laird of Duryis supplication to the Kingis Majestie.
- 52 Act in favour of the Laird of Roslyith.
- 53 In favour of James Stewart, sonne to the Erle of Buchane.
- 54 In favour of David Fergusson of Gienfchinrot.
- 55 Ratification to the Burgh of Edinburgh, of the infestment maid to them, Anent the sustentation of the Ministrie, Puir, and Colledge.
- 56 Ratification of the Hospitall of the Burgh of Perth.
- 57 Ratification to the Burgh of Mont-rose.
- 58 Commission in favour of the Citie of Glasgowe.
- 59 In favour of the Gold-smithes.
- 60 Ratification to the Burgh of Brunt-Iland.
- 61 An Act in favour of the Burgh of Carraill.
- 62 Of the Town of Austruther.
- 63 Of the Craftes-men Fleminges,
- 64 Confirmation to Mark, Lord New-bottle.
- 65 Act in favour of the young Laird of Kinfawnes.
- 66 Commission to treat for the defense of the Realme, in the time of weire.
- 67 Commission for setting of the ordour of the taxation on all Estantes.
- 68 Commission for setting of the quantitie of the bulzeoun, to be brought to the cuinzie-house, of all customed guidde.
- 69 Act in favour of the town of Dalkeith.
- 70 Act in favour of the town of Polvart.
- 71 Commission anent the Brig of Don.
- 72 The Brig of Crawmond.
- 73 The Brig of Air.
- 74 The Brig of Irving.
- 75 Commission for the articles, for better execution of Justice.
- 76 Commission to consider the Actes of Parliament.
- 77 Act in favour of Maister Henrie Keir.
- 78 Act in favour of the Thesaurer, anent expeding of Ratifications.

F I N I S.

T H E T W E L F T H
P A R L I A M E N T

Halden at Edinburgh, the Fifth day of Junij, the zeir of God, 1592. zeires. Be the richt excellent, richt heigh, and nichtie Prince, JAMES the Sext, be the Grace of God, King of SCOTTES: with advise of his three Estaites.

114. *Ratification of the libertie of the trew Kirk: of Generall and Synodall assemblies: of Presbyteries, of discipline. All Lawes of Idolatrie ar abrogate: Of presentation to benefices.*



OUR Sovereine Lord, and Estaites of this present Parliament; Following the lovable and gude example of their Predecessours: Hes ratified and appreeved, and be the tenour of this present act, ratifies and appreevis all liberties, priviledges, immunities and freedoms quhat-sum-ever, given and granted be his Hienesse, his Regentes in his name, or onie of his Predecessours, to the trew and halie Kirk, presentlie established within this Realme, and declared in the first Acte of his Hienesse Parliament, the twentie day of *October*, the zeir of GOD, ane thousand, five hundreth, three-scoir ninetene zeires: And all and quhat-sum-ever Actes of Parliament, and statutes maid of before, be his Hienesse, and his Regentes; Anent the libertie and freedom of the said Kirk: And speciallie, the first Acte of the Parliament, halden at *Edinburgh*, the twentie foure daie of *October*, the zeir of GOD, ane thousand, five hundreth, four-score ane zeires, With the hail particular Actes there mentioned: Quhilk fall be als sufficient, as gif the amin were here expressed: And all uther Actes of Parliament maid sene sine, in favour of the trew Kirk: And sli-like, ratifies and appreevis, the generall Assemblies appoynted be the said Kirk: And declaris, that it fall be lauchfull to the Kirk and Ministers, everie zeir at the least and oftner *pro re nata*, as occasion and needessitie fall require, to hald and keepe generall Assemblies: Providing that the Kings Majestie, or his Commissioners, with them to be appoynted, be his Hienesse, be present at ilk generall Assemblie, before the dissolving thereof, nominate and appoynt time and place, quhen and quhair the nixt generall Assemblie fall be halden: and in-case naither his Majestie, nor his said Commissioners, beis present for the time in that Toun, quhair the said generall Assemblie beis halden: Then and in that case, it fall be lesum to the said generall assemblie, be themselves, to nominate and appoynt time and place, quhair the nixt generall assemblie of the Kirk fall be kept and halden, as they have bene in use to do their times by-past. And als ratifies and appreevis, the Synodall and Provinciaill Assemblies, to be halden be the said Kirk and Ministers, twise ilk zeir, as they have bene, and ar presentlie in use to do, within everie Province of this Realme: And ratifies and appreevis the Presbyteries, and particular Sessiones, appoynted be the said Kirk, with the hail jurisdiction and discipline of the same Kirk, agreed upon be his Majestie in conference had be his Hienesse, with certaine of the Ministers, convened to that effect: Of the quhilkis artickles, the tenour followes. MATERS to be intreated in Provincial Assemblies: Their assemblies ar constitute for weichtie maters, necessar to be intreated be mutual consent, and assistance of brethren, within the Province, as neede requiris. This assemblie hes power to handle, ordour, and redresse, all things omitted or done amisse in the particular assemblies. It hes power to depose the office-beareres of that Province, for gude and just cause, deserving deprivation: And generallie, thir assemblies hes the hail power of the particular Elderschippes, quhair if they ar collected. MATERS to be intreated, in the Presbyteries. The power of the Presbyteries is to give diligent laboures in the boundes committed to their charge; That the Kirkes be kept in gude ordour, To inquire diligentlie of naughtie and ungodlie persons: And to travel to bring them in the way againe bee admonition, or threatening of Gods judgements, or be correction. It appertaines to the Elderschippe, to take heede, that the word of God be purelie preached within their boundes: The Sacramentes richtlie ministred, the Discipline intertained: And Ecclesiastical guddes uncorruptlie distributed. It belangis to this kinde of Assemblies, to cause the ordinances maid be the Assemblies Provinciales, Nationales, and generalles, to be kept and put in execution, to make constitutions, quhilk concernis *re spectu* in the Kirk, for decent ordour, in the particular Kirk, quhair they governe: Providing that they alter na rules maid be the Provincial, or General Assemblies: And that they make the Provincial Assemblies foresaid, privie of the rules that they fall make: And to abolish constitutions, tending to the hurt of the same. It hes power to excommunicate the obstinate, formal Proces being led, and dew interval of times observed. ANENT particular Kirks, gif they be lauchfullie ruled, be sufficient Ministerie and Session. They have power and jurisdiction in their owen Congregation, in maters Ecclesiastical. And decernis and declaris the saides Assemblies, Presbyteries, and Sessiones, Jurisdiction and Discipline thereof foresaid, to be in all times cumming maist just, gude, and godlie in the selfe, Norwithstanding

standing of quhat-somever Statutes, Actes, Canone, Civill, or Municipal Lawes, made in the contrare. To the quhilkis and everie one of them, thir prelates sall make expresse derogation: And because there ar divers Actes of Parliament, maid in favour of the Papistickall Kirke, tending to the prejudice of the libertie of the trew Kirk of God, presentlie professed within this Realme, jurisdiction and discipline thereof: Quhilk stands zit in the buikes of the Actes of Parliament, nocht abrogated nor annulled: Therefore his Hiennesse, and Estaites to-forsaid, hes abrogated, cassid, and annulled, and bee the tenour hereof, abrogatis, cassis and annullis all Actes of Parliament maid be onie of his Hiennesse Predecessours, for maintenance of superstition and idolatrie, with all and quhat-somever Acts, Lawes and statutes, maid at ony time, before the daye and daie hereof, against the libertie of the trew Kirk, jurisdiction and discipline theirow, as the samin is used and exercised within this Realme.

And in speciall, that part of the Act of Parliament, halden at *Strivling*, the fourth day of *November*, The zeir of God, and thousand, four hundreth, fourtie three zeires, commaunding obedience to be given to *Eugenius the Paipe* for the time: The Act maid be King *James* the thrid, In his Parliament halden at *Edinburgh*, the twentie four day of *Februar*: The zeir of God, and thousand, four hundreth, four foir zeires. And all utheris Actes, quhairby the *Paipis* authoritie is established. The Acte of King *James* the thrid, in his Parliament halden at *Edinburgh*, the twentie daye of *November*, the zeir of God, and thousand, four hundreth, threefoir nine zeires, anent the Satterday, and uther vigiles to be halie-daies, from *Even-fang* to *Even-fang*.

ITEM, That pairt of the Act, maid be the *Queene Regent*, in the Parliament halden at *Edinburgh*, the first day of *Februar*: The zeir of GOD, and thousand, five hundreth, fiftie and zeires, giving speciall licence, for halding of *Pasche* and *Zule*. ITEM The Kingis Majestie and Estaites, foresaidis, declaris, that the 129. Acte of the Parliament, halden at *Edinburgh*, the xxij. day of *Maij*, the zeir of God, and thousand, five hundreth, fourfoir, four zeires, sall na wise be prejudiciall, nor derogate onie thing to the privilege that God hes given to the spirituall office-bearers in the Kirk, concerning heads of Religion, maters of Heresie, Excommunication, collation or deprivation of Ministers, or ony sik-like essentiall censours, speciallie grounded, and havand warrant of the word of God. ITEM Our Sovereine Lord, and Estaites of Parliament foresaidis, abrogatis, cassis, and annullis, the Act of the same Parliament, halden at *Edinburgh*, the said zeir, and thousand, five hundreth, fourfoir four zeires, granting commission to Bischoppes, and utheris Judges, constitute in Ecclesiasticall causes, to receive his Hiennesse presentations to Benefices, to give collation thereupon: and to put ordour in all causes Ecclesiasticall: quhilk his Majestie and Estaites foresaidis, declaris to be expired in the selfe, and to be null in time cumming, and of nane availl, force nor effect. And therefore ordainis all presentations to Benefices, to be direct to the particular Presbyteries, in all time cumming: with full power to give collation thereupon: And to put ordour to all maters and causes Ecclesiasticall, within their boundes, according to the discipline of the Kirk: Providing the foresaid Presbyteries be bound and astrictid, to receive and admitt quhat-somever qualified Minister, presented be his Majestie, or laick patrones.

115. *Un-qualified persones being deprived, the benefice vakis, and the Patron not presentand, the richt of presentation perteinis to the Presbyterie, but prejudice of the tacks, set be the person deprived.*

OUR SOVERAINE LORD Considering the great abuses quhilkis ar lairlic croppen in the Kirk, throw the misbehaviour of sik persones, as ar provided to Ecclesiasticall functions: Sik as Parsonages and Vicarages, within onie Parochin, and thereafter neglecting their charge, ather leave their cure, or els commitris sik crimes, faultes, or enormities, that they ar found worthie of the sentence of deprivation, ather before their awin Presbyterie, or else before the Synodall or Generall assemblies. Quhilk sentence is the lesse regarded be them, Because albeit they be deprived of their function and Cure within the Kirk: zit they thinke they may bruk lawfullie the profitis and rentes of their saidis benefices, induring their life-rentes: Notwithstanding the said sentence of deprivation: Therefore, OUR SOVERAINE LORD, With advise of the Estaites of this present Parliament, declaris, that all and quhat-somever sentences of deprivation, ather pronounced already, or that happens to be pronounced hereafter, be onie Presbyterie, Synodall, or Generall assemblies, against onie Parson or Vicar, within their Jurisdiction, provided sen his Hiennesse Coronation: All Parsones, provided to Parsonages and Vicarages, quha hes voit in Parliament, seccit Connell, and Session, or provided thereto auld, before the Kingis Coronation, (And Maister *George Young*, Arch-deane of *Saint-Andrewes*, being speciallie excepted) is, and sall be repute in all Judgements, and just cause to seclude the parson before provided, and then deprived from all profitis, commodities, rentes and dewties of the said Parsonage and Vicarage, or benefice of Cure: And that ather bee way of action, exception or reply. And that the said sentence of deprivation, sall bee an sufficient cause to make the said Benefice, to vake thereby. And the said sentence being extracted, presented to the Patrone, the said Patrone sall be bound to present an qualified person of new to the Kirk, within the space of sex Moneths thereafter: And gif he failzie to do the same, the said Patrone sall sine the richt of presentation, for that time allanerlie: And the richt of presentation to be devolved in the handes of the Presbyterie, within the quhilk the benefice lies: to the effect that they may dispone the same, and give collation thereof, to sik an qualified

qualified person, as they shall think expedient. Providing alwayes, in-cas the Presbyterie refusis to admitt onie qualified Minister, presented to them be the Patrone: It fall be lauchfull to the Patrone, to retaine the hail fruites of the said Benefice in his awin handes. And furder, his Hieneffe and Estaies foresaidis, declairis that the deprivation already pronounced, or to be pronounced, be onie Presbyterie, Synodall, or Generall assemblies, against onie of the Parsones or Vicars foresaidis, fall na-wayes hurt, or be prejudiceall to ony tackes, lawfullie sett be that Person deprived, before his deprivation, to quhat-sum-ever persones.

116. *Anent Manfes and glebes in Cathedrall and Abbaie Kirkes.*

OUR Sovereine Lord, With advife of the Estaies of this present Parliament, statutis and ordainis: That the Acts of Parliament maid of before, anent Manfes and Glebes, to be given to Ministers of Gods halie Evangell, within this Realme, fall be understand and extended to all Abbayes, and Cathedrall Kirkes, within this Realme, quhair na uther Manse nor Glebe, perteing to Parson or Vicar, was of before: Swa that the Ministers presentlie admitted, or quhilks hereafter fall happen to be admitted, to the Office or Cure of the Ministerie, within the said Kirk, fall have ane sufficient Manse and dwelling place, within the precinct of the Abbaie quhair he servis: Togidder with foure acres of land, of the best and maist commodious, lyand *contigue*, and maist ewest to the said Manse, quhilke perteinis, or in onie time of before pertained, to the said Abbaie, or onie member thereof: Quhiddir the famin land lye within the said precinct, or without the fame, gif there be fa meikle, as may extend to the quantitie of foure acres, to be designed, inhabit, occupied, laboured, manured; conforme to the tenour of the Acte of Parliament, maid of before, anent Manfes and Glebes, to be given to the Ministers of Gods word, within this Realme: with speciall provision, that it fall be in the option of the Abbotes, Piores, and utheris Prelates and persones quhat-sum-ever, sewares of the saidis Cathedrall, and Abbaie places: ather to grant ane Manse to the Minister, within the precinct of their place: Or else, ane sufficient Manse, lyand als ewest and commodious to the Paroche Kirk.

117. *Ane woman divorced for her adulterie, may not annalie or dispone her lands or possessions, in prejudice of the bairnes, gotten the time of her marriage, or of her uther aires quhat-sum-ever.*

IT is statute and ordained be our Sovetaine Lord, and Estaies of this present Parliament, that quhen-so-ever ony woman is, or hes bene divorced fra her lauchfull spouse, for her awin fault and offense of adulterie: And compleitis unlawfull and pretended mariage with the same person, with quhom she committed the said offence, or plainly and openlie dwellis and resortis in companie with him at bed and buird; gif she have ony lands, heritage, tackes, rowmes or possessions: It fall not be lauchfull for her to dispone, annalie, or put awaie the famin, in all, or in part, ather to her said pretended husband and adulterer: or to the succession proceeding of that pretended mariage, or carnal deale: nor to quhat-sum-ever uther person or persons, in prejudice and hurt of the aires and succession, procreat upon the said first lauchfull mariage: or failzieng of them, of her uther lauchfull aires quhat-sum-ever, nor to do onie deed, directly nor indirectly, that may hurt and prejudice them therein: and declairis and ordainis, that the aires and successours of her, procreat in the said first lauchfull mariage; and failzieng of them, her uther lauchfull aires quhat-sum-ever, ar and fall be able to succcede to her after her decease, in the saidis landes, heritage, tackes, and possessions: Notwithstanding anie alienation or disposition maid in onie time by-gane, or to be maid hereafter in the contrair, quhilks pretended alienations and dispositions, maid or to be maid, in maner foresaid; our Sovereine Lord, and Estaies of Parliament, decernis and declaris to have bene, and to be null from the beginning, and ordainis the said nullitie to be received and admitted, by way of exception or reply: But ony processe or summounds of reduction, alswell before the Lordes of Councell and Session, as before the inferior Judges, in service of brives, and all uther actiones and causes, quhair-ever the famin may occur: And ordainis this present constitution, to have full effect, anent all dispositiones and alienationes foresaidis: gif onie be maid, sen the Parliament halden be our Sovereine Lord, after his persite age of xxj. zeires compleit, in the Moneth of *Julij*, the zeir of God, 1587. zeires.

118. *All committers of slaughter, within Kirkes or Kirk-zairdes, and receipters of them, after declaratour, tines their life-rentes.*

IT is statute, ordained and declared, that quhat-sum-ever person or persones committis slaughter within onie Kirk or Kirk-zaird, the time of the Prayer, preaching, or ministratoun of the Sacramentes; That person or persones, committers of the said slaughter, being ather denounced rebelles, or declared fugitive for the same; The Kingis Majestie fall have full power, not onlie to dispone upon them, their simple escheit of movables: but alsua upon the life-rent of all and quhat-sum-ever their landes, livinges, tackes, teindes, rowmes or possessions &c. And declaris, that quhat-sum-ever person or persons, fall happen to receipt ony of the saids persons, quha beis denounced rebelles or fugitive, for the saids slaughters, committed within the saides

saidis Kirks or Kirk-zairds, declaratour being first past upon their said receipt. The receipters of them shall incur the same paine and tinfall of their lyfe-rentes.

119. *Erection of Kirk-landes and teindes in temporall Lord-shippes; is forbidden.*

THE Kingis Majestie and Estaites of this present Parliament, for eschewing of the great inconvenientes likelie to arise, throw erection of temporalities and teindes of Kirk-land, in temporall Lord-shippes, and livinges to the prejudice of the Kirk, and hurt of his Majesties Estaire, and priviledge of his Crown: Ordainis and declaris that na erectiones of the foresaides Lands and teindes, maid sen the Act of annexation, shall be ratified or given in this Parliament, nor in na time hereafter: And in case ony erection happenis to be obtained in onie time cumming, The Kingis Majestie and Estaites foresaidis, declairis the same to be null, and of nane effect in the selfe, except and alwayes, like as our said Sovereine Lord, and Estaites abone writen, expressly exceptis and reservis all erectiones, charters, and infestmentes. granted be his Hienes, offik pairties and portiones of the Kirk-landes, already erected in temporall Lord-shippes and Baronnies, to sik person, or persones, as hes already, sen the said lait Act of annexation, received the honours, ordours and Estaites of Lords of Parliament, be the solemne forme of beisting, and uthers Ceremonies observed in sik causes, and hes senfine entered and sitten in Parliament, as temporall Lordes voited in Parliament, and Articles, received and admitted to that effect.

120. *Sayers of Messe, Jesuites, Seminarie-Priestes, trafficking Papistes, and receipters of ony of them, committis treason.*

THE Kingis Majestie, and Estaites of this present Parliament, ratifies and appreis, all and quhatsumever Actes of Parliament, secret Councell and Proclamations, maid of before, against *Jesuites, Seminarie-Priestes*, and trafficking *Papistes*, and receipters of onie of them: And decernis and declaris, that in all time cumming, the saying of *Messe*, receipting of *Jesuites, Seminarie-Priestes*, trafficking *Papistes*, against the Kingis Majestie, and Religion presentlie professid within this Realme; Is, and shall be ane just cause, to infer the paine and crime of treason, baith against the *Jesuites, Messe-Priestes*, trafficking *Papistes*, and receipters of them. Providing howsoone the *Jesuites* and *Seminarie-Priestes*, falsifies the Prince and the Kirk, the foresaid penaltie na-wise to strike against the saidis receipters.

121. *Ratification of the Act maid in Februar, 1587. In favoures of the Ministers, Their stipendes and rentes.*

OUR Sovereine Lord, and haill Estaites of this present Parliament, ratifies, appreis, and confirms the Act maid be his Hienes, with advise of the Lordes of secreit Councell, Seission and checker, upon the xiv. day of *Februar*, the zeir of God 1587. zeires; In favours of the Ministry, their stipendes and rentes: And decernis and declaris, the samin to have the strength, force and effect, of ane Law and Act of Parliament, in all times cumming: And al Judges within this Realme, to proceede, decide, and Minister Justice in all actiones and causes, concerning the saidis Ministers, their assignationes, stipendes and rentis: According to the forme, tenour and contents of the said Act in all poyntes, quhair of the tenour follows. At *Edinburgh*, the xiv. daye of *Februar*, the zeir of God, ane thousand, five hundreth, fourscore seven zeires: For-sameikle as in the Moneth of *December*, the zeir of God, 1561. zeires, soone after the arriving of our Sovereine Lordis dearest Mother, out of the partes of *France*, within this Realme: Consultation being tane be her Majestie, with the advise of the Lordes of her secreit Councell, and uthers of the Nobility then present, anent the provision of the Ministers, to reasonable and competent livingis and support of the publick affaires of the Realme: And to that effect, conference being had with the Prelates, & uthers of the Ecclesiasticall Estaire: Quhais offeres being heard and considered; It was concluded, decerned and ordained; That gif the feird part of the fruites of the haill benefices Ecclesiasticall, within this Realme, might be sufficient to susteine the Ministers, throw-out the haill partes thereof, and support of the Prince: To entertaine and set for-ward the commonn affaires of the Countrie: And failzieng thereof, the thrid part of the saidis fruites and mair: quhill it were sufficient to the effect foresaid, shuld be zeirly up-taken in time cumming, to be employed to the twa uses abone specified alianerlie. And thereafter, in the Parliament halden the first zeir of our Sovereine Lordis Reigne; It was statute and ordained, that the haill thriddes of Benefices within this Realme, shuld then instantlie in all times cumming; thereafter, first be payed to the Ministers of the Evangell, and their Successours: And they first being answered of their stipendes, pertaining to everie ane of them, the rest and *super-plus*, shuld be employed to our Sovereine Lordis use, quhair-throw the samin become, as an inviolable Law. And be vertue thereof, his Hienes, and his unquhile dearest Mother, was in peaceable possession of the saidis thriddes of Kirkes and Friers-landes: Swa that thereby the Ministers of Gods word, was reasonably provided and ane gude part of the publick affaires, honestlie susteined. And albeit the plaine wordes of the saidis Acts, manifestlie declairis the use, effect and mention thereof, to have tended to na uther fine, bot that the Ministerie shuld be reasonable susteined, and the charge of the publick affaires sufficientlie entertained: Zit nevertheles, throw inoportune suites of sum persones, mair respecting their awin particular profitis, then ather the

the sustentation of the Ministers, or his Hienes honourable Estait, and the common weill of the Realme: His Hienes, and his unquhile dearest Mother, hes bene moved to make disposition of the said *super-plus* in pension, or to discharge and give the same free, to certaine possessours of benefices: Or to make tackes and assedations of the same thrides, common Kirkes, Friers-landes, and rentes thereof: Quhairthrow there remains litle or nothing to be disposed on, ather to be modified, assigned and appoynted for livings and stipendes, for sik qualified persones, as God may raise up hereafter meete to enter in the function of the ministerie, or to supplie the publick affaires of the Estait of his Hienesse Realme.

For avoyding of quhilk inconveniences; albeit diverse revocations of the saidis giftes, tackes and dispositions, hes bene maid before, and namelie be his Hienesse unquhile dearest Mother, after her perfit age, in the Moneth of *September*, ane thousand, five hundreth, threcore sex zeires: And thereafter be his Hienesse, with advise of the Regenes for the time, in the Moneth of *August*, the zeir of God, ane thousand, five hundreth, threcore threttene zeires: As alsua in the Parliament, halden at *Edinburgh*, the zeir of God 1581, and 1584. zeires. And last of all, in the Parliament, halden after his Hienes perfit age of twentie ane zeires compleit, in the Moneth of *Julij*, last by-past. By the quhilk revocations, *respectfive* foresaidis; It is founden also be his Hienesse dearest Mother, after her perfit age: As likewise be his Hienesse selfe, and three Estaites convened in Parliament: That the saidis thrides of benefices, and *super-plus* thereof, common Kirkes, Friers-landes, and rentes being assumed and taken in his Hienesse handes, for sustentation of the Ministerie, and support of the publick affaires, might not be disposed nor given uther-ways, but applyed to the same use and effect, tharthey were obtained to, at the beginning: And that speciallie, in respect that there can be na *super-plus* of the saidis thrides, unto the time that the saidis Ministers had bene sufficientlie placed and provided of their stipendes: Quhilks being variable from zeir to zeir, the condition alsua of the saidis *super-plus*, behooved to be incertaine, and consequentie culd not be disposed but from zeir to zeir: And that after the saidis Ministers assignation, and sufficient provision of his Majesties house, quhilk was speciallie meant and understand, under the name of the said publick affaires: And therefore, all sik giftes, Pensiones, tackes and dispositions of the saidis thrides, common Kirkes, Friers-landes, and rentes thereof, granted be his Hienesse dearest Mother, or be his Majesties selfe: Or utherways be his Regentes, alsweill confirmed in Parliament, as un-confirmed, be expresse wordes of the saidis Revocations confirmed in Parliament, ar decerned and declared to be of nane avail, force nor effect, but onie declaratur or processe of reduction, as the samin in themselves, at mair length proportis: Zinneverthelesse, the said revocation, be the samin, as before, hes bene evacuate and frustrate, and the saidis giftes and dispositions partelie ratified, in his Hienesse last Parliament, partelie renewed after his Hienesse perfit age, to the same persones, and utheris of the like qualitie, quhairthrow the first intencion of the said Actes, is likelie to be frustrate in all times cumming: Like as also, first be Act of secreit Councell, and nixt be Acte of Parliament; It is statute and ordained, that all Benefices of cure, under Prelacies, fall be presented be his Hienesse, and the laick patrones, in favour of the able and qualified Ministers, apt and able to enter in that function, and to discharge the dewtie thereof: Quhilk in like-wise, hes rane na effect: But contrair the expresse statute and meaning thereof, the saidis benefices hes bene disposed to bairnes, and utheris persones, altogether un-able for the said office and function: Sum-times be disposition, and utherwise be fraudfull resignation, of the usu-fructuaries, with provision neverthelesse, that the samin fall remaine with the usu-fructuaries, during their life-times, expres against all gude Lawes received in any aige of before: Swa that the onelie twa means of the advancement of the glorie of God, quhilk consistis in the saidis thrides, common Kirkes, and dispositions of the samin small benefices; Is be the malice of inconsiderat persones, alluterlie subverted, quhairby great confusions hes entred, and diverse inconvenientes like to follow, giftinuous and substantiall remeid be not provided: FOR remeid quhairof, and reformation of the saidis abuses of the thrides, common Kirkes, Friers-landes, and rentes; and reducing of the samin to their first institution: OUR SOVERAINE LORDE, with advise of the Lordes of his Hienesse secreit Councell, Session and Checker, all in ane voice, findis and declaris, that the thrides of Benefices, common Kirkes, Friers-landes, and rentes, being onlie destinat to the twa uses abone specified, according to the saidis Actes of Councell, Parliament and revocation foresaidis following thereupon, might be disposed, given or employed na utherways, bot to the said use and effect, for the quhilk they were appoynted at the beginning. And sik-like, that na pensions, tack, or life-rent, of the said *super-plus*, or onie common Kirkes, might or may be disposed in time cumming, for onie langer space, nor the space of ane zeir: And that after the making of the zeirly assignationes of the Ministers stipendes, and sufficient provision, for susteinung of his Majesties house zeirly. And therefore decernis and declaris, all and quhat-sumever pensions, life-rentes, and racks purchased, or to be purchased (Quhairby the saidis thrides, *super-plus* thereof: or the first and best rentalles of the common Kirkes, Friers-landes, and rentes abone writen, hes bene diminilhed or altered, sen the last assumption of the saidis thrides) granted ather be our SOVERAINE LORDIS dearest Mother, or be his Hienesse selfe, to quhat-sumever person or persones, upon wrang report and importune suites, without onie cognition, preceeding of the sustentation of the Ministers, within this Realme, and sufficient provision for susteinung of his Majesties house, to have bene from the beginning, and to be in all time cumming, of nane avail, force nor effect: Notwithstanding quhat-sumever confirmation, or ratificationes following there-upon; and therefore ordainis the Collectour

generall

generall be himselfe, his Chalmerlaines, and under-receivers in his name; to aske, crave, receive, intromet with, and up-take, all and haill, the thrids of Benefices, within this Realme, un-assigned to the ministerie, togidder, with the haill commoun Kirks, Friers landes and rentes thereof, quhair the first and best rentalles ar altered or diminished, sen the first assumption of the saidis thrides, of this instant cropp, and zeir of God 1587. zeires; And sik-like zeirlic in time cumming, according to the rentalles maid compt of, in the zeir of God, 1584. zeires. And last assumption thereof. And gif the saidis thrides be diminished and hurt in onie wise, be the saidis last rentalles and assumption thereof, sen the first assumption of the saidis thrides, maid compt of, in the zeir of God, anethousand, five hundredth, threecore and zeires: Ordainis the said Collectour, to have recourse to the first assumption: Forsamikle as the famin ar diminished be the last assumption: And to charge for the famin, without respect of onie pension, tack, life-rent, or discharge of the saidis thriddes, *super-plus*, or onie part thereof, or of the saidis commoun Kirkes, Friers landes, or rentes of the famin, altered or diminished in the rentalles, sen the first assumption of the thriddes, as said is. And sik-like, ordainis, that the Lordes of Councill and Session, fall na-wayes grant onie suspension or relaxation fra the horne, to onie person or persones, charged or denounced for payment of the saidis thriddes, commoun Kirkes, and utheris foresaidis, altered or diminished fra the first and best rentalles, as said is, quhill the summes and victualles charged for, be first payed to the generall Collectour: Notwithstanding of quhat-sumever pension, rack, life-rent or discharge, purchased, or to be purchased of the saidis thriddes, commoun Kirks, and Frier-landes, and utheris rentes petteining thereto (quhair the first and best rentalles ar altered or diminished, as said is) of this instant crop, and zeir of God 1587. zeires. And sik-like zeirly, and termely in time cumming: but that they halde, repute and esteeme of the same, as null in the selfe: and the said nullitie to be received, alsweill be way of exception and action, but prejudice nevertheless of quhat-sumever infestmentes heretable, granted be our Sovereine Lord, quhairby the condition of the saids thrides, ar altdred or diminished. And albeit the tacke maid to the bairnis lauchfull & naturall, of *Robert Earle of Orkney*, of the thrids of the Abbaie of *Halyrude-houfe*, fallis, and is declared null: Nevertheless, his Hienes, willis and ordainis, *Adam Bishop of Orkney*, now havand the possession of the famin thrids, be tittle of the saids bairnes, still to possesse & bruik the famin thrids, Attour the zeirlic summe paid furth of the same, to the Ministers of the Kirkes of *Halyrude-houfe*, thir zeires by-gane: In consideration that he hes transferred the richt of the warrandice, competent to him, in the person of our Sovereine Lord: for quhilk his Hienes commands the said Collector, to charge & make compt & payment this present zeir & crop, 1587. zeires, & in time cumming. Attour, his Hienes, decernis & ordainis all gites & dispositions of benefices of cure, under prelaties, given or presented, sen his Hienes Coronation, to sik persons as ar not in the function of the Ministerie, or able to discharge the dewtie thereof, according to the act of Parliament maid thereanent: quhiddre the saidis benefices vaikis be decease, or dimission, to bee likewise null fra the beginning; And to be in all time cumming, of nane availle, force nor effect: And the said nullitie, to be received bee quhat-sum-ever Judge, alsweill be way of exception, as action, notwithstanding, ony dispensation or act of Parliament, to be maid in the contrair: Exceptand alwaies, the Benefices disposed to the Senatours of the College of Justice, and quhilkis ar laick paronages, the famin being alwaies provided to qualified persones; Conforme to the act of Parliament, maid thereanent: And the Arch-deanrie of *Saint-Andrewes*, provided to Maister *George Young*, his Hienes Secreatr depute.

122. *The mercattes quhilkis ar forbidden on the Sabbath-day, may be halden upon the oulk dayes.*

OUR SOVERAINE LORDE, and Estaites of this present Parliament, decernis and declaris; That it fall be leasum to all Tounes and Parochiners to Landward, quhair mercattes of before were keeped and halden upon the Sabbath-day (being now prohibite be the Law of God, and Lawes of this Realme, swa to continue) to elect and choose ony uther day in the oulk, for halding of the saidis mercattes, within the saidis tounes, and at Landward Kirkes, quhair they were accustomed to have mercattes of before (not being the Mercatte day of the next Burgh) And there to buy and sell vivers, and sik uther commodities, as were used upon the Sabbath-day, without stop or impediment: Alwaife without prejudice of the richt and libertie of his Hienes free Burrowes: And that letters be directed thereupon, gif neede beis, in forme as effeiris.

123. *Quha hes not given Confession of their Faith, sall not enjoy the benefite of the act of Parliament.*

OUR SOVERAINE LORD And Estaites, remembring the lait civill troubles within this Realme, and that for pacifieng thereof, there hes bene sinderie gud constituciones and actes of Parliament, maid and set downe: Sik as the act of Pacification, concluded at *Perth*, in the Moneth of *Februarie*, M. D. LXXII. thereafter ratified in the Parliament, halden at *Halyrude-houfe*, in the Moneth of *April*, M. D. LXXIII. zeires: The act of Abolition, in the Parliament, halden at *Linlithcow*, in the Moneth of *December*, 1585. zeires: And the act maid in the Parliament halden at *Edinburgh*, in the Moneth of *Julij*, anethousand, five hundredth, four score seven zeires: Ratifieng the foresaidis acts of Pacification and Abolition. Quhilkis haill actes and constituciones, were onelie maid and granted, in

favoures of sik perſones, quha profeſſed the trew Religion; As the ſamin is preſentlie profeſſed within this Realme: And that heſe acknowledged our ſaid Sovereine Lord, and his Hienes authority. And to the effect, that the benefite and commoditie of the ſaidis actes, be not extended in favour of onie perſon or perſones, quha profeſſis not the trew Religion, as the ſamin is preſentlie profeſſed within this Realme, and heſe nor acknowledged our ſaid Sovereine Lord, and his Hienesse authoritie: Therefore our ſaid Sovereine Lord, with adviſe and conſent of his ſaidis Eſtates, and haill bodie of this preſent Parliament, findis, decernis and declaris, that the foreſaid act of Pacification, maid and concluded at *Perth*, and ratified thereafter in Parliament, as ſaid is: The acte of Abolition, maid at *Linlithgow*, in the Moneth of *December*, ane thousand, five hundred, fourſcore five zeires: And the act maid in the Parliament, halden at *Edinburgh*, in the Moneth of *Julij*, 1587. zeires: Ratifiand the ſaidis actes, with the haill eikes maid thereto, ar onely extending, and maid in favour of ſik perſons, quha profeſſis the trew religion, as the ſamin is preſently profeſſed within this Realme: and heſe acknowledged his Hienes authority: And that na perſon nor perſons, quha wer foreſalted, convict of barratrie: or quha tint their benefices or penſions, *ipſo facto*, may be heard to ſeek the benefite of the ſaidis acts, or ony of them: or to uſe onie reſtitution, or ratification thereof, before that they profeſe the trew religion, as the ſame is preſentlie profeſſed within this Realin, and acknowledge our ſaid Sovereine Lord, and his authoritie: And this act, not onlie to be extended againſt all perſons, quha heſe bene foreſalted, convict of barratrie, and tint their benefices *ipſo facto*, at onie time before the dait hereof: But alſo to all perſones, that ſhall happen at onie time, hereafter, to be foreſalted, convict of Barratrie, or lauchfullie fine and amit their benefices and penſiones.

124. *Anent the dewtie of Schireffes and Judges ordinar, their deputies and Clerkes.*

FOR Remeid of the great contempt, diſordour and wrang, quihill heſe bene in diſverſe partes of this Realme, in default of keeping and execution of the gude lawes and actes of Parliament maid of before, be the Schireffes, and uthers Judges ordinar, their deputies and Clerkes: It is ſtatute and ordained, be our Sovereine Lord, with adviſe of his Eſtates in Parliament: that the ſaidis Schireffes and uthers Judges ordinar, alſweill to burgh, as to land, within regalitie as royaltie, do their exact diligence, to know and underſtand the Lawes of this Realme, and actes of Parliament, quhair of the execution is committed to their charge: And that they put the ſamin in execution without delay, after the end of this preſent Parliament, ſpecialie in ſearching, ſeeking, following, perſewing, apprehending, committing to waerd, and preſenting to Juſtice of declared traitoures and rebelles, contemnandlie remaining at the horne, and ſtandard regiſtrate in their awin buikes unrelaxed, or in doing of Juſtice, upon them, gif they have commiſſion to that effect: And gif they cannot apprehend the ſaidis traitoures and rebelles, within the bounds of their awin juſdiction, to make denunciation to the Schireffes and Judges ordinar, of the ſoure halves about, that ſik perſons aſſed within their bounds, requiring them to uſe the like diligence, in ſearching and apprehenſion of them: as they will anſwere to his Maſteſtie, at their perrell, and under the ſame paine, that the traitoures or rebelles heſe incurred. In inquiring, ſearching and apprehending offornars, oppreſſours, ſtrang vagaboundes, and beggars, wandring athort the Realme, on pretenſe that they ar ſchip-broken or baniſhed for ſlaughter, or uther odious offeſes: Or ar of the diſſimular thieves and abuſers, calling themſelves *Egyptians*. In execution of Juſtice, in all civil cauſes belonging to their judgement, without partialitie or needies delayes. In extraſting of Proceſſes, decreets, and giving of ſeaſinges and retoures, at reaſonable prices, without exorbitant extortion. In bringing of their court buikes, with the compr of eſcheittes, and un-lawes, intrometted with be them zeirlic, to the checker. In making of their Deputes and Clerkes, of men of beſt fame, knawledge, underſtanding and experience, that may and can uſe the office, quha ſhall be aſtricted to bring their regiſters, of ſeaſinges, hornings and regiſtrationes, to the checker, and his Hienes Theſaurer, as is cōtreined and ordained in the actes of Parliament, maid there-anent of before. And that the ſaidis Schireffes and uther ordinar Judges, may the better execute and do their dewtie in the premiſſes: Our Sovereine Lord, with adviſe of his Eſtates in this preſent Parliament, ratifies and apprievis all liberties, privileges, regiſtrationes, fees, and commodities, granted to them, their Deputes and Clerkes, be his Hienes, or his Progenitours of before, they alwaies findand gud ſovetrie, in his Hienes nixt checker, for diſcharging of their office dewtifulle, and making of their compts zeirlic in the checker, at the diettes appoynted thereto: and that they ſhall nawaies ſuffer themſelves to be denunced to the horne, in default thereof: But that they ſhall ſend their deputies, anor maa, and Clerk zeirlic at the firſt day of *November*, to be examinat and admitted, be the Lords of Councell and Seſſion, under pecunial paines, at the Lordes modification, to be paid be them, to our Sovereine Lordis uſe, in-caſe of failzie, with certification to them, that git the ſaid ſovetrie be not found betuixt and the end of the nixt checker, they ſhall be denunced rebelles, and put to the horne: and thence furth, all his Hienes ſubjects, within their juſdictiones ſhall be excecmed fra their offices, and juſdiction: And attour declaris and ordains all precepts furth of the Chancellerie upon retoures to be paſt in the auld maner to the Schireffe, and uthers Judges ordinar, with the claufe, *capiendo ſecuritatem*, un-urgeand the partie with preſent payment, in-caſe the ſaid ſovetrie be found, as ſaid is.

125. *The office of the Lyon King of Armes: of execution of letters of treason: of the admission and number of the officers of armes.*

OUR Sovereine Lord, and Estaits of this present Parliament, considering the great abuse that hes bene amongst the lieges of this Realme, in their bearing of armes, usurpand to themselves sik armes as belongis not unto them: swa that it cannot be distinguished be their arms, quha ar Gentlemen of bluid, be their antecessors: nor zit may be discerned, quhat Gentilmen ar descended of Noble stock and lineage. FOR remeid quhairof, his Hienesse with advyse of the saidis Estaits, hes given and granted: And be this present Acte, gives and grantis, full power and Commission, to *Lyon* King of Armes, and his Brether Heraldes, to visite the hail Armes of Noble-men, Barronnes and Gentle-men, borne and used within this Realme: And to distinguish and discerne them, with congruent differences, and thereafter to matriculate them in their buikes and registers: and to put inhibition, to all the commoun sort of people, nocht worthie be the Lawe of Armes, to beare onie signes armorialles: That nane of them presume, or take upon hand, to beare or use onie Armes, in time cumming, upon onie their insicht or houlhald geare, under the paine of escheitring of the guddes and geare, swa oft as they fall be found contravening this present Act, quhair-ever the samin Armes fall be founden graven and painted, to OUR SOVERAINE LORDIS use: And like-wayes under the paine of ane hundredth pundes, to the use of the said *Lyon*, and his Brether Heraldes: And failzeing of payment thereof, that they be incarcerated, in the narrest prison, therein to remaine upon their awin charges, during the pleasure of the said *Lyon*.

ITEM, Becaus the charges of treason, hes not bene execute and used, with sik solemnitie and Officers of Armes, as the weichtines thereof requires: It is statute and ordained, that our Sovereine Lordis Thesaurer, and utheris directers of sik letters, deliver them in time cumming, to be execute be the ordinar Heraldes and Pursevantes, beand coattes of armes, or Masers, to bee used be them, as of before: And gif ony execution, under the paine of treason fall be execute utherwaies, declaris the execution to be null, and of nane availle.

ITEM, In consideration of the great abuse of Messengers and of Officers of Armes within this Realme, quhilkis for the maist part ar not qualified, for using of the said office, being admitted be extraordinar and importune suites: be quhaus abuse, the Lieges of this Realme ar heavilie troubled and oppressed: Therefore it is statute and ordained, that the said King of Armes, be advyse of the Lordes of Councill and Session, deprivie and discharge, all sik Officers and Messengers of Armes, as he fall finde unworthie of the office. And take sicker foverrie of the remanent, for observation of their Injunctiones in time cumming: With power to the said King of Armes, with advyse of the saidis Lordes, to injoyne further necssar injunctiones to the saidis messengers, for keeping of gude ordour in their offices: dischargeing him in the mean-time, to admit ony ma Officers hereafter, quhill the hail messengers, presentlie bearing armes, be reduced be death or deprivation, to the number contained in the acte of Parliament, maid anent the confused number of Officers of armes.

ITEM, Becaus the jurisdiction of the *Lyon* King of Armes, is not able to execute dew punishment upon all persones, that fall happen to offend in the office of Armes: Therefore our Sovereine Lord, with advyse of his three Estaits in Parliament, ordainis and commandis, all civil magistrats, as they fall be required be the King of Armes, or onie utheris in his name to concour with him, to see the acts maid in his favours, of his office put to dew execution in their jurisdictions: As alsua to concour with him, to the punishment and incarceration of all sik persons, as fall usurp the bearing of his Majesties Armes, after dew deprivation, under the paine of rebellion, and putting of the disobeyers to his Hienes horne, with certification to them and they failzie being required, letters fall be direct *simpliciter* to put them to the horne.

126. *The names of all rebels suld be delivered to the Thesaurer, with all unlawes. Names of all fugitives.*

BECAUSE, It is provided that criminall letters fall not neid to be registrat, bot to retorne to the adjournal: Therefore ordainis and commandis the Justice Clerk and his deutes within sexte dayes, after criminall Letters, with execution of onie perones at the Horne, beis returned to them, to deliver the names denounced, with ane breife note of the cause to the Thesaurer, or his Clerke, or Register, that letters for the uptaking of escheitres, of the perones denounced, may be directed and execute, with all expedition, as the said Thesaurer and Justice Clerke, will answer to his Hienesse, upon their dewtie and diligence, That in Justice courtes, or Justice aires, the hail assise summond, being called out and the absentes unlawed: The extract of the acte of the unlawed, be delivered to the Thesaurer, or his Clerke, within sex daies thereafter, that letters bee directed thereupon, for uptaking of the saidis unlawes, without composition to be maid therefore.

And likewise quhen-ever onie perones, that hes fund foverrie to underly the Law, compeiris not at the day appoynted, and their-throw are decerned to be denounced rebellis, as fugitives fra the Law: The Justice Clerk or his deutes, fall deliver the act of adjournal thereupon, with the precept to denunce the perones fa decerned fugitive; be open Proclamation, at the mercat-croce of *Edinburgh*, within sex daies, after they

be decerned: quhilk denuntiatioun, our said Sovereine Lord, with his Estaites declaris and admittis, to be als lauchfull for intrometting with the escheittes, as gif the samin were maid at the mercat-croce of the head Burrowes of the Schires, quhair the saidis rebelles dwelles: Bot the said horning fall not serve to put the inhabitantes of the saidis Schires, in *mala fide*, toward the receipt, supplie, and inter-communing with the saidis Rebelles denounced, quhill the said denunciation of horning be used at the mercat-croce, of the head Burrowes of the Schire, quhair the persones rebelles themselves dwellis; And that the Lordes of Council and Session, grant na Letters of suspension, upon onie paines and un-lawes of liquidat summes, charged for be the Thesaurer, without confiscation or gude sovertie, in the in-partes of the Realme.

Licences.

Monkes
portiones.Commis-
siones.

That *Lyon* King of Armes, within fiftene daies, after the publication of the Actes of this present Parliament, deliver to the Thesaurer, or his Clerk, the names of the Officiars standing admitted, with the names of their cautioners; as also the names and cautioners of the deprived officiers in time cumming. That all exemptiones and licences fra raides and assises, or for transporting of forbidden guddes (gif onie fall happen to be granted) fall be subscribed be the Thesaurer for composition to his Hienes use. And to be registrit in the Thesaurers register, to the effect he may be charged there-with in time cumming in his comptes, and that na sik licences be warrant in judgement, or to the signet or privie seale, wantand the subscription of the said Thesaurer. And for-fameikle as the care and charge of the receiving and making compt of the Monkes portiones, first frutes and fift-penny of benefices, is committed to the charge and diligence of his Hienesse Thesaurer. Therefore ordainis and commandis the said Thesaurer, to make ane perfite rentall of the saidis Monkes portiones, first frutes, and fift-pennie, and to charge and discharge him therewith in his comptes. And that hec may be the better acquainted therewith; Ordainis all signatours of giftes and provisiones to be past upon onie part of the same, to passe his Hienes Thesaurers register, and be subscribed be the keeper thereof, before it be sufficient warrant to the seales. OUR SOVERAINE LORDE, with advise of his three Estaites in Parliament, dischargis all commissiounes of Justiciarie granted be his Hienes of before, and nane to be granted in time cumming generally; or for langer space, nor the earand in hand, may be convenientlie perfited, and that upon caution to produce the proces, and pay that pairt of the commoditie, quhilk be the commissioun is destinate for the Kingis use.

127. *All few-fermes and confirmatiounes of the Kingis propertie, noch past with consent of the Comptroller, ar null.*

ANENT The complaint given to his Majestie and Estaites of Parliament, be his Hienes Comptroller, makand mention, that diverse and findrie infestmentes of his Hienesse propertie, hes past the seales without the said Comptrollers knowledge or consent, quhair-throw he is not able to knaw his Majesties tenentes, nor their zeirlic devyie. For remeid quhairof, our Sovereine Lord, and Estaites of this Parliament, declaris and ordainis all infestmentes of few-ferme, or confirmatiounes of the proper landes pertaineing to his Hienes Crown, that are made sen the entrie of this present Comptroller to his office, or to be maid in time cumming, without the expresse consent and knowledge of the said Comptroller the time of the making thereof, and subscription of his hand, and passing his Register, quhairby the estait of the saides Landes ar onie wise altered or innovate, to bee null and of nane availe, in all time cumming, albeit the same be past throw all the seales. Because the Comptroller suld knaw quhen onie tenentes is altered or newlie entered to the Kinges propertie, and that the wanting of the Comptrollers subscription to the signatours, quhilk is the warrant of the said original Chartour, fall be ane sufficient cause of reduction.

128. *For the better keeping of the Kingis Parkes.*

OUR SOVERAINE LORDE, with advise of his Estaites, considering the great skaith done to his Parkes and Forrestes, be the libertie that everie man usurpis, be the in-purting of all kinde of guddes in them, but ony licence, had and obtained thereto: Quhair-throw the saidis Parkes and Forrestes ar allutterlie destroyed and maid unprofitable for his Majesties use: Therefore it is statute and ordained, that quhat-sum-ever guddes, not in-pur be the Comptroller, or onie havande his power, fall be at onie time after this present Parliament, found pasturing within onie his Majesties Parkes and Forrestes; It fall be lauchfull to the Comptroller, or onie havand our Sovereine Lordis power, to intromette-with the samin as escheitte, and in-biring them to his Majesties use, without onie danger of Law, or perrell to follow there-upon. And that letters be direct hereupon, be the Lords of secreit Council, Session or Checker: Chargeing all and findrie, within ten daies warning, to redde and remove their hail guddes out of the saidis Parkes: With certification and he failzie, the said ten daies being by-past, they fall be escheitted and in-brocht to his Majesties use and behoove: And that publication bee maid hereof at the Parochie Kirkes, and mercat-croces of the Burrowes nixt adjacent, to the saidis Parkes and Forrestes.

129. *Ancient the custome of English guddes, and searching of guddes custonnable.*

ITEM, OUR SOVERAINE LORD And Estaites of this present Parliament, ratifies, appries and confirmis, the act of secreit Council, maid upon the penult day of *Februar*, ane thousand, five hundredth,

hundredth, fourscore nine zeires; Anent the bringing of all packes of *English* claith, haill, un-broken-up to the Custome house, and selling thereof, in maner contained therein, in all poynts, articles and clauses, *respective* specified in the same, with this addition: That na maner of persones, take upon hand, to house, hide, or conceale ony maner of *English* guddes, ather cummand be Sea or land, in onie Burgh or sub-urbe of this Realme, under the paine of confiscation of all the guddes, swa hid and concealed, in default of the dew Custome, quhair-ever the samin can be apprehended. And in-cas the samin be not apprehended, the awners to make the avall thereof fourth-cummand to his Majestie as escheit, after tryal tane thereintill as escheirs: And alswa for the better execution, to ordaine ilk Customer, to search within the bounds of his office, all maner of houses and buithes, alsweill to Burgh as to land, and to escheit, confiske and in-tromette with all maner of uncustomed *English* guddes, and all *English* claithees unsealed, and gif neede beis, to make open durres, and uther lock-fast lumes, and to use his Majesties keyes to that effect: And in-cas onie persones resist be force, to make open and parent durres to the said customer, for the effect foresaid; The persones testifiers, to be under the like danger, as the committers of the deforcementes, and to be punished in their persones and guddes, conforme to the acte maid thereanent: Ordaining also the Provost, Baillies and Magistrates of ilk Burgh, gif neede beis, to concur and assist, with the saidis Customers, in execution hereof, swa oft as they shall be required thereto.

130. *Anent ratifications past in this present Parliament.*

THE Kingis Majestie, and Estaites of this present Parliament, decernis and declaris, that the ratification of onie particular richtes, infestmentes, tackes, pensiones, or utheris writtes and evidences, granted to quhat-sum-ever persones in this present Parliament: Sall nawaies prejudge, hurt, nor derogate to the particular richtes of uther parties: Notwithstanding they be not ratified nor confirmed at this time, be his Hienesse, and his saidis Estaites.

AND Mairover, it is statute and ordained, be OUR SOVERAINE LORD, and his Estaites, in this present Parliament: That albeit sundrie ratifications be past and pronounced in this present Parliament, in the favour of sundrie of the Estaites, or private persones, upon simple Articles: As alswa sum favour granted to the vassalles of persones foresaulted in the same Parliament, and to the Burgeses and inhabitants of *Edinburgh*, being infest in landes, or annual-rentes, anniald to them, be onie of the saidis persons, now foresaulted, or their predecesours, under reversion: zit fall not the same ratifications be registrat in the Parliament buik, nor have effect without the signatoures of infestmentes, or articles granted or ratified, be subscribed be his Hienesse Thesaurer, or his ticket sent to the Clerk of Register, testifiand the Thesaurer to be satisfied, that his Majesties commodity may be respected, as apperteinis: And that betuixt and the first day of *August* nixt-to-cum: utherwaies the saidis ratifications to be null, as gif they had not bene granted, nor pronounced in Parliament: And that the trefw rentalles of things raised to Burrowes, Colleges, or Hospitalles, be presented to his Hienesse and his Councell, betuixt and the said first day of *August* nixt-to-cum: With a declaration how the samin is employed, utherwaies the same ratification to be null.

131. *Anent the production of rentalles and sewes.*

FORSAMEIKLE As in our SOVERAINE LORDIS umquhile dearest Mothers time, the thrides of all benefices within this Realme, was be Act appoynted to the sustentation of her Majesties house, and of her Hienes Successours, sa farre as happened to resistrie thereof, by the sustentation of the Ministerie, within this Realme. And sik-like, OUR said SOVERAINE LORDIS, his saidis umquhill dearest Mother, and uthers his Hienes Predecesours of gud memorie, hes founded, confirmed, and augmented diverse Hospitalities within this Realme, with the giftes and donations theiro, quhilkis his Majestie is willing to stand for ever, without onie hurt or derogation: as alswa in the last Parliament, halden at *Edinburgh*, in the moneth of *Julij*, the zeir of God, anethousand, five hundredth, foure score sevin zeires; The haill temporal Ecclesiastical Lands of his Realme, are annexed to his Hienes Croun, and his Majestie ordained to have present possession theirof, payand to the lyfe-renters pennie for pennie, and boll for boll. And because his Hienes cannot understand quhat course to follow-out, anent the premisses, and cannot know persitrelie quhat the saidis thrids will extend to, nor quhat will be the rent of the saidis Hospitalles, nor quhat present commodities will fall to his Hienes, be the said act of annexation, nor how the Ministerie of this Realme, shall be dewlie provided, according to his gud will, minde and intention, without his Majestie and his Hienes Commissioners, to be appoynted to that effect, have the sicht of the rentalles of all Bilhoppricks, Abbacies, Priories, Provestries, Parsonages, Vicarages, Altarages, Chaplanaries, Templaries, and utheris Benefices: And of all Maifon-dieus, and Hospitalles, within this Realme, and of the rentes thereof, foundations of the samin: And of all thinges founded, given and mortified thereto; And of all infestmentes, tackes, titles, richtes and securities, maid to quhat-sum-ever person or persones, anent quhat-sum-ever Kirk-landes, Temple-landes, teindes, and utheris Ecclesiastical rentes and possessiones quhat-sum-ever. Therefore it is statute and ordained, be his Hienesse, with advife of his Majesties Estaites, in this present Parliament; That all and sundrie persones within this Realme, as they shall be charged thereto, in special or in general, be open Proclamations, at the head Burrowes of the Schires quhairin they dwell; compeir, bring, and produce

producee with them, before his Hienes Commissioners, ane or maa, to be appoynted be his Majestie to that effect; Sik day and place, as fall be appoynted to them to that effect, under the paine of rebellion, and putting of them to the horne: with certification to them and they sailzie, that they fall be put thereto, and to put them to the same, in-cas of sailzie; The rentalles of the saidis Bishoppriokes, Abbacies, Priories, Provestries, Parsonages, Vicarages, Altarages, Chaplanries, Templaries, and utheris Benefices: And of all Hospitalles and Maifon-dieus within this Realme, and of the rentes therof, foundationes of the same: And of all thinges, founded, given and mortified thereto; And all and quhat-sum-ever infestmentes, tackes, titles, richtes and securities, maid to them, anent quhat-sum-ever Kirk-landes, Temple-landes, Teindes, and utheris Ecclesiastical rentes and possessiones quhat-sum-ever: And all richtes and titles, that they or onie of them, may preind thereto. And to deliver to the saides Commissioners inspection of the same, and the authentick copies therof: With certification, and they sailzie; letters fall be direct *simpliciter* as said is.

132. *Anent the jurisdiction, presentation, qualities and age of the Lordes of Session.*

BECAUSE The Nobilitie, Erles, Lords, and Barronnes, auncient heritours of landes, livinges, bene fra the beginning, for decision of all civill actiones; unto the quhilk decision their hail heritages, livinges, landes, and possessiones are subject; And that his Hienes Progenitours intitute the said College of cunning and wise-men: Quhilk his Majestie willing to continew, according to his for-bearis gud intencion: And to foresee the corruption increasand in the said College, in this latter and declining age, declairis his Hienes minde be Acte of Parliament: That in all times hereafter quhen onie place fuld vaik in the Session; That his Majestie fuld present and nominate thereto, a man searing God, of gud literature, practik, judgement, and understanding of the Lawes, of gud fame, having sufficient living of his awin: And quha could mak gud expedition, and dispatch in matters tuitching the Lieges of the Realme. And zit that it is required, that his Hienes gude intencion be mair speciallie exprest toward the complaint of cheifing of zoung men, without gravitie, knowledge, and experience, upon the saide Session, not having sufficient living of their awin.

THEREFORE OUR said SOVERAINE LORD, with advife of the Estaites of this present Parliament, declairis that nane fall be received to ane place of ane Senator in the College of Justice, except he be sufficientlie tryed and knawin be his Hienes and hail Lordes of the Session: That the said person, to be presented and received, have in zeirle rent, properlie pertaining to himselfe, the summe of ane thousand markes usall money of this Realme, or els twentie chalders of victuall: and that his experience, qualitie, and conversation, may be the better tryed, that he be of the age of twentie five zeires at the least compleit, in all time cumming, uthervise his presentation and admission to be null, annulland all presentationes, given and granted be his Majestie, sen his Hienes Coronation, to quhat-sum-ever person or persons, not beand of the age foresaid: ratifiand nevertheless and apprievand alwaies all actes maid be his Majesties predecessours, and his Hienes selfe of before, upon the institution of the said College, and reformation of the abuses therof.

133. *Touching the authentick daiting and registring of signatoures.*

OUR SOVERAINE LORD with the advife of his Estaites, hes statute and ordained; that na signatoures fall passe the Registers, of his ordinar officiares of estait under-written: Except the dait thereof be filled up with the handes of the Thesaurer, Collectour, Comptroller, Thesaurer of augmentations and Secreter, or their principal Clerks awin handes: And that the registratoun of the Signatour, or letter beare not onelie upon the back of it (registrat) But the daie and dait of the registratoun, with the number of the leaves of the buik, quhairin it is registrat; Quhilk buik, fall be marked be the hande of the Clerke of Register, or his depute constitute to that effect. And sik-like, that the keeper of the Signet, fall write on the back of the Signatour, the special day that he affixt the Signet: And the writer, keeper of the privie seale, fall write like-wise upon the back of the letter, the daie that he writes, and passis the same the privie seale. Quhilks warrands swa marked, fall be maid furth command to onie partie interested, for tryall of the ante-dait, be the keepers of the signet and privie seale; And that the tryall of the saidis ante-daites, fall not be received, without verie great adminickles; and certaine circumstances of falsed: And that the summe consigned for improbation be maid verie great; The forme of the improbation fall onelie be received be the writers of the Signatoures, the principal Officiates; their deutes or Clerkes, keepers of the Registers, keepers of the Signet, privie seale, and their servandes, writers of the precept, and writers to the great Seale, and keepers of the same, and na uthers. And the punishment of sik falsed, gif onie beis found and tryed, fall be punished with the paine of falsed and lese-majestie: And thrie partes of the landes and guddes of the offender, to be adjudged to the King, and the fourth part to the partie grieved.

134. *For eschewing of falscttes in reduction of decreetes of Redemption.*

OUR SOVERAINE LORDE And Estaites of Parliament, understanding that the fabricating, forging and devising of false evidentes and writes, within this Realme, produced, and furnished

innumerable and infinite actiones and pleyes amongst his Lieges, to the hurt and prejudice of his Hieneſſe faithfull and trow ſubjectes: For remeid and eſchewing quhairof; OUR ſaid SOVERAINE LORD, with adviſe and conſent of his ſaidis Eſtates, and haili bodie of this preſent Parliament, findis, decernis, and declaris, that it ſhall not be leſum to any perſon or perſones within this Realme, their aires and ſuccelours: Or uthiris perſones quhat-ſum-ever, having richt proceeding fra them, to perſew for reduction, or uthirwiſe to call in queſtion ony decreete of redemption of lands, teindes, Coales, Coale-heuches, wooddes, milnes, Fiſchinges, Caſtles, Tourres, Fortalices, or onie part thereof, obtained at the inſtance of quhat-ſum-ever perſon or perſones, againſt quhat-ſum-ever perſon or perſones, at onie tyme, before the daie hereof, be vertew, or under pretext of quhat-ſum-ever diſcharges of reverſion or re-titne, poſterior infeſtmentes, or uthiris contractes quhat-ſum-ever, quhilkis may evacuate and take awaie the ſaidis decreetes of redemption, or ony of them; And this acte onelic to have place in decreetes of redemption, proceeding upon lauchfull premonitiones, maid be the parties lauchfull contradiſtours, quhilkis were alſo dewlie ſumound, to the giving of the ſaidis decreetes; And for obedience thereof, heſ lauchfullie renounced the landes, and uthiris ſpecified in the ſame decreetes of redemption: and quha heſ bene at ſindrie times ſumound, and conveyed before the Lordes of Seſſion, at the inſtance of his Hieneſs Advocates and parties for their intereſt, for production and improbation of all diſcharges of reverſion or reverſionnes, poſterior infeſtmentes, uthiris rights and ſecurities quhat-ſum-ever: Quhilkis might prejudge or make derogation to the reverſion or reverſionnes, quhair-upon the ſaidis decreetes of redemption, or onie of them heſ followed, and produced na diſcharges, poſterior infeſtmentes, nor na uthiris writtes, quhilkis might reduce or take awaie the ſaidis decreetes of redemption: or prejudice, or make derogation, to the reverſion or reverſionnes, quhair-upon the ſaidis decreetes of redemption, or onie of them proceeded: Swa that the ſaidis perſones, lauchfullie warned and ſumound, in maner foreſaid, might pretend na ignorance of the ſaidis decreetes of redemption.

135. *All annual-rentes may be redeemed, be fulfilling of the pointes of the reverſion and payment of ten for the hundreth.*

OUR Sovereine Lord, and the three Eſtates, ſtatutis and ordainis, that it ſhall be leſum to all perſons quhat-ſum-ever, alſiveill minors, as majors, addetted in payment of zeirle annuelles, quhilkis ar redeemable, to redeime all annuelles; ether victual or ſilver, ſauld or annaied be their predeceſſors, furth of ony part of the lands, in time by-gane, be payment or conſignation of the principall ſumme, contained in the reverſion or reverſions: togidder with the by-runne annuelles thereof: Quhilkis by-run annuelles, his Hieneſſe and Eſtates, liquidatis and modifies, to ten markes for everie hundreth markes allanerlie: Finding and declaring the redemption of the ſaidis annuelles, to be lauchfull be payment or conſignation of the ſaidis principal ſummes; togidder with ten markes for everie hundreth markes thereof, for the by-run profites of the ſame, conforme to the infeſtmentes maid thereupon; Notwithſtanding quhat-ſum-ever contractes, bandes, obligationes, infeſtmentes, decreetes, or uthiris ſecurities quhat-ſum-ever, maid to them of greater annuelles, norren markes for the hundreth markes: to the quhilkis, and everie anc of them, this preſent acte makis derogation, in ſa far as the ſame may be extended to the ſaidis zeirle annuelles.

136. *New boundand infeſtmentes prejudgis nocht onie perſon anent their meithes and marches.*

IT IS Statute, ordained, and decerned be his Hieneſs and Eſtates of this Parliament, that the bounded infeſtmentes quhat-ſum-ever, ather granted or to be granted, be our ſaid Sovereine Lord, or onie of his ſuccelſors, or be onie uthir ſuperior to his awne heritable tennent, be the ſaid heretable tennentes reſignation; Albeit the ſame contene anc new gift with ſupplement of all faultes, (quhilk onlie reſpectis the ſuperior, grantand the ſaid infeſtment, and na wiſe ſuld be extended to the prejudice of the thrid perſone) that the ſaid infeſtment paſt upon the reſignation of the tennent, ſall woork na prejudice anent the boundis or marches, ather in property or commounie to ony uthir perſon, bot the queſtions ariſing upon the richt and poſſeſſion of the ſaid propertie and commounie, ſall be determined and judged be the Lordes of Councell and uthiris inferior Judges, and Miniſters of the Lawes in the ſame ſort and maner, as gif there were na mention of boundes and marches, contained in the infeſtment paſt upon the ſaid reſignation.

137. *Penſiones not authorized be decreet nor poſſeſſion are null.*

FOR SAMEIKLE As there being diverſe penſiones, alleged diſponed furth of the benefices and prelacies of this Realme, to the great hurt and prejudice thereof, and the ſuccelſors, albeit na poſſeſſion is followed nor apprehended thereupon in the prelates lyfe-time alleged diſponers theirow, quhair-throw the ſamin fallis of the Lawe and maniſeſtlic appears to be but forged and counterfeit titles. And be reſon of the corruption of this time and the great hurt and prejudice of OUR SOVERAINE LORD, and the Succelſors ſuſtained thereby: It is ſtatute and ordained be the late Acte of Parliament made anent annexation of Kirke-landes to OUR SOVERAINE LORDE, that quhat-ſum-ever penſiones, diſponed furth of the prelacies, and neither authorized with decreetes nor poſſeſſion before the ſaide Act, ſuld fall and be null, of nane avail, force nor effect. Quhilk Act his Hieneſs

with adviſe of the hail Eſtates, ratifies, apprievis, confirmis, and declairis: and ordainis, that all and quhair ſum ever penſiones, alleged to be diſponed furth of prelacies, and nather authorized be decreet nor poſſeſſion, quidder the ſame be of the ſpirituality or temporality, quhair upon neither decreet nor poſſeſſion heſ followed, in the prelats life-time, and before the ſaide acte of annexation, ſhall be null and of nane avail, force nor effect, in all time by-gane, and to-cum.

138. *Agaiſt unlauchfull conditiones in contractes or Obligaciones.*

A S I T I S not leſum to uſe and commit uſurie: ſa it is not leſum to onie privie man, be his awen inven-
poſſible conditiones agaiſt all Law, equitie, reaſon and gud forme, albeit their neceſſitie for the time, con-
or obligaciones, they provide that the parties receivers thereof quhair-ſoever they dwell, in farreſt partes of
the Realme, ſhall be charged to make payment, only be open Proclamation, at the mercat Croce of *Edin-*
burgh upon ſa ſhort and ſuddaine warning, as probable and poſſible, it cannot cum to the knowledge of
the perſones ſwa charged. And that the denunciation of the horning ſhall be at the ſamin mercat croce, and
the horning regiſtrat in the Schireffe buikes of *Edinburgh*, makand the ſamin als lauchfull, as gif the
perſones were charged perſonally, or at his dwelling place: And the execution of horning, uſed at the
mercato Croce of the head Burgh of the Schire, quhair the parties dwellis: And the hornings regiſtrat in
the Schireffe buikes theiſ, to the great hurt and prejudice, not onelie of the parties ſa denounced: Bot of
our Sovereine Lord, and his Lieges, to quhais knowledge probable the ſaides denunciations of hornings
cannot cum.

T H E R E F O R E his Hienes with adviſe of his Eſtates in Parliament, ſtatutes, ordainis and declairis,
that na ſik unlauchfull and unpoſſible conditiones, be made in contractes or obligaciones, amanges onie
of his Hienes ſubjectes in time cumming. And in-caſe onie denunciations of Hornings, ſhall happen
to be made at the ſaid mercat Croce of *Edinburgh*, only upon charges uſed thereat, proceeding upou
the unlauchfull and impoſſible conditiones abone ſpecified: the ſame charges and denunciations of
horning, ſhall not be repute lauchfull. Bot the parties uſers theiſ ſhall be charged, to cauſe charge
and denunce of new, according to the forme, uſed and obſerved be the common Law, and conſuetude
of the Realme.

139. *That the copies of letters or charges be ſubſcribed be the executor theiſ.*

I T E M, It is ſtatute and ordained that in all time cumming, all copies of ſummonds and letters, quhilik
ſhall be delivered to onie partie, be ſubſcribed be the officiat executor theiſ.

140. *Na perſon may be denounced rebell upon letters charging all and ſindrie generallie.*

I T I S Statute and ordained in time cumming, that na charges nor letters of horning ſhall be generallie di-
rected, agaiſt all and ſindrie, except it be agaiſt ane Burgh, College or Communitie quhilik representis
ane body; at the leaſt, it ſhall not be leſum to denunce onie particular partie to the horne, upon ſik generall
letters, except gif the ſaid partie be firſt lawfullie and ſpeciallie called, to heare and ſee the ſaids letters,
direct agaiſt him, for a ſpecial and certaine dewtie or fact: And for this effect, that all giftes of penſione,
Monkes portions, Miniſters aſſignations of thriddes &c. The ſpecial landes, names of the tennentes, and
quantitie of the dewties, aſſigned, aſſumed or diſponed, be particularlie contained: and that an dewtie be
not diſponed to twa ſindry parties, quhilik is *Crimen Stellionatus* of the Law: Providing it ſhall be leſum to
onie benefited man, to ſeeke general letters, conforme to his provision, to corroborate the ſame, and to
ſerve for ane publication and intimation thereof: Bot nawaies to ſerve or be ſufficient, to denunce onie man
to the horne, nor beand ſpeciallie called, and his dewtie expreſſed therein, as ſaid is.

141. *That compenſation de liquido ad liquidum be admitted.*

O U R S O V E R A I N E L O R D E And Eſtates of Parliament, ſtatutis and ordainis: That onie
debt *de liquido ad liquidum* inſtantlie verified be writ, or aith of the partie, before the giving of de-
creete, be admitted bee all Judges within this Realme, bee way of exception: Bot not after the giving
thereof, in the ſuſpenſion, or in reduction of the ſame decreete.

142. *Damnage and expenſes of pley, ſuld be modified be the Judges.*

I T E M, It is ſtatute and ordained, that damage, intereſt, and the expenſes of pley, maid and ſuſteined
be the parties be altogidder admitted, and liquidat be the decreet, before all Judges within this Realme:
And ſpeciallie quhen as the libell, claime or petition ar proven be writ, containand damage, intereſt
and expenſes, and upon regiſtrat bandes, obligaciones, and contractes, ſummondies beand for
the coaſtes and ſkaithes, quhilik will ſtay parties to be willfull and obſtinat pleyares. And this to be
extended

extended alswell to the defenders obtainand absolvitour; as to the parties pefewares, obreinand decreete condemnatour.

143. *That obtainers of giftes of efcheitres, pay the debt contained in the horning, quhair-upon the gift proceedis.*

ITEM, It is statute and ordained, that all intromettours with onie mans efcheitre, be gift, assignation, or uthewise, who takis possession of onie part or portion, of the denounced perfones landes, guddes or geir in ony wife, fall be halden to pay the debt, contained in the horning, quhair-upon the gift of elcheit proceede and fell; And that letters be direct summarlie, against the donatours assignayes, or intromettours, with onie part of the efcheit, at the parties instance, upon sex daies warning, to heare the samin decerned, or else to allegge ane cause quhy.

144. *For punishment of the receipters of traytours and rebelles.*

IT IS Statute and ordained be OUR SOVERAINE LORD, with advise of his Estaites in this present Parliament: That all former Lawes and actes of Parliament maid of before, against the receipters of Traitoures and Rebelles, and punishment of them quhill contemmandlie remainis at the horne, fall be put to dew execution in all pointes. And speciallie, quhair ever onie declared Traytours or Rebelles repairis in onie parte of this Realme, nane of our SOVERAINE LORDIS Lieges, fall presume to receipt, supplie, or inter-commoun with them: or to give them meate, drinke, house, harberie, or onie reliefe or comfort, under the same paine, for quhill they ar fore-faulted, or put to the horne: And that immediatly upon knowledge of their repairing in the bounds, that all his Hiennesse obedient subjectes, do their exact diligence at the utter-maist of their power, in searching, seeking, taking and apprehending of the saidis declared Traitoures and Rebelles, and presenting of them to Justice: Or in following of them, quhill they be taken or expelled, and put forth of the Schire: And immediatlie to make intimation to the Magistrates and perfones of power and authoritie in the nixt Schire: Quhill fall be halden to do the like exact diligence without delay, And sa fra Schire to Schire, quhill they be apprehended and brocht to Justice, or expelled and put forth of the Realme. And further, quhen ever onie maner of Traitoures, Rebelles, or unknowin men, vagaboundes, happenis to repaire in the Countrie, all his Hiennesse Lieges, knowing them, or amangst quhom they resort, fall with all possible speede certifie his Majestie, or sum of his secreit Councell, or sum of the chiefe perfones of authoritie and credite, dwelling within the same Schire: That ilk perfones (gif they be knawen) ar within the same: And gif they be unknowen schawand their takens, and for quhat cause they pretend themselves to be wandring athort the Cuntrie, or lurking in onie part: under the paine, that the Traytours, Rebelles and vagaboundes, aucht to have susteined in bodie or guddes themselves, in-case they had bene apprehended, presented and convicted be Justice.

145. *Aient the efcheitres of Rebelles.*

OUR SOVERAINE LORDE, with advise of his Estaites in this present Parliament, statutis and ordainis, that na assignation, or uthere evident alleged maid in defraude of the creditour, fall be a valuable title to pefew or defend with, gif it fall be then instantlie verified bee writ, that the cedent remainis Rebelle and at the Horne, for the same cause un-relaxed: Nor na gift of efcheitre, assignation or uthere right, proceeding thereof, alleged maid in defraude of the creditour, and in favour of the rebell, fall be valuable title to pefew or defend with, gif it fall be then instantlie verified be writ, that the rebell remainis still at the horne, for the same cause: As alswa it fall be an relevant exception, against ony pretending title thereto, be assignation or gift of efcheit of the rebell, to allegge that the said rebell himselfe, his wife, bairnes, or neare friends remainis in possession of his tackes and guddes, to his awin use and behoove. And in-case efcheitres or life-rents fall happen to be given ony utherswaies, nor to the behoove of the party offended: the Thesaurer fall be halden to make the disposition to an esponsial person, quha fall be debitor to the partie, at quhais instance the horning is led for his debt: Or the Thesaurer (gif he thinkis gud) fall take gud sufficient caution for his reliefe: And in-case the donatour fall nor be found responsal in landes or guds: Our Sovereaine Lord, with advise of his Estaites, declaris the gift to be null. And because persons convict, or standing rebelles for treason, murder, slaughter, or uthers odious crimes, commounlie hes the fruition of their guddes, debts, tackes, steadings and possessions, their houses still bruike and possessed be their wives, bairnes, or tender friendes, to the defraude of the Law, of the profite of the Croun, and encouraging of wicked men, after committing of mischievous deedes; And that under pretense and coulour of fraudfull dispositions or assignationes, maid be their selves, or giftes of their efcheitres, simulatlie purchassed or transferred in favour of themselves, their wives, bairnes, tender friendes, or weil-willers, to their commoditie and behoove, for remeid quhairof, our Sovereaine Lord, with advise of his Estaites, statutis and ordainis; That the saidis fraudfull and simulat dispositions of efcheitres, or ony thing following thereupon, fall nor serve to murish and susteine the saidis Traitoures and rebelles, in their contempt and rebellion: but that it fall be lauchfull to his Hiennes and his Thesaurer, to intromet-wich, and up-take the saidis efcheit-guddes, geare and debts, remaining in the possession of the person be quhais deede and occasion it fell: Or of his wife, bairnes,

bairnes, familie, or tender friendes quhat-sum-ever, upon the ground, and within the house occupied and possessed be him, before he was declared, or put to the Horne; Or in-cas hee have bene receipt in the same house at onie time after his foresaltour, or denunciation to the Horne: notwithstanding onie fraudfull disposition or assignation, or simulat gift or richt of escheitt purchafed of the same, in favour, or to the behoove of the saidis Traitous or Rebelles of before, quhair-throw the houses and possessiones of the saidis Traitous and Rebelles, fall nawaies bee suffered to cum to their use or commoditie, directlie, or indirectly, during the time of their Rebellion; And the up-taking of the saidis escheitt guddes and debtes, and labouring of the saidis tackes and possessiones, during the continuance of the saidis Traytours and Rebelles, in their rebellion, fall nawaies be impute to the said Thesaurer, or utheris havand his richt or direction, as ony actioun criminal or civill, exonereng and discharging them of the samin for ever: And that the said Thesaurer or his deputies, cause the houses of the perones committers of the crimes foresaidis, be deteined and kepted, upon the expenses of the reddiest of the saidis escheitt guddes.

146. *Willfull setting of fire in Coale-heuches, is treason.*

FOR The better punishment of the wicked crime of setting of fire in Coale-heuches, be sum ungodlie perones, upon privat revenge and despite: It is statute and ordained, that the committing of the said crime in onie time hereafter, fall be treason: And that the committers thereof, being ordourlie convict, fall suffer ilk punishment in bodies, landes and guddes, as is dew be the Law, in causes of treason.

147. *For punishment of maisterfull beggares, and reliefe of the puir.*

OUR SOVERAINE LORDE And his Estaites, in this present Parliament, ratifies and apprievs his Hienes act of Parliament, maid for punishment of strang and idle beggars, and provision for reliefe of the puir and impotent: And ordainis the same to be put in execution in all partes of the Realme, as it hes already tane effect, within the partes of the Burgh of *Edinburgh*; And because sum of the Schireffdomes ar of wide and lang boundes, quhair-throw it will be difficult, to convoy vagaboundes and perones offending, to the common prisiones of the head Burrowes of the Schire: Therefore ordainis and commandis all Schireffes, Stewartes, Baillies, Lordes and Baillies of Regalities, and their deputies: And Provestes and Baillies within Burrowes, to make prisiones, flockes and irones: Nor onelie at the head Burgh, but also at the principal throw-faire townes, and Paroche Kirkes, within the hail boundes of the Schire: alswell to Burgh, as to Landwart; And to constitute ane or twa Schireffe-deputes, of honest and zealous men, of best credite and power in the boundes within, or nixt adjacent to the saidis Burrowes, throw-faire Townes and Paroche Kirkes, to put the effect of the said act of Parliament in execution: Or gif the saidis Schireffes, or utheris Judges ordinar, beis found remisse or negligent: gives and grantis, full power, charge and authoritie, to the Ministers, Elders and Deacons within the boundes of everie Parochin, or of sa monie Parochines as will concur togidder, to nominate and elect ane, twa, three or ma perones of the best habillitie, zeale and discrecion, within the same Parochin or boundes, quhom his Hienesse makis and constitutis Justices and Commissioners in that parte, to the effect underwritten; Givand, grantand, and committand to them, conjunctlie and severallie, full power, charge and authoritie, to execute the said act of Parliament, concerning the punishment of strang and idle beggars and vagaboundes, and provision for reliefe of the puir and impotent: And to that effect, to senie and hald courtes, creat officiares, summond assise, ilk person under the paine of five pundes, un-lawes and paines, to take, up-lift, and raise; And for the same, gif neede beis, to poynd and distreinzie, and to the uses contained in the said act applic; And generallie all and findrie uther things, to do, exerce and use, that to the full execution of the same acte of Parliament, within the saidis boundes, is necessarlie required. and in-cas the saidis Judges ordinar, or their deputies, or the saidis perones to be nominate and elect, as said is, constitute Justices and Commissioners, be the authoritie of this present acte of Parliament, fall happen to refuse or delay, to accept and use the said Commision; Or having accepted the same, fall be found remisse or negligent in execution thereof: they fall incur the paine and un-law appoynted, against Judges and Magistrates, be the said act of Parliament: quhairupon dittay fall be uptaken, and they called and accused therefore, at general Justice aires, or particular diettes; Or then letters fall be direct, be deliverance of the Lordes of Councell and Session; Charging alswell the saidis Judges ordinar and their deputies, as the saidis perones to be nominate and elected; and constitute Justices and Commissioners, be this present act of Parliament; upon the sight of the acte and testimonial of their nomination and election: to put the said act of Parliament to execution in all poynts: after the forme and tenour thereof, within fourtie daies, nixt after the charge; under the paine of rebellion, and putting of them to the Horne; And gif they failzie therein, the saids fourtie daies being by-past; to denunce the disobeyares, rebelles, and put them to the home: And to escheit and in-bring, all their movable guddes to his Hienesse use, for their contempion. And for the better tryall of common fornares, vagaboundes, and maisterfull beggares: seinzied fooles and counterfait *Egyptians*: And to the effect that they may be still perswaded, quhill they be compelled to settle them at sum certaine dwelling, or be expelled forth of the Courtrie: That the Schireffes and uther Judges ordinar, and their deputies, and uther Justices and Commissioners

missioners abone specified, take inquisition be inquest, at the head Courtes zeirle, of the names and takens of them; And make denuntiation of them, to the nixt ordinar Judges and Parochinnes, in the four halves about: As also to our Sovereine Lord, and his secreteir Councell, within 40. dayes after the saids head courts, under the paine foresaid.

148. *Quba ar fore-stallars and regraters: how they sall be accused and paine thereof.*

FORSAMEIKLE As findry Acts of Parliament, hes bene maid for punishment of fore-stallars and regraters, being very pernicious members in the common weill: zit because it hes not bene expressed quhat was forestalling and regrating: Therefore our Sovereine Lord, with advise of his Estaites, in this present Parliament: declaris, statutis and ordainis, that quha ever buy, or cause buy, onie Merchandise, victuall, or uther thing cumming be Lande or Water, toward onie faire or mercat, in Burgh or in Landwart, to be fauld in the same, from any partes bezond Sea, or within the Realme: Or makis onie contract, or promises, for the having and buying of the same, or onie part thereof, before the saidis Merchandise, victuall, or uther things fall be in the faire or Mercat-place, in Burgh, port or raide, reddie to be fauld: or fall make onie motion be word, writ, or message, for raising of the prices, or dearer selling of onie of the things abone mentioned: Or else disswade or moove onie person cumming to the faire, Mercat or Town, to bring ony of the things abone mentioned, to the Mercat, fair or Town, fall be esteemed and judged ane forestaller: And quha ever gettis in his possession, in ony Fair or Mercat, onie corne, victuall, flesh, fish, or uther vivers, that fall be brought to be fauld, and sellis the same againe, in onie Faire or Mercat, halden in the same place, or onie uther Faire or Mercat, within four miles thereof: Or quha gettis in his hand by buying, contract or promises, the growand corne on the field, fall be repute a regratur. And because there hes sa little effect followed in the execution of the said Act, be the Magistrats within Burrowes, to quhom the execution thereof was committed: Therefore it fall be lauchfull in time cumming, to **OUR SOVERAINE LORDIS** Thesaurer or Advocate, to call and persue all persones suspect and delated of forestalling and regrating; in-cas they fall happen to prevene, be apprehending, intending and executing first, alsweill as the saidis Magistrats in Burrowes; And it fall not be lesaum to the Magistrats within Burgh, to replege onie persones challenged or persued be the Thesaurer or Advocate, before his Hienes Justice, or his deputes, ar Justice aires, or particular diettes. And albeit there be na speciall ditray, bot that the forestaller and Regratur, be onie accused of common forestalling or regrating, sa repute and halden: zit the libell in that generalitie, fall stand relevant, and the persones accused, to be put to the knowledge of ane assise: And gif they cum in will, or be convict be ane assise, for common forestalling and regrating of Mercatties: They fall incurre for the first fault, the paine and un-law of fourtie pundes: And fall finde fovertie to absteine in time cumming, under the paine of ane hundreth markes: And gif he fall againe in the secund fault, the principall, and his fovertie, to in-cur and pay the said summe of ane hundreth markes: And for the thrid fault, the offender being convict or cum in will, to tine and fore-fault all his moveable guddes, to be in-brocht to **OUR SOVERAINE LORDIS** use, as escheit: And that Justice courts or aires, for the effect foresaid, be halden everie zeir twife.

149. *Against carriers of wooll, nolt and sheepe forth of the Realme.*

IT IS Statute and ordained, that na wooll, sheepe nor nolt, be transported in *England*, under the paine of escheit, not onlie of the said wooll, scheepe, and nolt, quhilk fall be fund passand to *England*: Bot alsua of the haill moveabill guddes, of the actuall transporters, and als the Merchandes causers & principall doers of the said transporting, Albeit sum laiteilie they cause the same bee done be puir folkes, the ane halfe of the saidis escheittes to appertene to the apprehender of the saids guddes and wooll, in-cas he may sufficientlie verifie and try the same, and the uther halfe to our Sovereine Lord, and to be intrometed with: be the wairdane, keiper, Schireffe, Stewart, or Baillie, quha fall be comptable to his Majestie for the same; And furdur, the saidis offenders, fall be punished in their persones, be warding, for the space of sex Moneths, And utherwayes at his Hienes pleasure; Like as our said Sovereine Lord, hes statute & ordained, that it fall be lesaum to ony Schireffe, Wairdane, keeper, or ony uther Banonne or Officiar, havand the Thesaurers power and direction; To staie and arrest, rake and apprehend the saids persones and guddes, & to present them before the Wardane, Schireffe, Stewart, Baillie or keeper; or bring them to *Edinburgh*, to be presented to the Justice, or his deputes: and to underlie the Law, for the said offense. Quhilk being tryed, the offenders fall tine their haill moveable guddes, to be divided as said is: and als fall be punished in their persones, as is abone writen, at the Kingis pleasure, to the terrour of uthers; And thesamin penalties, to be extended against quhat-sum-ever persones within this Realme, that fall sell ony Nolt & Scheepe, to quhat-sum-ever *English*-man or uther, ether abyndand within the boundes of *England*, or that traffiquis within this Realme; It being tryed that the person byar of the same guddes, sellis or transportis the same in *England*: And our Sovereine Lord, with advise of the saidis Estaites, annullis all licences, granted or to be granted hereof; And ordainis, that the penaltie of this Act, fall strike against the transgressours thereof: Notwithstanding the said licences purchaffed or to be purchaffed.

150. *Deforcers or troublers of officers, in execution of letters, foresaultis and tynis all their movables.*

OUR SOVERAINE LORDE, And his Estaites, conveyed in this present Parliament; For remeid of the daily hurts and injuries, received be officiares of armes, or Schireffes in that part, executand letters or precepts in our Sovereine Lordis name and authoritie; Statutis and ordainis, that in case ane officiar of armes, or Schireffe in that part, or uther person quhar-sum-ever, the time of the execution of any summoundes, letters or precepts, direct be his Hienesse, or uther Judges within this Realme; Or in putting of decreetes to dce execution, be deforced in dooing of the same, or be molested, invaded or perswced, to the effusion of their bloud, be the person or persons, quhom they fall be vertew thereof sum-mound or charge, Or ony uthers of their causing and command, the deforcers and persewers of the officiares, and uthers foresaidis, fall foresault, amitt and tine all and quhar-sum-ever their guddes and geare moveable: and the ane halfe thereof, fall apperteine to our Sovereine Lord, as escheitte: and the uther halfe to the partie, at quhais instance the saidis summoundes, letters and precepts ar direct and purchased: quhilk execution, Our said Sovereine Lord, and Estaites foresaidis, decernis and declaris to be lauchfull and ordourlie execute; Notwithstanding the said deforcement, and invasion of the saidis Officiares, and uthers abone written, to be committed in maner foresaid: The deforcement being first verified and provin.

151. *Concerning the relevancie of libelles, in causes criminall.*

ITEM, It is statute and ordained, seeing that diverse exceptiones and objectiones risis upon criminall libelles, and parties are frustrat of Justice, be alleged irrelevancie thereof: That in tyme cumming, all criminall libelles, fall containe that the persones compleined on, ar air and pairt of the crimes libelled; Quhilk fall be relevant to accuse them thereof; Swa that na exception or objection, take awaie that part of the libell, in tyme cumming.

152. *It is not leasum to un-freemen; Bot to Burgesse to exerce the trafficque of Merchandise.*

ITEM, For-sameikle as by diverse Lawes and Acts of Parliament it is statute and ordained that na person within this Realme, suld exerce the trafficque of Merchandice, bot the Burgesse of Free-Burrowes; Quhilkis have not bene, nor zit ar observed, be reason that there is na penaltie irrogat to the persones, contraveeners thereof; Therefore our Sovereine Lord, and hail Estaites of this present Parliament; Confirmis, ratifies and apprievis the saidis Actes, constitutions, and everie ane of them, with this addition; That quha-so-ever exercis the said trafficque of Merchandise, not being free Burgesse: Their hail guddes and geare, fall becum in escheitte; The ane halfe to our Sovereine Lord, and the uther halfe to the Burgh, quhais Commisshoner or Collectour fall first apprehend the same. And to the effect that the saidis escheitres may be up-lifted; his Majestie and Estaites foresaidis, gives and grauntis tull power and authoritie, to everie ane of the saidis free-Burrowes, be themselves or their commisshoner or collectour, quhom they fall have power to depute in that behalfe; To search and seeke the the guddes and geare of the saidis un-freemen traffiquers, to intromet there-with as escheit: and to deliver ane half thereof, to his Hienes Thesaurer, and the uther halfe to the Burgh, quhair of he fall be appoynted Commisshoner or Collectour, quhiddir it be within this Realme, or in ony uther part, quhair the same may be challenged: And to arreist the saidis guddes, call, follow and persew therefore, before un-suspected Baillies or deputes, quhom they fall have power to creat to that effect: and ordainis the ane halfe of the said escheit, to be intrometted-with, be the said Commisshoner or Collectour, as said is, to be applied to the common weill of the said Burgh, quha fall first apprehend the saidis escheitte guddes: Of the quhilk halfe of the saidis escheit guddes, there fall be zeirliche compt maid, as is appoynted of the common gudde of the Burgh: Providing alwayes that this present Act be not prejudiciall to Noble men, Barronnes, or uther Landed-men; to bring, or cause bring, or have Merchandise to their awin particular use and behoove; swa that they sell not the same, or make Merchandise thereof againe, to our Sovereine Lordis lieges. Quherein in case the said Noble men, Barronnes, and uthers abone written, be fund or apprehended culpable, they fall be reputed, halden, and esteemed, as un-free-men traffiquers: And it fall be leasum to the saidis free-Burrowes, or their Commisshoner and Collectour foresaid, to intromet with their hail guddes and geare, as escheit; and dispone upon the same, as with the saidis un-freemens guddes, in maner as is abone written.

153. *Anent the taxation of Burrowes: Watching, and warding.*

ITEM, Seeing the taxation and stentes upon the Realme is multiplied, quhere-with the Burrowes are verie greatlie burdened: Therefore it is statute and ordained, that all maner of persones, inhabitantes of Burrowes, exerceand onie maner of trafficque, Merchandise, or having change within the same, fall beare their part of all taxes, stentes, and taxationes, watching, and warding, in all duties and services pertaining

pertaining to our Sovereine Lord, the weill of the Realme, and the utilitie of the Burgh; and that without onie respect to be had to onie Priviledge, discharge, or exceptiones, granted be our Sovereine Lordis Predecessours; or be his Hienes self, or to be granted in times cumming be his Majestie, or his Successours, to quhar-sum-ever person, or persones, of quhar-sum-ever qualitie, or for quhar-sum-ever cause. And ordainis this to have execution against all persones, exerceand the trafficque of Merchandise, or uther change, in onie of the Burrowes of this Realme, whidder they be admitted Free-burgesses therein, or not: Providing alwayes that it fall be leasum to his Hienes, notwithstanding of the said Act, to exeeme from the saides taxacions, watching and warding, and one person of silk craft, for his Hienes particular use and service, in-case his Majestie finde it gude and expedient to be done. And sik-like, that this Act be not prejudiciall to the members of the Colledge of Justice, and to their priviledges and immunities granted unto them, or whereof they have bene in use in times by-gane.

154. *Exercise of craftes, within sub-urbs adjacent to Burrowes, is forbidden.*

ITEM, For-sa-meikle as the exercise of craftes-men, in the sub-urbs of the free-Burrowes, is not onlie hurtfull to all our Sovereine Lords lieges for the insufficiencie of the wark: bot also ministratis great occasion to Prentises and servands in free-Burrowes, un-dewtisullie to leave their Maisters, and to remaine and abide in the saides sub-urbs, thereby substracting themselves, fra the jurisdiction of the Provost and Baillies of the saides Burrowes. And als the free craftes-men, resident within the saidis Burrowes, are greatlie dammified, seeing they beare ane great part of the charges of the Burgh, and the advantage of the wark, that suld relieve them is drawn away to the saidis sub-urbs: Therefore our Sovereine Lord, and hail Estates of this present Parliament, statuis, declaris and decernis that in all time cumming, there fall be na exercise of craftes in the sub-urbs adjacent to the saidis Burrowes: Bot that the samin fall cease in all times hereafter; And that it fall be leasum to the Provost and Baillies of the saidis Burrowes, and their deputes and officiares, to intromet with all the warkes that fall be found wrought, or in working: quhidder the materialles thereof appertaine to the craftes-man himselte, or to quhar-sumever person, and to escheit the samin, to be applied to the commoun warkes of the Burgh nixt adjacent to the saids sub-urbs.

155. *Against granting of respittes and remissions.*

FOR Furthering of the punishment of slaughters, fire-raisinges, and uthers odious crimes, committed in diverse partes of the Realme, thir findrie zeares by-gane, upon set purpose and fore-thought felonie, to the offense of God, and contempt of our Sovereine Lordis autoritie: His Hienesse followand the lovable example of his maist Noble Progenitours, in like cases, of his speciall favour, and at the instant request of his Estates, at this present Parliament grantis, and in the word of a Prince, faithfullie promittis, that he fall close his handes, and cease fra granting onie respittes, or remissions, for any maner of slaughter, fire-raising, or uther odious crimes, that fall be committed, upon auld feed, and fore-thought felonie, for the space of 5. zeires nixt-to-cum, after the dait hereof: that in the meane time, the Realme may be put in peace, and his Lieges maid to live in sovertie, except the said respit or remission fall be craved to the offender, be the wife, bairnes or nearest friende, of the person that hes received the offense: Or that a sufficient letter of flaines, seene and persfitelie considered be his Hienes Councell; And gif ony respit or remissions fall happen to be granted for auld actions, that it be expreed in the same, that the trespass was committed, before this present Parliament; And that his Hienesse and his Councell, hes seene quhair the partie is asslyhed: urtherwayes declaris the same respit or remission, to be null, and of nané avail. And in-case ony sik remissions or respittes (as God forbid) fall happen to be granted and past: Ordainis and commandis his Hienesse Justice, Justice-Clerke, and their deputes, to proceed and do Justice upon the persones users thereof: Notwithstanding the saidis remissions and respittes, as gif the samin had never bene granted or produced: And ordainis all persones, that hes already obteined respittes, for the saidis crimes, sen his Hienesse accepted the government of the Realme in his awin person, to be called to underly the Law for the same: At the instance of the partie offended, gif they please to persew. And although they insist not, at the instance of his Hienes Thesaurer and Advocate, and the persones compeirand offenders, and usand the saidis respittes or remissions, to cause them finde gude and responfall soverties, acted in the buikes of adjournall, for satisfieng of the partie, as Law will, at the modification of the Lordes of Councell and Session, quhome his Hienesse ordainis and commandis to procede and Minister up-right Justice in modifieng of condigne and sufficient assythmentes of the saidis slaughters, and uther odious crimes, according to the gravitie and circumstances thereof, as they will answer to God and his Hienesse there-upon; And for the furtherance thereof, that his Hienesse Thesaurer and Justice-Clerke, cause collect the names of all persones, that hes gotten respittes or remissions for slaughters, or uthers odious crimes, sen his Hienes acceptation of the Government in his awin person, and present the same to his Hienesse, and his privie Councell, with all expedition.

155. *Against transporting of skinnies foorth of the Realme.*

OUR SOVERAINE LORD With advise of the Estaites, inhibitis and dischargis, all and sundrie merchandes, trafficquers, and utheris his Hiennesse Lieges quhat-sum-ever; Of all transporting and carrying foorth of this Realme, of Calve-skinnes, huddrounes, and Kid-skinnes, packing and pelling thereof, in time cumming, under the paine of confiscation of the same to his Majesties use; Commanding his Majesties Customer and Searcher, to search and seek the saidis skinnies; And in-case onie beis foundin transporting, to intromet there-with, and in-bring the same to his Hiennesse use. And ordainis letters to be direct, for publication thereof, in forme as effeiris.

156. *Concerning the streetes and passages of Burrowes.*

OUR SOVERAINE LORD And the Estaites of Parliament, ratifies, apprievis and confirmis the act of Parliament, maid be Queene Marie, Dowager of this Realme, in the moneth of *Junij*, the zeir of God; ane thousand, five hundreth, fiftie five zeires; Intitular, *Assent the common passages to Burrowes*: Be the quhilk it was statute, that all common lie-gates, that free Burrowes hes bene in use of, proceeding ather for passage fra their Burgh, or cumming thereto: And in special, all common lie-gates, fra free dry Burrowes, to the Portes and liavens, nixt adjacent, or proceeding to them, be observed and kept: And nane make them impediment or stop there-intill; And gif onie dois, to be called and accused for oppression, and punished therefore, according to the Lawes; as in the said act at mair length is conteneid: Quhilk act, with the haill clausies and condicions thereof, his Majestie with advise foresaid, willis that the saminsall be halden, as exprest herein: And to put to dew execution in all time hereafter, with thir additions following.

THAT For-sameikle as it is sufficientie understand be his Majestie, that diverse malicious persons, upon deliberat malice, stoppis and impedis publick passages, pertaining to free Burrowes, within this Realme; namelie to the Portes, quhilkis hes greatest occasion of trafficque, be casting of fowties, and bigging of dikes, for inter-closing of the saidis common passages, and will not suffer the inhabitantes of the saidis Burrowes, and uthers his Hiennes Lieges, and trafficquers towards the saidis sea-portes: to have, or frequent the accustomed passage used of before, in transporting of victualles, fewalles, vivers, merchandise, and uthers, for entertainment of the common negotiation of the cuntrie: bot compellis them to pas ane mile or twa about, to the great hurt and prejudice of the saidis Lieges. **H**EIRFORE his Majestie with advise foresaid, in corroboration of the said former Act, and to the effect that the samin may be put to full execution in time cumming; Statutis and ordainis that nane presume, or take upon hand hereafter, to stop, or impede the saidis publick and common passages, pertaining to the saidis free Burrowes, and namelie to the saidis Sea-portes. And gif onie fall happen to doe in the contrarie, the parties grieved fall have their recourse to the Lordes of Councell and Session, quha fall grant summar letters in their favoures, upon sex daies warning allanerlie, to cause and compell the committers of the said oppression, to desist and cease therefra: and to heare and see themselves decerned to have done wrang, in stopping of the saidis passages: and to finde caution, acted in the saidis Lords buikes, under sik paines, as fall bee modified unto them, never to commit the like wrang be themselves, their men, tenants, or servandes, and uthers quhom they may let: the ane half of the said penaltie to appertaine to his Hiennes, and the uther half to the partie grieved; And the probation of the said wrang in stopping of the saidis passages, to be received by famous witnessses allanerlie, and not by ane assise: And the tryall thereof to appertene to the saidis Lordes of Councell, and all utheris inferior Judges, to be discharged fra proceeding in the saidis causes: Notwithstanding ony quhat-sum-ever statute or constitution, maid anent molestaciones, in propertie or commonrie; In number quhairof his Hiennesse will navates that the saidis oppressions and staying of publicke passages, fall be comprehended; And ordainis publication to be maid hercof, in forme as effeiris.

157. *Concerning certaine abuses in the Admirallis proceeding.*

FORSAMEIKLE As it is heavelie compleened, be the haill Burrowes of this Realme; That they and the haill tounes, lyand upon the Sea Coast, have bene greatlie oppressed be the Admirall, taking ane cullor upon the new infestment, maid to *Frances*, sum-time Erie *Both-well*, of the said Admirallitie; In the quhilk infestment, there is ane great number of strange clausies, quhilk were never conteneid in ony infestment, given to ony Admirall of before; For the repressing of the quhilk oppression; It is statute and ordained, be our Sovereaine Lord, and the Estaites of this present Parliament; That the Admirall of this Realme, and his Successors in time cumming, exerce nor usurpe na jurisdiction; neither yet exact nor crave onie kinde of dewtie, escheit, nor casualitie; Bot according to that, quhilk was used to be exercisid or taken be the Admirall, for the time, before the decease of King JAMES the Fifth, of noble memorie; Notwithstanding, ony greater specialitie conteneid in ony of the saidis Admirallis infestmentes, by-gane or to-cum.

158. *It is leasum to laik patrones to dispoñe their Prebendaries and Chaplanaries to Benefices of Cure, pertaining to the saidis patrones, and served be Ministers, payis na thrid.*

OUR Sovereine Lord and Estaites, presentlie convened in Parliament, ratifies and apprievis the Act of Parliament, maid in his Hiennesse minoritie, and first zeare of his raigne, upon the fifteenth day of December, the zeir of God, anethousand, fivehundredth, threescoreseven zeires: Intitulat *anent the dispoñition of Provestries, Prebendaries, and Chaplanaries to burfaires, to be founded in Colledges, pertaining to laik Patrones*; And willis and declaris, that the haill poyntes, artickles and proviñiones, conteneid in the said act, fall be halden as expressed herein, with this additiō; That the saidis Burfares, studentes and titulars, lauchfully provided to the saidis Prebendaries, Chaplanaries, fall bruik, joyis and possesse in all time hereafter: Like as they had sufficient richtes to bruik, sen the dait of their proviñiones; The haill rentes, profites and emolumentes, conteneid in the auncient foundationes, maid be the said laik patrones; notwithstanding quhat-sum-ever proviñiones, or particularise, to the quhilk the haill, or ane part of the same, war destinat, used or bruiked, in time of *Papistrie*, and before the Reformation of Religion: And notwithstanding quhat-sum-ever act, statute, constitution, dispoñition, gift or presentation following there-upon, maid be his Hiennesse at onie time heretofore: Like as his Majestie, with advise of the saidis Estaites, and haill bodie of this present Parliament, expresselie declaris, that it was never his Majesties intention, ather to prejudge the saidis laik Patrones, in their Parsonages: or the Person provided to the saidis Prebendaries and Chaplanaries, of ony part of the fruites and emolumentes, conteneid in the auncient foundationes, maid be the said laik Patrones; Bot as beforē, heartelie requestis the saidis Patrones, to dispoñe and present their saidis Chaplanaries and Prebendaries, to sufficient and qualified Persones, as they wald godlinesse and gude letters to flourish within this Realme, to Gods glorie, and profite of this age, and the posteritie. And at our, our Sovereine Lord, and his Estaites in Parliament, declaris, that the Benefices of Cure, being laik Patronages, provided to Ministers actuallie serving, and making residence at the proper Kirkes of the same Benefices, fall not be subject in time cumming, to the payment of ony thriddes, fourth of the same: bot the same thriddes, to be reteneid be them, as a part of their awin living and stipend.

159. *Annexation of the landes and annuallies, mortified to the Ministers and Hospitall of Edinburgh.*

OUR Sovereine Lorde, now after his perfite age of twentie five zeires compleit, with advise of his Estaites in Parliament, ratifies and apprievis the donatiōnes and mortificatiōnes, maid be his Hiennesse unquhile dearest Mother, in her perfite age, and be his Hienes at diverse times, of the landes, Benefices and rentes, doted for sustentation of the Ministerie within the Burgh of *Edinburgh*, and interteining of the Hospitales thereof; And speciallic, of all landes, annuallies, and tenementes, lyand within the free-dome of the said Burgh, founded to quhat-sum-ever Benefice; And of all landes and annuallies, lyand out-with the libertie of the said Burgh, annexed to ony Benefice, Prebendarie, or Religious place, situate within the free-dome of the said Burgh. And OUR SOVERAINE LORD, for his pitfull zeale, quhilk he hes to the sustentation of the Ministerie and Hospitales within the said Burgh, with advise of his saidis Estaites of Parliament, now after his perfite age of twentie five zeires compleit; hes of new annexed to the Communitie of the said Burgh, and their Succesours, in favoures of their Ministry and Hospital; All and haill the saidis Lands and tenementes, annual-rentes, profits and emolumentes foresaidis: Few-fermes, mailles and dewties thereof; And surrogatis them in the full richt of all landes, annual-rentes, and emolumentes, situate within the free-dome of the said Burgh: Quhilkis perteneid of before, to quhat-sum-ever Bishop, Abbot, Prior; Or quhat-sum-ever Ecclesiasticall person within this Realme; And ordainis an new insectment to be exped thereupon, for their securitie, gif it be thought expedient; And for the said godlie effect, his Hienes dissolvis the generall annexation in that part; in sa far as the samin may appeare to be extended to onie of the premisses, or to the annexation maid of before, in favoures of the said Colledge and Hospital, of *Dumbarry*, quhair of the Kirk of *Potie* and *Mouneise* ar pendickles, lyand within the Schireffedome of *Perth*: The Parsonage of *Curry*, and the ane halfe of the Vicarage thereof, pertaining to the Arch-deane of *Louthiane*: The landes, annual-rentes, houses, zairdes and Bigginges of the *Trinitie* Colledge, situate within the said Burgh of *Edinburgh*, alswell pertaining to the Provost, as to the Prebendars thereof, and common landes, and annual-rentes of the same. Quhilk annexation; his Hiennesse with advise of his saidis Estaites in Parliament, ratifies and apprievis: As als his Majestie, with advise of his saidis Estaites, of new annexis the uther halfe of the Vicarage of *Curry*, to the quhilk na person is provided: And the haill Vicarage of the said Kirk of *Dumbarry*, quhilk alswa vakis be deprivation of N. N. last possessor of the same; To remaine with the Provost, Baillies, Council, and communitie of the said Burgh, and their Succesours in time cumming, for sustentation of their said Ministerie and Hospital. And our Sovereine Lord, and Estaites foresaidis, decernis and declaris, that nane of their particulars before written, disposed of before, and newlie annexed, for sustentation of the said Ministerie and Hospital, were, ar, or fall be ever comprehended in the generall Annexation of the Ecclesiasticall lands and rentes to the Crown; Bot were, ar, and fall be excepted therefra: Like as his Majestie and Estaites foresaidis, of new exceptis the samin, not onelie fra the said annexation: bot fra his Hiennesse revocation, maid in

time-by-past, or maid in this present Parliament; And declaris alswa, that the saidis Provest, Baillies, Council and communitie, and their Successeurs, in all time cumming, hes, and fall have sik full richt of propertie and superioritie of the foresaidis landes, annuall-rentes and revenues, tennentes and tennendries and service of free-tennentes thereof: as had the Bischoppes, Abbotes, Priors, Friers, Monkes, Nunnes, Chaplanes, and Prebendares, to quhom the saidis landes and annuall-rentes, pertained of before: Notwithstanding, ony acte or constitution, preceeding the dait hereof.

F I N I S.

A N E T A B L E

Of the PARTICULAR ACTES and uthers, maid be KING JAMES the Sext, in this twelfth Parliament, the fifth of Junij; 1592. zeires, not imprinted.

- 1 Commission anent the Ministers stipendes.
- 2 Exception in favour of Adam, Bisshoppe of Orkney.
- 3 Commission for reparation of Hospitall.
- 4 Anent the bigging of ane second Kirk, within the Parochin of S. Andrewes.
- 5 For appricuing of the Kirk, bigged be John Schaw of Greenok.
- 6 The union of the Kirk of Forteviot, to the auld Colledge of Saint-Andrewes.
- 7 The dissolution of the Deanrie of Restalrig.
- 8 Ratification of the pension granted to John Durie, his wife and sonne.
- 9 Ratification of the mausc of the Minister of Pertin-weeme.
- 10 Commission anent the locall stipendes of Ministers.
- 11 Commission anent the ryding in Parliament.
- 12 For furthering of the Kingis commoditie be the mines and mettalles.
- 13 Ratification of the Kingis revocation.
- 14 Anent the payment of Burrowe mailles.
- 15 Annexation of Kelfo and Coldinghame.
- 16 Anent the nomination and establishing of our Sovereaine Lords privie Council.
- 17 Anent the Kingis Chappell Royall.
- 18 Commission anent the examination and imprinting of the Lawes of this Realme.
- 19 Ratification of the contract of mariage, betuixt the King, and Queenes Majesties, and of her infestmentes past thereupon.
- 20 Approbation of their service, quha accompanied his Majestie to Norway and Denmark.
- 21 Ratification of the proceeding of the Earle Marchell, and uthers direct to Denmarke, to treat the said Mariage.
- 22 Ratification to the Laird of Barne-Barrow, and Maister Peter Young, and of their proceeding in the said Mariage.
- 23 Prescription of the Act of repossession.
- 24 Act annulling the bandes and contractes of persones, being put in captivitie.
- 25 Ratification of the Commissariote of Edinburgh.
- 26 Ratification of the Burgh of Hadingtoun.
- 27 Of the Hospitall of Perth.
- 28 For the bigging of the Tolbuith of Clack-mannan.
- 29 Ereccion of the Toun of Scraling, in ane Burgh of Barrounie.
- 30 Changeing of the Faire of Dornoch.
- 31 Act in favour of the Burgh of Anstruther, bezond the Burne.
- 32 In favour of the Burgh of Cul-rossie.
- 33 Ratification of the exceptiones from the generall Act of Annexation.
- 34 Declaration to the Earle of Angus, anent his hounours.
- 35 Ratification of ane contract, betuixt the King, and the Earle of Angus.
- 36 Ratification to the Duke of Lennox, of the superioritie of the Priorie of Saint-Andrewes.
- 37 Ratification of the Earledome of Orkney, to the Earle thereof.
- 38 Ane uther to the Earle of Gowrie, of his infestment.
- 39 Item to him, of the Abbacie of Scone.
- 40 To the Earle of Mont-rose.
- 41 To the Maister of Mont-rose.
- 42 To the Lord Lindefay.
- 43 Of ane Pension out of Quhite-horne, to my Lord of Spynie.
- 44 To the Maister of Drummound.
- 45 Anent the Temporallitie of Passlay.
- 46 In favour of the Commendatar of Mel-rose.

- 47 Ratification to Arche-bald Dowglas, son to the Commendatar of Mel-rose,
- 48 To the Commendatar of Kinloffe.
- 49 To the Commendatar of Lundoris.
- 50 To the Lord of New-bottle.
- 51 To the Lord of Urquhart.
- 52 To John Colvill, Sonne to the Commendatar of Culroffe.
- 53 To William, Commendatar of Tung-land, anent the Temporalitie of Kilvinging.
- 54 To the bairnes of unquibile, Sir Lewes Bellenden of Auchinnowll, laite Justice-Clerke.
- 55 To the bairnes of unquibile the Laird of Segey.
- 56 To Maister David Chalmer of Ormond.
- 57 To Alexander Hooime of North Berwike.
- 58 To Sir Robbert Mal-vill of Murdocarny Knight, The Treasurer.
- 59 To Andrew Mal-vill of Garvok, Maister-housholde.
- 60 To the Laird of Tullibardin, Maister-housholde.
- 61 To the Laird of Ormestoun, Justice-Clerke.
- 62 To Sir John Carmichaell, of that ilk, Knight, Maister of the Stable.
- 63 To the said Sir John concerning the lands of Lang-Hirdmestoun.
- 64 To Maister Gilbert Moncreif, Medicinar to his Majestie.
- 65 To Maister George Young, Arche-deane of Sanct-Andrewes.
- 66 To Sir George Hooime Knight.
- 67 To John Gib.
- 68 To John Chulholme.
- 69 To Maister Henrie Keir.
- 70 To the aires of Eupheme Mak-kalzane.
- 71 To David Cunninghame of Robert-lan.
- 72 To the Ladie Aicket.
- 73 To the Laird of Cef-furde.
- 74 To the Laird of Pettarrow.
- 75 To the Laird of Findlater.
- 76 To the Laird of Buquhollic.
- 77 To the Laird of Largo.
- 78 To the Laird of Basse.
- 79 To the Laird of Vrie.
- 80 To the Laird of Essil-mont.
- 81 To James Boyde of the Kippes.
- 82 To Gawin Hammiltoun of Roploch.
- 83 To Nicoll Cairn-croce of Calfe-hill.
- 84 To James and John Murrayes.
- 85 To Walter Scot of Tuschielaw.
- 86 To Frances Borthwicke in Ballinreiff.
- 87 To Sir Alexander Hooime of Snuk Knight.
- 88 To John Hooime of Sleg-den.
- 89 To Thomas Meinzeis of Durn.
- 90 To James Hammiltoun of Liber-toun.
- 91 To George Hammiltoun of Prestoun.
- 92 To Williame Hooime of Bassindene.
- 93 To John Schaw of Broich.
- 94 Of one band of man-rent to the Laird of Black-wood.
- 95 To John Andro Clerk of the secreet Councell.
- 96 To William Wylie Writer.
- 97 To the Clerk of Register, and Maister John Hay his sonne.
- 98 To the Earle of Murray ane Supet-federe.
- 99 To my Lord Thirle-stane, Chancellor.
- 100 To the Earle of Murray of his infestmentes.
- 101 To the Lord Ding-well.
- 102 To the Laird of Leic zounger, bis.
- 103 To the Lord Sea-toun.
- 104 To John Levingstoun of Aber-korne.
- 105 To the Commendatar of Petten-Wegme.
- 106 To the Lord Boyde.
- 107 To the Earle of Morroun.
- 108 To the Lord Zelter.
- 109 To the Laird of Duniepage.
- 110 To George Sinclair of Maij.
- 111 To Martene Ellor.
- 112 To my Lord of Spynie for his infestment.

F I N I S.

Y Y 2

THE

THE THRETTENTH
P A R L I A M E N T,

*Halden at Edinburgh, the XXI day of Julij, the zeir of God, aue thousand, five hundreth, fourscore threttene zeires. Be the richt excellent, high, and michtie Prince,
JAMES the Sext, King of SCOTTES; And three Estaites
of the Realme.*

159. *Mercattes and Faires ar forbidden on the Sabbath-day.*



OUR SOVERAINE LORD, With advife of the Estaites of this present Parliament, ratifies and apprievis the Actes maid anent the discharging of Faires and Mercattes, halden on Sabbath-dayes; And becaufe the samin Actes in manie respectes, ar na wayes observed in Land-wart; THEREFORE His Majestie, with advife foresaid, expresse commandis and chargis, all Schireffes, Stewards, Baillies, Provostes, and Baillies of Burrowes; And all uthers quhom it fall please everie particular Presbyterie to nominate, within their awin bounds, to thar effect; To discharge, remooove, and put awaie all Faires and Mercattes, halden on Sabbath-dayes, as they will answere to his Majestie; And in-case they be found negligent, ordainis letters of horning, upon an simple charge of ten dayes to be direct, to charge them therto, ar the instance of the said Presbyterie.

160. *Contemners of the decreetes of the Kirk, suld be denounced Rebelles.*

FORSAMEIKLE As the Kingis Majestie, with advife of his Estaites in Parliament, hes confirmed and established, the jurisdiction and judicatours of the Kirk, in the generall and Synodall assemblies, Presbyteries, and particular Sessiones of everie Kirk and Paroche, willing and ordaining their sentences and decreetes, in maters petteining to their judicator, to be put in execution, and take full effect; And it is of veritie, that a number of obstinar and stubborne people, in diverse Paroches of this Land, hath contemned, and daylie contemnis the sentences and decreetes of the saidis assemblies and judicatours of the Kirk; Namelie in Land-wart Paroches, quhair there is little, or na concurrence of Magistrates, to punish obstinar and disobedient perones: And the said Kirk having na uther punishment in their handes bot Spirituall; the quhilk the said obstinate people (being altogether fleihlie and beastlie) feelis nor, nor settis not by. Therefore OUR SOVERAINE LORD, With advife of the saidis Estaites, for remeid hereof, hes statute and ordained, thar in-case ony of his subjectes within this Realme, refusis to obey the ordinances and decreetes of the saidis Assemblies and judicatours of the Kirk, in ony time to cum, the saidis Assemblies and judicatours, fall direct their Bedle to the persone or personnes disobedient, chargeing and commanding them in the name of God and the King, to obey their decreete and ordinance: The quhilk charge, gif the said person or personnes contemne, and remaine obstinar; The Minister of the Paroche, quhair the said person or personnes remainis, fall three severall Sabbath-dayes from Pulpit, charge and command the said person or personnes, in the name of God and the King, to obey the samin ordinance and decreete: And in-case notwithstanding, all the saidis charges, the said person or personnes remainis still obstinate and rebellious; Then fall the saide Assemblie or judicatours, quhilk hes maid the said ordinance and decreete, meane the mater be their supplication, to the Lordes of Session, conteining the substance of the Proceffe, the sentence and decreete pronounced against the saidis persone or personnes, with a complaint of their contempt and disobedience: Quhair-upon the partie compleined on, being first cited and heard to propone their lauchfull defences, in-case they compeir: And gif they compeir not, *propter contumaciam*, The saidis Lordes of Session, or secreit Councell, fall give our letters, to put the said person or personnes to the horne, within ten dayes nixt after the charge, in-case of disobedience, and continuing in their former contempt and rebellion.

161. *Ministers glebes suld be designed fourth of onie Kirk-landes.*

ITEM, It is statute and ordained, quhair there hes bene na glebe of auld, or quhair hes bene sum of auld, zit it be farre within the quantitie of four aikers of Land, that the designation be maid of the Parson, Vicar, Abbot or Prioreffe Landes: And failzieng thereof, out of the Bishoppis landes, Friers landes, or ony uther Kirk-landes, lyand within the boundes of the said Paroche, ay and quhill foure aikets of land be compleit.

ITEM,

ITEM, That the saidis glebes be designed with free-dome of foggage, pastourage, sewall, fail, diffat, loning, free ischue and entrie, and all uthers priviledges and richtes, according to use and woont of auld.

162. *Ministeres stipendis suld be free of all impositiounes.*

FORSAMEIKLE As sundrie Ministeres, quha hes bene in lang possession of their stipends, be vertew of their assignatiounes, are troubled be pensioners or tacksmen, quha hes tane in tack, gift, or pension ather their haill stipends, or ane great pairt thereof, and hes obtained ratification in Parliament thereupon.

THEREFORE, Our Sovereine Lord, with advise of his Estaites of this present Parliament; Ordains that all Ministeres stipends in time cumming be free from all tacks, pensiones, taxationes, or impositiounes quhar-sum-ever, notwithstanding of onie gift or disposition maid in the contrair: to the effect that the Ministers may bruike their stipends peaceably in all time cumming, without ony trouble, according to their assignation.

163. *Anent dispositions of benefices granted to Ministeres.*

FORSAMEIKLE As the Ministers serving the cure within this Realme, being lauchfullie provided to Parsonages and Vicarages, and annexed and pertaining of before to prelacies; hes bene this time by-gane frustrat of the rentes and fruites of the same: Notwithstanding the lauchfull provisiounes and assignatiounes thereto: For remeid quhairof, and to the effect that the haill Parsones, serving the Cure of Ministerie within this Realme, may peaceably bruike and possesse their benefices of Parsonages and Vicarages of their awin Kirkes, fruites, rentes and emolumentes thereof, in all time cumming; Conforme to their Provision and assignation of the samin; to remaine with them and their successours, serving the Cure, as said is: It is statute and ordained, that all gifts, provisiounes, and assignatiounes, disposed to the Ministers, serving the Cure of the Parsonages, Vicarages, and Kirkes thereof; Is and sall be, now, and in all time cumming, valuable and sufficient richtes and titles to them, and everie ane of them: For bruiking, joyning and possessing of the same; and intrometting with the fruites, rentes and dewties thereof, in time cumming, ratifiand and appreviand the same: Notwithstanding quhar-sum-ever act or constitution maid in the contrair: But prejudice allwaies of quhar-sum-ever particular pairties richtes; And speciallie the Queenes Majesties Kirkes of *Damfermeline*.

164. *Anent the sayers of Messe, and receipters, Or interteiners of excommunicat Papistes.*

ITEM, It is statute and ordained, that in case in time cumming, onie person or persones say *Messe*, or receipt and intertaine willingly, be the space of three nightes togidder, or three nightes at severall times, excommunicate *Hesuites*, or trafficking *Papistes*, against the Kingis Majestie and Religion, presentlie professed and established within this Realme: The samin being dewlie and lauchfullie tryed, sall verifie and infer the deede to have bene of the knowledge and gud-will of the person or persones accused therefore: Quha being convict of the premises, or ony of them; their escheitir, for the first fault, sall fall and becum in his Majesties handes, and sall be intrometted-with, to his Hiennesse proper use: And being convict thereof the second time, sall amit and tine their life-rent, of quhat-sum-ever their landes, possessiones, uthers guddes and geare: And being accused and convict therefore the thrid time, sall incurre the paine of treason, and the proces and doome of foresaltour, sall be ordourlie led, pronounced and execute against them, with all rigour.

165. *No particular acte of Parliament, sall prejudice the Ministers in their livinges.*

OUR SOVERAINE LORDE, With the advise of the Estaites of this present Parliament, having consideration how that the Ministers Provided to Ecclesiastical functiones and livinges of the Kirk, and serving the cure thereat, hes bene and may be in time cumming heavilie prejudged in their saidis Ecclesiastical livinges and rentes thereof, be speciall actes and constitutiounes, maid in favour of certaine particular persones: For remeid thereof in time cumming; hes statute and ordained, that quhar-sum-ever acte or constitution of Parliament in time cumming, after the dair hereof, be maid in favour of ony particular Person, quhairby the provision of ony Ministers livinges, may be tane awaie, or in onie wise prejudged, directlie or indirectlie, in their saidis provisiones, rentes and profits thereof, or ony part of the samin; that the samin sall be in all times cumming, null and of nane availle, force nor effect: Except the saidis Ministers be called upon their provisiounes, and the samin in haill or in part, reduced before the Judge ordinar.

166. *Additiounes to the paines of Law-borrowes.*

IT is statute and ordained, be OUR SOVERAINE LORDE, and the three Estaites, that in time cumming, the paines and unlaues of Law-borrowes, or for none-againe-bringing of letters to the Justice

Justice Clerke and his deutes; or for none-compeirance before the Justice after sovertie founde; fall bee for everie Erle or Lorde, twa thousand pundes: For everie great Barronne, ane thousand pundes: For everie Free-halder, ane thousand Markes: For everie Fewer, five hundreth Markes: For everie Zeaman-man, ane hundreth Markes: For everie Gentle-man un-landed, twa hundreth Markes: Of ilk person summoned to pas upon Assise before the Justice, ane hundreth Markes: And that the Justice Clerke and his deutes, receive sovertie, according to the saidis paines in time cumming, and na uther-waies: as they will answere upon the dewtie and execution of their offices. And the saidis paines of Law-borrowes, to be divided equally, betuixt the King and the partie offended unto; conforme to the act maid there-upon of before. And that the un-law of all perones arrested, and not compeirand at the first Justice aire, over all the Realme in time cumming, fall be twentie pundes.

167. *Annual-rentes payed out of the Kingis Propertie, to Ecclesiastical perones, after their decease, fall returne to the Crown.*

IT Is statute and ordained be OUR SOVERAINE LORD, and his Estaites in this present Parliament; That after the decease of the present possessour of the Prelacies, and uther benefices within this Realme; the annual-rentes payed there-unto, out of the Burrow-mailles, customes, and utheris rentes of the propertie, to remaine with his Hiennesse and his successeours, as a part of the patrimonie of the Crowne; And nane that fall happen to be provided in title to the saidis Prelacies, or uther inferior Benefices, fall have richt or action, to crave or recover the said annual-rentes: Notwithstanding their provisions, general or special quhar-sum-ever, without prejudice alwaies of the Hospitalles and Colleges within Universties, and Schooles, within this Realme.

168. *The paines of wrangeous Customers and Searchours.*

OUR SOVERAINE LORDE, with advise of the Estaites in this present Parliament, statuts and ordains, that all Customers and searchers, fall compeir zeirliche in the ordinar time of the Checker, and make faith that they have done their dewtie trewlie in their offices, the zeir preceeding: And gif ony fall be tryed to have done in the contrair; be suffering or over-looking of forbidden guddes, or un-customed guddes to be transported, ather before the Justices or his deutes, or auditours of the Checker, that the offender thereby in-cur the paine of deprivation from their offices, and escheitring of all their movable guddes.

169. *Remissions and respittes suld not be granted, without ane letter of flaines: They suld be registrat.*

OUR SOVERAINE LORDE, And Estaites of this present Parliament, ratifies and apprievis the actes of his Hiennesse Parliaments, maid of before; against the granting of remissions and respittes to the committers of murders, slaughters, and uther odious crimes, mentioned therein, quhair there is not sufficient letters of flaines shawen; And ordains the saids acts to have full effect, and to be observed be his Hiennesse and his deutes, during the haill space, mentioned therein; And that na respit or remission be admitted in judgement hereafter, except the said be componed be the Thesaurer, subscribed be him, and at the least, past his Register.

170. *Ratifications of the priviledges of the College of Justice.*

OUR SOVERAINE LORD, And Estaites of this Realme, conveyed at this present Parliament, ratifies and apprievis, for them and their successeours, all and quhar-sum-ever Actes, statutes, constitutiones and ordinances, maid be his Majestie, or his Predecessours, in favours of the Senatours of the College of Justice, and members thereof: sen the first erection of the said College, to this present day and dait, without ony maner of diminution or derogation of the said, in ony sort, be quhar-sum-ever uther act or statute, that may or can be extended or interpreted in the contrair, aither special or general.

171. *Inseftmentes of the propertie, without consent of the Comptroller, ar null.*

OUR SOVERAINE LORD, With advise of the Estaites of this present Parliament, ratifies and apprievis the acte maid in the Parliament halden at Edinburgh, the fifth day of Junij, the zeir of God, ane thousand, five hundreth, fourscore twelve zeires; Anent the setting of inseftmentes of his Majesties propertie; And decernis and declaris quhar-sum-ever inseftmentes to be set in time cumming of the said, without the Comptrollers consent, his subscription and passing of his register, to be null and of nane avail.

172. *Inseftmentes given be the King, with new richt of Patronage in that part, ar null.*

OUR SOVERAINE LORDE, And Estaites of this present Parliament, considering how his Hiennesse hes bene greatumlie circumveened in granting of new inseftmentes, to findrie perones of their Landes

Landes, including there-with, be their importune suite; the advocation, donation, and right of Patronage of diverse Kirkes and Benefices: quihik never pertained to them of before; Bot to his Majesties presentation, specially quhair perones provided thereto, is zit on life; And the right of the Patronage of their Benefice, purchasid and taken, during their life-time, without their consent or knowlege: Tending thereby to appropriate the fruites of the saidis benefices, quhair the samin fall vake, to their particular uses; Not onelie to the great hurt of his Hienes, and prejudice of the Kirk: quhairby all convenient occasion is abstracted from his Hienesse, to gratifie qualified perones, quha hes travelled and ar able to serve in the function of the Ministerie, and Preaching of the Evangell: Bot also to the great hazard and danger of the perones, provided to the saidis Benefices, zit on life.

FOR Remeid quhairof, our said Sovereine Lord and Estaites foresaid hes statute and ordained: and be the tenour hereof, decernis and declaris, that all sik infestmentes, granted in times by-past, or to be granted in times cumming, be his Hienes, containand the gift and disposition of the right of ony Patronage, advocation and donation of benefice, quihik pertained of before to his Hienesse gift and presentation: quhair of the beneficed person, was for the time, or fall happen to be alive, the time of the granting of the said infestment, & their consent nocht had and obtained thereto, hes bene fra the beginning, and fall be in all time cumming, null and of none avails, force nor effect, sa far as concernis the disposition of the richt of Patronage of the saidis Kirkes; Bot furder proces or declaratur of onie Judge to be given there-upon; And the said advocation, donation, and right of Patronage of the saidis Benefices, to returne to his Hienesse; and be at his disposition and presentation freilie, as the samin was before the granting of the said infestment; And as gif the saidis infestmentes, had never bene granted: But prejudice alwaies of the saidis infestmentes, anent the remanent landes therein contained; Quihik fall remaine in the awin strength and effect, and this nullitie to be received summarlie, be way of exception, reply, or objection: Dischargeing all Judges within this Realme, to grant onie Proceffe upon the right of the said Patronage, be vertew of the saidis infestmentes: bot to haide the same as nocht exprest therein.

PROVIDING that sa soone as the beneficed mans awin consent may be had and obtained, to the saidis infestmentes, the same to be als sufficient and effectual, as gif their consent had bene obtained thereto, from the beginning.

173. *The paine of them that troubles the Parliament, Session and uther Judgements.*

IT Is statute and ordained be OUR SOVERAINE LORD, And Lordes of Artickles of this present Parliament; That quho-soever fall happen at ony time hereafter: to strike, hurt, or slae ony person within his Hienesse Parliament house, during the time of the halding of the Parliament, within the Kings inner Chalmers, Cabinette, or Chalmers of presence; The Kingis Majestie for the time being within his Pallace, or within the inner Tol-buith, the time that the Lordes of Session sittis, for administration of Justice; Or within the Kingis privie Councell-house, the time of the Councell sitting there; Or quha-soever fall happen to strike, hurt, or slae onie person in presence of his Majestie, quhair-ever his Hienesse fall happen to be for the time, fall incur the paine of treason: and fall be accused therefore, as committers of treason and lese-majestie.

AND Sik-like, statutis and ordainis, that quha-sa-ever fall strike or hurte in ony time heir-after onie person, before our Sovereine Lordis Justice, or his Deputes, sitting in judgement, or within the inner zette of the Kingis Pallace, quhair his Hienes fall make his residence for the time; Or within the utter Tol-buith of *Edinburgh*, the time that the Lordes of Session sittis for administration of Justice, fall incur the paine of death, and fall be accused criminallie therefore.

AND Als statutis and ordainis, that quha-sa-ever at onie time heir-after, fall strike or hurte onie person, before the Baillies of Burghes, Commisaires, Schireffes, Baillies of Royalties and Regalities, and uther inferior Judges within this Realme; they or ony of them, sitting in judgement, fall pay ane hundredth pounds, to be employed at the discretion of the Judge offended, and be imprisoned in their personnes, during the Judges will; But prejudice alwaies of the Priviledges granted bee quhat-sum-ever statute or Actes of Parliament of before, to the Provost and Baillies of Burrowes, or quhat-sum-ever inferior Judges.

AND Last it is statute and ordained, that quho-so-ever fall strike or hurt onie Judge within this Realme, sitting in judgement, fall incur the paine of death, and be accused criminaly therefor.

174. *Ratification of the Actes maid anent theft, respite, and remissiones ar null, being given without satisfaction of the partie.*

OUR SOVERAINE LORDE, And Estaites of this present Parliament, Taking consideration of the rebellious contempt, used be ane great number of his Hienes subjects, alsweil upon the *Borders* as in the *Hie-landes*, and diverse utheris partes of his Hienesse Realme: Quha without regard of their dewtiful obedience, passis daylie to the home, for not finding of law-sovertie; Nor subscribing of assurances in maters of seede, dingis and strickis his Majesties messengers, and utheris his Hienesse Officiares, in execution of their offices: And sum quha nightlie and dailie rievris, forrayis, and committis open theft, riefie and oppression

*Inferior Judge
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-ment.*

oppression: For remeid quhairof, our said Sovereaine Lord, ordainis the Actes and Lawes maid of before, anent theft, theft-boote, receipt of theft, interteiners, intercommuners, receipters and suppliers of thieves, to be put to execution, according to the tenour thereof; And ratifies and apprievis the same in all poyntes; And furder, our said Sovereaine Lord, with advise of the Estaites of this present Parliament, statutis and ordainis, that na respite nor remission, be granted at ony time hereafter, to ony person or persones, that passis to the home for theft, riefte, slaughter, burning, or heir-shippe, quhill the partie skaithed, be first satisfied; And gif ony respit or remission fall happen to be granted, before the partie grieved, be first satisfied, the samin fall be null and of nane availe, be way of exception or replie, without ony furder declaratur: except the saidis remissiones and respittes be granted, for pacifieng of the broken Countries and bordoures.

175. *That the writer insert his name in the bodie of the writte.*

OUR SOVERAINE LORDE, And Estaites of this present Parliament, understanding persontie, that falscties in-creasis daile within this Realme: And speciallie, be the writing of the bodie of the contractes, chartoures, obligations, reversiones, assignationes, and all uthers writtes and evidentes, be the hand-writtes of sik persones, as ar not communlie knawen, and ar not common notares, nor bruikes na common Office, as writers within this Realme: And gif the writer were knavin, the samin wald give great lichte to the tryall of the trueth of the falsed of the said writ and evident: Therefore his Hiennesse, with advise of the saidis Estaites in Parliament, decernis and declaris, that all original chartoures, contractes, obligationes, reversiones, assignationes, and all uthers writtes and evidentes to be maid hereafter, fall make special mention in the hinder end thereof, before the inserting of the witnesss therein, Of the name, surname, and particular remaining place, diocesse, and uther denomination of the writer of the bodie of the foresaid original writtes and evidentes: uthervaies the same to make na faith in Judgement, nor out-with in time cumming: And to begin upon the first daye of November, nixt to-cum.

176. *Annexation of the propertie to the Crown.*

OUR SOVERAINE LORDE, And Estaites of this present Parliament: Considering the daile in-crease of his Hienes charges and expenses, and diminution of his Hiennesse rentes of his propertie and commoditie, throw unprofitable dispositiones maid thereof in time by-gane: Therefore thinkis expedient, that the landes and Lord-shippes under-written, be annexed to the Crown; and presentlie annexis the same thereto, followand the example of his Predecessours, for the honorable support of his Estait: and the same Lands, Lord-ships, and uthers hereafter specified, to remaine perpetuallie with the Crown: Quhillis may nather be given awaie in free frank-tenement, pension, or uther disposition to ony person, of quhat estait or degree that ever he be of, without advise, decreete, and deliverance of the haill Parliament: And for great reasonable causes, concerning the well-faire of the Realme: First to be advised, and digestlie considered be the haill Estaites. And albeit, it fall happen our Sovereaine Lord that now is, or ony of his Successours, Kinges of Scotland, to annalie and dispone the saidis Landes, Lord-shippes, Castelles, Townes, donation and advocacion of the Kirkes and Hospitalles, with the pertinentes, annexed to the Crown, as saidis, utherswise: That the same alienationes and dispositiones, fall be of nane availe; bot that it fall be lesum to his Hiennesse, and his Successours, to receive the same landes and rentes to their awin use; quhen ever it likis them, without ony proces of Law: And the takers to refound and pay, all profits that they have taken up thereof, againe to his Hiennesse, and his Successours uses, for all the time that they have had them, with sik uther restrictiones, as ar conteined in the actes of Parliament, maid be his maill Noble Progenitours, Kingis of Scotland, in their annexationes to the Crown. They ar to say, the landes of *Beaufort*: The landes of *Pettindrecht*: The landes of *Cowall*: The landes of *Oneill*: The landes of *Fet-tircarne*: The landes of *Teiling* and *Polgavie*: The landes of *Coubrandispeith*: The Erldome of *Marche*: The landes of *Trabeache* and *Teringzeane*: The landes of *Carriell*, *Lesualt* and *Mennybrig*: The landes of *Cowell*: The landes and Lord-ship of *Galloway*, abone and beneath *Cree*: The landes of *Dunowen*: The Castle and landes of *Lochmaben*: The landes of *Glencharny* and *Glenmoreistoun*: The landes of *Discher* and *Toyer*: The landes of *Kinclewin*: The Lord-ship of *Menteith*: The landes of *Rosneith*: The landes of *Bute*: The landes of *Ruthvens* in *Cromar*: The assise herring in the *East* and *West* Seas: The Lord-ship of *Dunbar*: The landes of *Normangill*, *Qubitegill* & *South-wood*: The landes of *Dunedonald*: The Kingis wark in *Leith*: The Kingis stable: The Kingis Meedow: The Pallace, zardes, and Parke of *Haly-rude-bowse*: The Lord-shippe of *Linlithcow*; without prejudice of the former annexation of the landes and Lord-shippes abone writren, or ony of them, gif ony be maid of before, with tennentes, tennendries, service of free-tennantes.

177. *Decreetes given within Burrowes, suld receive execution, be letters of horning.*

ITEM, Because there is na execution on Borrow actes, but only wainding and poynding: Quhill is not onelie a great trouble to the Magistrates, bot hurt and defraud to the partie; In respect that sinder absentis their gear: uthers respectis not warding: And that the suing of letters conforme, is baith sumptuous to the persewer, and hindersum; the decreetas beand given oftymes of small summes: Therefore OUR SOVERAINE

VERAINE LORD with consent of the Estaites, decernis that the Lordes of Councell and Session, fall direct letters of horning on all decreetes and acts, given be Provest and Baillies of Burrowes *inter concives*; and all uther subject unto their jurisdictiones, upon the sight thereof: And execution of the officiares, charging the party to make payment within fiftene daies; like as is granted upon Commiffars precepts: And that the saidis letters of horning, proceede upon an simple charge of ten daies allanerlie.

178. *Calfe, Kid, and certaine uther skinnis, shuld not be transported out of the Realme.*

OUR SOVERAINE LORD, With advife of his Estaites in this present Parliament, ratifies, apprievis, and confirmis, ane acte maid in his Hienes last Parliament, anent the none-transporting of Calfe and Kid-skinnes and huddrounes forth of this Realme: And declaris the same to be als effectual and sufficient, as if the same were insert herein, word be word; Notwithstanding the same is not insert: Anent the quhilk, his Majestie with advife foresaid, be thir presentes dispensis for ever, with this addition; That his Majestie and Estaites of this Parliament, understanding how necessary and profitable the schurling skinnis ar for lyning cusccheones, making of poikes, lyning, puitches, glooves, and claiting of the pair; and utherwise serving to diverse uther uses, to all his Majesties Lieges: Quhilkis be the transporting and carying of the same forth of this Realme, ar become to ane exorbitant dearth; that there-throw, not onlie the skinners ar greattunlie hurt and prejudged, be the in-lack of the leather thereof, quhair-with to worke: As als wa his Majestie importis na profite thereof be custome, nor uther-wise; Bot als wa all utheris his Hienesse Lieges, ar greattunlie hurt and prejudged thereof. Therefore it is statute and ordained, that na Merchand, Crafter-man, or uther person or persones, carie, or transport, onie of the saidis schurling skinnis, nor uther skinnis abone mentioned, forth of this Realme, under the paine of confiscation of samonie, as fall happen to be apprehended: The ane halfe thereof to be confiscat to our Sovereain Lordis use, and the uther halfe to the partie that apprehendis the same: And furdur punishment of the persones, transporters and contraveeners of this present acte, in their person and gudes, according to his Majesties pleasure.

179. *The custome of Beare.*

OUR SOVERAINE LORDE, And Estaites in this present Parliament, statuis and ordainis, that his Hienesse fall have twentie shillings of custome, of everie tunne of Beare, brocht in this Realme, in time cumming, after the dair hereof.

180. *Confirmation of the Deane of Gildes Jurisdiction.*

FORSAMEIKLE As our Sovereain Lord, and Estaites of this present Parliament, having considered how necessarie and expedient it is, that the power and jurisdiction of the Deane of *Gild*, and their Councell within Burgh, be approved and allowed, as it is now used in the town of *Edinburgh*: quhilk is to the great furtherance of Justice to our Sovereain Lords Lieges, in all actions and maters concerning Merchands; betwixt Merchand and Merchand, and betwixt Merchand and Mariner; quhilk actions, aucht not, nor shuld not byde delay; Bot be exped and decerned be the Deane of *Gild* and his Councell summarlie, as men chosen and appoynted zeirlie, be the Councell of the Burgh; maist apt and able to judge and decerne in all actions concerning Merchandes, as said is: Quhairfore **OUR SAID SOVERAINE LORDE**, With advife of the Estaites in this present Parliament, ratifies and confirmis, the judgement of the said Deane of *Gild* and his Councell, in all actions, concerning Merchandes; as the same is set downe be the Provest, Baillies, Councell and Deacones of the Burgh of *Edinburgh*: And to have full strength, force and effect, in all times, according to the lovable forme of judgement, used in all god townes of *France* and *Flanders*, quhair Burfes ar erected and constitute; And speciallie in *Paris*, *Roan*, *Bordeaux*, *Roche*: And the particular forme thereof, to be set downe againe in this present Parliament.

181. *The common good of Burrowes shuld be roused, and imployed to the common weill of the Burgh.*

OUR SOVERAINE LORDE, With advife and consent of the Estaites in this present Parliament, hes decerned, concluded and ordained: and be thir presentis, decernis, conclusis and ordainis, that the common gud and patrimony of all Burghs within this Realme, fall be zeirly bestowed, at the sight of the Magistrates and Councell of the saidis Burrowes, to the doing of the common affaires thereof allanerly, after the zeirlie rousing and setting thereof, as use is: conforme to his Majesties former actes and statutes, maid anent the imploying of the common gude within the saidis Burrowes: And that the samin be na utherwise bestowed or converted to quhair-sum-ever use or alteration, maid there-anent, in hail or in part: Notwithstanding of quhat-sum-ever Commission, charge or direction, given be his Majestic, at any time heretofore, be procurement of particular parties in the contrair: And notwithstanding quhat-sum-ever statute, ordinance or decreete following or proceeding thereupon: Quhilkis commissions, charges, decreites and ordinances, with all that hes followed, or may follow thereupon; his Majestic with advife foresaid, expresselic reducis, retreatis and rescindis be thir presentes: And ordainis publication to be maid hereupon, to all and sindrie his Hienesse Lieges, that nane of them pretend ignorance, in forme as effectis.

182. *The acte maid in the zeir of God, ane thousand, five hundreth, four score four zeires, anent successeours to benefices, shuld be extended ad futura allanerlie.*

FORSAMEIKLE As in the Parliament, halden at *Edinburgh*, the xxij. daie of *August*, the zeir of God, ane thousand, five hundreth, four score four zeires: It was statute and ordained, that all giftes, Provisions, and dispositions, of successeours of Prelacies, Abbacies, Priors and Nunries, maid and granted be his Hiennesse, to quhat-sum-ever of his subjectes, upon the resignations or dimissions of the possessours of the said Abbacies, Priors, and titulares of the same, ar, and fall be of nane availe, force nor effect, with all that hes followed, or that may follow thereupon, bot ony furder Proces; as at mair length is contained in the said Act: The quhilk act and constitution, being maid against the forme of utheris gude actes and constitutiones maid of before, quhilkis were onelic extended *ad futura*; like as of all equitie and reason, all Lawes, Actes, and constitutiones of Parliament, aucht onelic to have effect in sik cases as happenis to follow after the making thereof.

THEREFORE OUR SOVERAINE LORDE, And Estaites of this present Parliament, decernis, declaris and ordainis, that the said act and constitution, fall have na effect, force nor strength against sik giftes, provisions, and dispositions of Prelacies, and Abbacies, granted be his Hiennesse at ony time, preceeding the daie and dait of the foresaid act, to quhat-sum-ever person or persones, bairnes or nearest kinf-folk, upon the resignations or dimissions of the possessours, commendatares, or titulares, at the time of their dimission, with reservation of their awin life-rentes: And decernis, statutis and ordainis, the saidis giftes, provisions, and dispositions, to be, and to have bene fra the dait thereof, sufficient richtes and titles to them, to bruike the saidis Abbacies and benefices, induring their life-time: Notwithstanding the reservation therein contained: And cassis and annullis the foresaid acte of Parliament; in-sa-far as the same may be extended to ony gifte and provisione, of onie Abbacie or Prelacie, disposed before the said twentie twa daie of *August*, the zeir of God, ane thousand, five hundreth, four score four zeires, with reservation, in forme abone expremmed: And decernis the foresaid act in that part, to have no force of Law, ather be way of action, reply, exception or objection, against the validitie thereof: And that the said act, fall be extended to sik provisiones, and dimissions of Abbacies and Prelacies, as hes past or bein given and granted, sen the dait thereof allanerlie.

183. *Ratification of the Priviledges of the College of Justice.*

OUR SOVERAINE LORD, And Estaites of this Realme, conveyen at this present Parliament, ratifies and apprievis, for them and their successeours; all and quhat-sum-ever actes, statutes, constitutiones and ordinances, maid be his Majestie, or his Predecessours, in favours of the Senatours of the College of Justice, and members thereof, sen the first erection of the same College, to this present daie and dait, without onie maner of diminution or derogation of the same, in ony sort, be quhat-sum-ever uther act or statute, that may or can be extended, or interpreted in the contrair, ather special or general.

184. *Anent tumultes within the Burgh of Edinburgh, and obedience to be given to the Magistrates thereof.*

FOR-sameikle as the over-sight and negligence of the civile Magistrates, and Judges ordinar within this Realme, in putting of decreetes to execution, punishing of malefactours and rebelles, and uthervise using of their offices, as becummis, partlie for regaird, and feare of strang pairties, and hazard of their own lives: and partlie throw want of sufficient preparation for that effect; is the original and principale cause quhairfra the great confusion and disorder of this lande, in all estaites procedis. And seeing the Burgh of *Edinburgh*, is the chiefe place quhairin greatest confluence of people is, allweill of the Nobilitie and Gentlemen, as of utheris resorting thereto. Therefore, and that the said Provost and Bailies thereof, ar dailie charged, be vertew of their offices, ather at command of letters past be deliverance of the Lordes offscreit Councell and Session, or bee privat and particular warrantice, soorth of the Kingis Majesties awin mouth, be missive letters, or uthervise, to take and apprehend persones of all estaites, quha hes contravened his Majesties Lawes; and to incarcerate, keepe and hold them in sure waird, quhill Justice be ministrid upon them, as accordis of the Law, under the paines of treason, rebellion, and putting of the saidis Provost and Bailies to the horne, And uther the like great paines: For eschewing the danger quhairof, they ar contrayned with sik readines and promptitude of obedience, as becummis be themselves in proper person, their officers, and utheris in their names; To search, seeke, take and apprehend the saidis rebelles, and to incarcerate them, as said is: Neverthelesse sik is the malice and insolence of all men for the maist part; allweill of certaine inhabitants, within the said Burgh, as of utheris, that ather of them associating themselves, with utheris, regairdes not to make insurrection against the saidis Provost and Bailies, and his Hiennesse authoritie: And hes done their utter power to deforce them in execution of their offices:

Quhairfore, and in respect of the frequent assemblies of the Nobilitie, and utheris his Majesties Lieges, within the said Burgh, to Parliaments, Justice courtes, Councelles and utheris conventiones, quhairby it pleasis his Majestie, for eschewing of great trouble, and diverse inconvenientes quhilkis may occur,

occur, be reason of deadlie feedes betuixt great parties, to command the saidis Provest and Baillies, in their awin person, to gaide within the said Burgh, nicht and daie, as occasion requiris, to rheir great travell and expences and paines: Beside, that diverse honest persones, inhabitants of the said Burgh, hes bene slaine, mutilat and hurt, in the said service: Necessarie and expedient it is, that sum gude and substantiall remeid be provided, for redressing the confusion and disordour abone written, to the glorie of God, the establishing of peace and quietnesse within this Realme, and keeping of the inhabitantes thereof under his Hieneffe obedience. Therefore the Kingis Majestie, and Estaites of this present Parliament, having consideration of the premises; with the gude, trewe, and faithfull service, done be them to his Majestie, in all times by-gane: statuts and ordainis, that na person nor persones, of quhat estate or degree that ever they be of, presume or take upon hande, to disobey, or contravene the commandement and charge of the saidis Provest and Baillies of *Edinburgh*, present and to cum, in the execution of their offices, quhen as they procede, immediatlie be commande and direction of his Hieneffe, be verrew of letters, be deliverance of the Lordes of Secreit Councell, and Session: Or be statute and ordinance of the Councell of the said Burgh: Or be their awin authoritie and power, aggriand alwaies with their awin libertie and privileges; and not prejudiceand the liberties and privileges of utheris. And that na person nor persones attempt nor do ony violence, to them or their officiares in their name, in the execution of rheir saidis offices: Ceruising them, and ilk one of them that dois the same; They sall be repute and halden as committers of deforcement, seditious persones, and perturbors of the commonn weill of this Realme: and be punished therefore in their persons and guds with all rigour, in example of utheris, according to the Lawes of this Realme. Attour, for the better performing of the premises, and defense of the Kirk of God, within this land, now in thir perellous daies, be the tenour hereof, gives, grantis and committis to the saidis Provest and Baillies, and their successours, free libertie, full power and authoritie, to convocate and assemble themselves in armour, and to list and raise men of weire, for dailie, ouklic and monethlic wages, and to beare and use hagbuttes, and uther armour quhat-sum-ever, at all times, quhen they sall thinke expedient: For the quhilk na crime nor offense sall be impute to them, nor their successours: Nor sall not be called nor troubled in their persones or gudes, civile nor criminallie therefore, in ony time cumming, Notwithstanding of ony Proclamation maid in the contrair, and all paines contained there-intill: Providing alwaies that the occasion thereof be first signified to the Kingis Majestie, to the effect that the same may be done of his Majesties knowlege and allowance. And gif it sall happen ony person or persones, of quhat-sum-ever degree they be of, or uthers being in companie with them; to be slaine, mutilat, or hurt, in resisting, withstanding, and deforcing of the saidis Provest and Baillies, present and to cum, in execution of their saidis offices, in manner foresaid. And als gif it sall happen ony person or persons, to be hurt, slaine or mutilate in redding and putting findrie parties meetand in armes, within the said Burgh of *Edinburgh*; they alwaies redding the saidis patties with lang weapons allanerly; and not be schutting of hagbuttes and pistolets, at ony of the parties: In thay cases, and uther of them, the saidis Provest and Baillies, Councell and communie of the said Burgh; nor their successours, nor na uthers being in companie with them, and assisting them in the execution of their saidis offices; sall be nawaies, called, troubled, perfewed or molested criminallie, nor civile therefore, in their person or gudes, in ony time thereafter; Discharging therefore his Hieneffe Advocates, Justices Generall, their Deputes and Clerkes; Colonelles, Schireffes, and all uther officiares and Ministers of his Majesties Lawes, present and to-cum: Of all calling, accusing, troubling, molesting, arreisting, following and perfewing of them, or ony of them, for the causes foresaidis, and of there offices in that part: According to all equitie and Justice.

185. *Anent landes and annual-rentes disposed to the Town of Edinburgh.*

OUR SOVERAINE LORD, With advise of his Estaites in Parliament, hes ratified and approved, and be the tenour of this present acte; ratifies and apprievis the acte maid of before, in the Parliament, halden at *Edinburgh*, the fifth day of Junij, the zeir of God, one thousand, five hundredth, four score twelwe zeires: In favour of the Provest, Baillies, Councell and communie of the Burgh of *Edinburgh*; be quhilk OUR SOVERAINE LORDE, and his Estaites foresaidis, then ratified and approved the donations, and mortifications, maid be his Hieneffe umquhile dearest Mother, in her perchte age: And be his Hieneffe selfe, at diverse times sen his Majesties Coronation of all landes, tenementes, annual-rentes, uther profits and commodities quhat-sum-ever mentioned in the said acte: quhilkis were given and doted for sustentation of the Ministry, Hospitallies, and College of the said Burgh, as at mair length is contained in the said acte in all pointes, clauses, articles, and circumstances thereof: Quhilkis ar halden for expressed, in this present acte. Attour, our said Sovereine Lord, and his saidis Estaites, revokis, retreatis, and rescindis all and findrie infestumentes, giftes and dispositiones, maid be our said Sovereine Lord, to quhat-sum-ever person or persones, of the saidis landes, tenementes, annual-rentes, utheris dewties and commodities quhat-sum-ever, sen the daies *respective* of the infestumentes, giftes and dispositiones maid thereof, to rhe saidis Provest, Baillies, Councell and communie of the said Burgh of *Edinburgh*, for sustentation of the said Ministry, Hospitallies and College; And declaris the same, with all that followed thereupon, to be in all times cumming, and to have bene in all times by-gane, null and of nane avail, force nor effect.

And that the persones, obtainers of the saidis infestumentes, giftes, and dispositiones, sall never be heard

to moove action nor quarrell thereupon: Nor founde onie exception or defense, be vertew thereof, against the saidis Provest, Baillies, Councill and communitie, and their successeours, to the effect that they in all times hereafter, without onie impediment or obstacle, may peaceable bruik the saidis landes, tenementes, annual-rentes, uther emolumentes and profitis, to the use quhair to they were given of before, as said is.

186. *Ane mercat granted to Aberdene.*

OUR SOVERAINE LORDE, With advise of his Estaites of this present Parliament, givis and grauntis licence and libertie to the Burgh of *Aberdene*: To hald ane mercatte and publick Faire, within the freedome of the said Burgh, to begin zeirlic hereafter upon Monondaie, immediatlie before *Whitsundaie*: And thereafter to continue for the space of aucht daies, with the haill jurisdictiones, freedomes, toll and customes of the same.

187. *Ane confirmation of Kirk-landes, subscribed of auld be the King, and under the privie seale.*

OUR SOVERAINE LORD, understanding diverse infeftmentes of few-ferme, to have bene granted of auld be the Prelates of this Realme, of their Temporal landes, in favours of his lieges, lauchfull maid for just causes, and with all solemnities requisit: And sundrie infeftmentes, nocht onely granted bee the saidis Prelates, and their convent, under their common seales and subscriptions: Bot als, bee the special consente and authoritie of his Hiennesse Predecessours, of gude memorie, *Namelie*, his Gracis Gudschir King JAMES the Fifth, under his subscription and privie seale: Quhilkis according to the Estait of time were lawfull securities, to the receivers thereof, and needed na particular confirmation to be interponed thereto, ather be authoritie of the *Paip*, or of our Sovereain Lordis Predecessours; there being na Law, statute nor constitution received, obliishing the subiectes thereto. And in case ony confirmation had bene requisite, the samin culd import na furdur in effect or substance, then the consent of the Prince, under his seale and subscription: According to the quhilkis infeftmentes, the fewaris and utheris, having richt fra them, their successeours, alsweill particular, as univerrall, hes bene established in the full ticht of the saidis Temporal landes, pertaining to the saidis Prelates, be vertew of the saidis fewes, swa set in maner foresaid: And neverthelese, utheris affecting the same Kirk-landes, and takand occasion of certaine late statutes, maid anent the confirmation of the saidis Kirk-landes; quhilkis tooke beginning and first foundament, anent the fewes of Kirk-landes, sett sen the Moneth of *Marche*, the zeir of God, ane thousand, five hundredth, fiftie aucht zeires, Albeit be posterieur statuts, extention is maid baith to new and auld fewes: Hes purchafed on their pretended maner, our Sovereain Lordis confirmation thereupon; to the prejudice of the saidis first fewaris: Tending to exclude and debarre them thereby fra their richt, and to acquire the propertie of the saidis landes to themselves, onelie upon pretext of the said confirmation; His Hiennesse nor willing that the lauchfull richtes and securities of the parties, acquired be them after fa lang space, fall be hurt or prejudged, be quhat-sum-ever Lawes or constitutiones subsequenz: Or that strangers and thrid persons quha hes never bene kindlie tennentes in the saidis landes, fall upon new fewes and confirmationes thereof, purchaffed be them, prejudge the saidis first fewaris, onelie upon pretext of wanting of ane ordinar confirmation, according to the saidis late statutes: OUR SOVERAINE LORD with advise and consent of the Estaites, assembled in this present Parliament, hes statute, concluded, decerned and ordained; And be thir presentis, statuts, conclusis, decernis and ordainis, all and sundrie the saidis infeftmentes of few-fermes, sett of auld, be the Prelates of this Realme, to quhat-sum-ever his Hiennesse Lieges and subiectes; of quhat-sum-ever Temporal landes, offices, rentes, rowmes and possessions, being authorized be the subscription of his said Gudschir, or ony his Predecessours, and their privie seale, in takin of their consent interponed thereto, to have bene fra the beginning, to be presentlie, and in all time cumming, gud, valide, lauchfull, persite, and effectuall infeftmentes, to the awners thereof; their aires and successeours, alsweill particular, as univerrall: To the effect they may peaceable bruik, joyis, and possesse the landes, and utheris contened there-intill: And gif neede beis, to call and persew, be vertew thereof, quhat-sum-ever persones purchafers of ony posterieur infeftmentes of the samin landes, with his Hiennesse confirmationes interponed thereto; for retreating and rescinding thereof: And the saidis first infeftmentes, swa maid and granted, as said is, to make full faith in judgement, and out-with, to produce full action and exception, and to be preseted to quhat-sum-ever posterieur infeftmentes: Notwithstanding the samin wantis ane ordinar confirmation, having the consent, subscription and privie seale, as said is: and swa oft as the samin fall be produced in judgement, ather for foundament of ony action, or for prieving of ony exception or reply, in quhat-sum-ever judgement or instance, quhair as the contraverfie fall stande upon want and in-laik of confirmation, and that ather the *Paipis* confirmation, or his Hiennesse, or his Predecessours confirmation is alleged, and offered to be provin (*in forma specifica*) upon mutual convention of maintenance of twa diverse fewes, the ane auld, set with the saidis solemnities: And the uther lair, and authorized be confirmation, quhiddir the same be before *litis-contestation*, or thereafter, used for probation of the libell, exception or reply, in quhat-sum-ever instance, ather upon persute of reduction or urtherwise the samin fall be halden and repute, now and in all time hereafter.

with advife and consent of his foresaidis Estaites, ratifies and confirmis be thir presentes, and for his Hieneffe and his Successeours, willis and grantis, that the samin, stand in full force, steed and effect, in all time hereafter: And ordainis the said new infestment, given to the said *John*, Lord *Thirlestane*, his spoufe, and their aites foresaidis, to be insert in the buikes of Parliament, gif neede beis.

190. *Act of the new gift of Dumfermeline, with the Monkes portiones, to the Queenes Majestie.*

ITEM, OUR SOVERAINE LORD, With consent of his saidis Estaites, havand consideration that his Hieneffe beand in *Upslo*, in *Norway*, the twentie soure day of *November*, the zeare of God, ane thousand, five hundreth, sourscore nine zeares, for diverse occasiones mooving him, gave and disposed to his dearest Spoufe, ANNA Queene of *Scottes*, all and haill the Lord-ship and Barronies of *Dumfermeline*, with all Lands, Tounes, Manour-places, milnes, multures thereof, lyand on the North-side of the water of *Forth*; to be bruiked and possessed be her, for all the dayes of her life-time, as at mair length is contained, in the said gift, of the dait foresaid: And now willing that his said dearest Spoufe, fall bruik & joyis the said gift, for all the dayes of her life-time, according to the tenour thereof, and to the promise maid be him, and be his saidis Estaites, to his dearest Brother CHRISTIANUS the Fourt of that name, King of *Denmarke*: THEREFORE Our Sovetaine Lord, with consent foresaid, confitmis, ratifies and apprievis the said gift, chartour, and seasing following there-upon; and all and findrie heades and articles contained therein: And promifes faithfullie to observe, keepe and fullfill, and cause the samin to be kept, observed and fulfilled.

Maireover, for the causes foresaidis, OUR SOVERAINE LORD, with consent of the saidis Estaites, gives and disponis of new, to his said dearest Spoufe; All and haill the said Lordship of *Dumfermeline*, lyand as said is: With all Lands, Barronnies, places, houses, bigginges, Castles, toures, Fortalice, manour-places, zairdes, orchardes, milnes, wooddes, fischinges, Kirkes, teindes great and small, fruites, rentes, emolumentes pertaining thereto, with power and jurisdiction of Regalitie of the samin, for all the zeires and terme of her life-time; And lyke-wife all Monkes portiones, pertaining to the said Abbaie, to be bruiked be her, induring the said time: And to be peaceable intrometted with be her factoures and Chalmerlaines, in her name, als freele as our Sovereine Lord may bruik and possesse the same, be reason of the annexation foresaid: Or as ony Abbot or Commendatar hes bruiked or possessed the same, in ony time by-gane: And to that effect, our Sovereine Lord, with consent foresaid, cassis, retreatis, rescindis, and annullis all and findrie giftes and dispositiones of Monkes portiones, pertaining to the said Abbaie, maid and given be his Hieneffe, to quhat-somever person or persones, for quhat-somever cause or occasion, before the daye and dait of this present act of constitution.

191. *Acte concerning the Queenes Majesties richt to the thrid of Dumfermeline, and compensation, for-sameikle as presently wants thereof.*

FORSAMEIKLE As immediatly after the Mariage contracted and solemnized betuixt the King and Queenes Majestie, our Soveraines Lord and Ladie: His Hieneffe, for the singular love and affection borne toward her; gave, granted, and confirmed to her, in forme of morning gift, all and haill, the Lordshippe of *Dumfermeline*: with all Barronnies, Landes, principall Mansion, houses, zairdes, pastoures, milnes, multures, milne-landes, teindes, alsweill great as small, wooddes, schawes, coales, coale-heuches, fischinges, and all utheris pertinentes thereof, quhat-somever, alsweill under the earth, as abone, lyand on the North part of the water of *Forth*: Quhilkis Landes, Barronnies, with all abone specified, his Hieneffe of before had united, annexed and incorporated, in ane haill and free Lordshippe, for payment of ane silver pennie, at the feast of *Whit-sunday*, in the name of *Blench-ferme*: Like as at mair length is contained in the said gift, daited at *Upslo*, in *Norway*, the xxiv. day of *November*, the zeir of God, 1589. zeires: And thereafter her Majestie was infest and gat possession, and faising of the said Lordship, upon the daye of *Maij*, the zeir of God, 1590. zeires: Quhilk gift, infestment, and haill contract of Mariage, is ratified, apprieved, and promised to be accomplished be his Hieneffe, and his Estaites; As his confirmation, under his great seale, and under the seales and subscitiones of his saidis Estaites, daited and delivered to the Embassadoures of *Denmarke*, upon the xvij. day of the said Moneth of *Maij*, the zeir of God foresaid beares. As alsua in the Parliament, halden at *Edinburgh*, upon the fifth day of *Junij*, the zeir of God, 1592. zeires, our said Sovereine, with advife and consent of his Estaites in Parliament, ratified and apprieved the said contract of Mariage, morning gift, and als the charter, precept, and instrument of faising given be his Hieneffe, to the Queene his dearest Spoufe, according to the said contract, Of the Palice of *Linlithcow*, with the Lord-schippe and Landes of the same, zairdes, pastures, loches, fischinges, milnes, multures, coales, coal-heuches, rentes, fermes, victualles, custoumes, with advocacion and donation of Benefices, tennentes, tennendries, service of frie tennentes annexed and connexed Landis, partes, pendickles and pertinientes thereof, quhat-somever lyand within the Schireffe-dome of *Linlithcow*: and als the Earle-dome of *Fife*, with the Pallace and Castle of *Falk-land*, Lord-ship, Landes, wooddes, schawes, pastures, rentes, fermes, dewties, eustoumes, milnes, mul-

tures;

tures; with advocation and donation of Benefices, tennentes, tennendries, and service of free-tennentes, annexed and connexed landes, partes, pendickies, and perrinnes quhat-sumever, alswell nor named as named; lyand within the Schireffe-dome of *Fife*, and hail contentes thereof, according to the said Charteour, of the dait, at *Haby-rude-houfe*, the Elleveth day of *Maij*, rhe zeir of God, ane rhousand, five hundreth, fourscore ten zeires. And furder, decernand and declarand, rhar rhe said contract of Mariage, hail claufes and contentes thereof, the said Morning gift, the said Lord-shippe of *Dumfermeline* renewed, as said is, abone specified: The Charteours, precepts, and instrumentes of saifing of the said Earledome, Lord-shippe, and uthers abone specified: To have bene maid and done, to the honour, weill and profire of his Majestie, and his Hiennesse Crown, and to the weill and commoditie of the hail Realme: And therefore decernand and ordainand, the same to stand effectuell, and to be inviolable and faithfullie observed, keeped and fulfilled, in all poyntes; and in all time cumming: And that the said decreere and sentence of Parliament, shuld be extracted, under the great seale, and seales of the hail Nobilitie, Barronnes, Clergie, and Commissioners of Burrowes, Lordes of Articles of the said Parliament, gif need were, quhairthrow his Hiennesse, and his Estaites, representing the hail bodie of this Realme, ar obliged to the accomplishment and fulfilling of the said contract, Morning gift, infestmentes and titles, maid to OUR said SOVERAINE LADIE, in maner before specified.

Neverthelesse becaufe throw occasion of findrie unprofitable disposicionen, maid of findrie partes, of rhe fruites and rentes of the said Lord-shippe of *Dumfermeline*, partlie before, and partlie after the said Morning gift; the full rentes of the said Lord-shippe, according as it is valued, could nochr be gotten, and timoullie brocht in to her Majesties proper use: OUR said SOVERAINE LORDE, hes bene diverse times mooved be his dearest Brother, cousing, and allia, the King of *Denmark*, and his Embassadoures, in his name, sent in this Realme; That the said Morning gift might be maid gude, to the Queenes Hiennesse; and the entred in reall possession thereof, to her awin proper use, Quhairanent treacie being had, betuix his Majestie, and certaine of his Councell in his name, and the Embassadoures of his said dearest Brother cousing, and allia the King of *Denmarke*; Resolusion is taken, that her Majestie, and her Chamberlane in her name, fall have full & reall possession of the said Lordshippe of *Dumfermeline*, and famonie of the rents and fruites thereof, as ar presentlie free and unvitiat: And fall have alswa compensacion out of the rentes and properties of the Crown, be infestment of speciall landes and possessiones, as will extend in certaine and free rent, all chaarges deduced, to the summe of sex thousand punds money of this Realme, zeirlie to be intrometted with and uptaken be her Hienes awin Chamberlane in her name, & to hir behoove and proper use, quhill sik pairtes of the rents of *Dumfermeline*, as are now possessed be sum in lyfe-rentes, may accresse be their deceas; and the pretended titles now standand upon the rents and fruites of the said Lordship of *Dumfermeline*, may be annulled and taken away be ordour of Law and Justice. And the same rentes recovered and maid peaceable to be intrometted-with, be her Hienes & her Chamberlane, to her proper use and behoove, quhillk God willing is to be performed, within the space of ane zeire and ane halfe, quhillk will be maist acceptable unto her Majestie, and aye as onie part of the rent of *Dumfermeline* now vitiat fall be recovered, and her Hienes in peaceable possession thereof, als meikle of the said compensacion out of the propertie fall be relieved and returne, to be received and intrometted-with bee his Hienes Comptroller, to his Majesties awin use.

Mair-over our said Sovereaine Lord, considering that the hail Lord-shippe of *Dumfermeline*, alswell landes as reindes, thrid as twa part, is conferred to our said Sovereaine Ladie, his dearest Spouse, in her Morning gift, as said is: And that it is already found be his Majestie, be ane act maid, with advife of the Lordes, and uthers of his privie Councell, Session and Checker, authorized, allowed and approved sen sine be his Hiennesse Estaites in Parliament: That the thriddes of Benefices, and *super-plus* thereof, being destinat for support of the publick affaires, and sustentation of the Ministerie, micht be disponed, given, or employed na utherwayes, bot to the said use and effect, for the quhillk they were appoynted at the beginning: And sik-like, that na pensiones, tackes, or lyfe-rentes of the said *super-plus*, micht, or may be disponed in time cumming, for onie langer space, nor the space of ane zeir: And thar after the making of the zeirlie assignations of the Ministers stipendes, and sufficient provision for susteining of his Majesties house zeirlie: Decernand and declarand, all and quhat-sumever pensiones, lyfe-rents, and tackes, purchafed, or ro be purchafed, quhairby the thriddes *super-plus* thereof, Or the first and best rentalles thereof, hes bene diminished or altered, sen the first assumption of the saidis thriddes, granted either be OUR said SOVERAINE LORDIS dearest Mother, or be his Hiennesse selfe, to quhar-sum-ever person or persones, upon wrang report or importune suite, without cognition preceeding of the sustentation of the Ministerie, and sufficient provision for susteining of his Majesties House, to have bene fra the beginning, and to bee in all time cumming of nane availle, force nor effect: Norwithstanding quhat-sum-ever ratificationes or confirmations following there-upon: And like as the generall Collectour, be himselfe, his Chamberlaines, & under-receivers in his name, ar ordained to aske, crave, receive, intromette, and up-rake all and hail rhe thriddes of Benefices, within this Realme, unassigned to the Ministerie, quhair the first and best rentalles of the same ar altered or diminished, sen the first assumption of the saidis thriddes, of the croppes and zeir of God, ane thousand, five hundreth, fourscore seven zeires: And siklike zeirlie in time cumming; according to the rentalles maid compt of, in the zeir of God, ane rhousand, five hundreth, fourscore four zeires, and last thereof: And gif the saidis thriddes be diminished, or hurt ony wayes, be the saidis last rentalles, and

and assumptiones thereof, sen the first assumptiones of the saidis thriddes, maid in the zeir of God, anethou-
 sand, five hundreth, threecore ane zeires : The said Collectour to have recours to the first assumption,
 for-sameikle of the saidis thriddes, as the samin ar diminished, be the last assumption: And to charge for the
 same, without respect of ony penson, rack, life-rent, or discharge of the saidis thriddes, and ^{super-plus,}
 or onie part thereof, altered or diminished in the rentalles, sen the first assumption of the thriddes, as said is:
 Swa now, our Sovereine Lord, be advise of his Estaites in this present Parliament; ordainis and gives, full
 richt and power, be the tenour hereof, to the Queene his dearest Spouse, our Sovereine Ladie, be herselfe,
 or her Chamerlane, in her awin name and to her proper use and behoove: To aske, crave, receive, in-
 tromette with & up-take, the hail thrid of the said Abbaie and Lordshippe of *Dumfermeline*: Susteinie the
 Ministers, serving at the proper Kirkes theteof, in state as they were assigned, at the time of the making of
 the said Morning gift, or surder at her gude pleasure: And that the *Whit-sundayes* terme last by-past &
Martine-mes, nixt-to-cum: And of the croppe and zeir of God, anethousand, five hundreth, fourscore
 threttene zeires: And siklike zeirliche in time cumming, during her life-time: according to the first assump-
 tion of the thrid of *Dumfermeline*, and compt maid thereof in the crop and zeir of God, anethousand, five
 hundreth, threecore ane zeires: And siklike, ordainis that the Lordes of Councell and Session, fall na-
 wayes graunt onie suspension or relaxation fra the horne, to onie persone or persones, charged or denounced,
 for payment of the said thrid of *Dumfermeline*, altered or diminished fra the first and best rental, as said is,
 quhill the summes and victualles charged for, be first payed to her Majestie, and her Chamerlane in her
 name: Notwithstanding quhat-sum-ever penson, tack, life-rent or discharge, purchassed, or to be pur-
 chassed, of the same thrid, quhair the first and best rental is altered or diminished as said is, of this instant
 croppe, and zeir of God, anethousand, five hundreth, fourscore threttene zeires, and zeirliche in time cum-
 ming, during her life-time, as said is: Bot that the saidis Lordes, fall repute and esteeme the same as null
 in the seltie: And the said nullitie to be received, alsweill be way of exception, as action; But prejudice
 nevertheleffe of quhat-sum-ever heritable infestmentes, granted be our Sovereine Lord, quhairby the condi-
 tion of the saidis thriddes ar altered or diminished: Attour, our Sovereine Lord, with advise of his Estaites
 of Parliament, in respect of the said Morning gift, sa faithfullie and solemnedlie promised to bee upstert and
 maid gude: decernis and declaris, all giftes and provisiones, maid of the title of the Kirkes of the said Ab-
 baie and Lordshippe, sen the dait of the said Morning gift, to quhat-sum-ever persones; to be likewise null
 fra the beginning, and to be in all times cumming, of nane availle, force nor effect: And the said nullitie
 to be received, be quhat-sum-ever Judge, alsweill be way of exception, as action; Norwithstanding ony
 dispensation or Act of Parliament, maid or to be maid in the contrair. Mairattour, our said Sovereine Lord,
 with advise of the saidis Estaites of Parliament, considering that the Queene his dearest Spouse, is infest and
 faised in the said Lordshippe of *Dumfermeline*, granted to her in Morning gift, as said is, during her life-
 time; with tennents, tennandries, service of free-tennents, advocacion, donation and richt of Patronage
 of Kirks, Benefices, and Chaplanaries petteining thereto. And that her Majestie is likewise infest in lye-
 rent, in the said Earledome of *Fife*, and Lordshippe of *Linlithgow*. And attour and beside the same, in
 the third part of the propertie of the Realme of *Scotland*; and all Proventes, rentes and emolumentes of
 the same propertie, petteining to his Hieneffe, or propertie of the Realme, all ratified and approved be his Hi-
 enesse and his Estaites of before in Parliament. And to the effect that the same may be the better preserved
 from unprofitable dispositiones, in time cumming; and his Hieneffe, his Estaites and Realme the better re-
 lieved: Her Hieneffe, with his Majesties speciall advise and consent, hes nominate certaine persones of
 his Hieneffe privie Councell, Session and Checker: They ar to say, *Alexander*, Lord of *Urquhart*, Pre-
 sident of the Colledge of Justice, *Walter*, Commendatar of *Blantyre*, Keeper of the privie Seale, Mai-
 ster *John Lyndesay of Balcarras*, Maister *James Elphinstoun*, of *Inner-nochtie*, Maister *Thomas Ham-
 miloun* of *Dramcarrie*, *Alexander Hay* of *Easter-Kennet*, Clerk of Register: And Maister *Peter
 Young* of *Sealoun* Eleemofynar to his Majestie, to be als wa of her Hienes Councell, in thinges tending
 to her honour and commoditie; inbringing and spending of her living; and in the administracion of the
 affaires concerning the samin living, namelie in hearing of the compts thereof, and touching the
 passing of presentation of Kirks and Benefices, Prebendaries, Chaplanaries, and Altarages: or Mai-
 sters and Members of Hospitalles, quhair of her Hienes hes the gift and richt of Patronage. And in re-
 ceiving and entring of free-tennents, upon retoures, or *clare constar*, or upon resignaciones, or in
 granting of confirmaciones: Or setting of tackes of landes, teyndes, or utheris possessiones, or making
 of quhat-sum-ever dispositions. Quhillkis Counsellers, hes maid faith to give her Hieneffe their trow advise
 and counsell in the premiffes: Like as her Hieneffe, with advise of our said Sovereine Lord her husband,
 for his interest, is weill contented: and hes promised in the word of a princeffe, to follow the gude advise
 of her Hieneffe Counsellours in the premiffes. And that the shall not deteriorate her said Morning gift, or
 uther her said life-rent landes and living, be her deede and occasion: And that na writ, evident or precept,
 that fall be presented there-ane, fall be past their Majesties hands, quhill the same be first seene, red and
 deliberatelic considered be her said Council, and subscribed be them, at the least foure of them convened
 togidder: The said Lord Præsident alwaies being ane, testifiand the matter to be lauchfull, and for her
 Hieneffe honour and commoditie, without the quhill her Majesties seale fall not bee appended nor affixed
 thereto: Nor the same writ, evident or precept fall be of nane availle, force nor effect, to the Purchasser.

To the quhilkis, all and findrie premisses, OUR SOVERAINE LORD, with advise of his Estaites in this present Parliament, interponis his consent and authoritie, ratifiand, allowand and apprievand the same for ever.

Sic subscribitur,
JAMES R.
ANNA R.

192. *Act anent the Burgh of Forfare.*

OUR SOVERAINE LORDE, understanding, that be aste and ordinance maid anent observacion of the Sabboth-day, within this Realme: The Mercatte-daye of the Burgh of *Forfare*, being the head Burgh of the Schire, quhilk was Sundaye, is taken from them; And his Hiennesse not willing that they in onie wayes shuld be prejudged hereby: Therefore his Hiennesse, with advise of the Estaites of this present Parliament, alteris and changis their said Mercat-day, from Sunday to Friday, And willes the samin Fridaye, oukdie to be their Mercat-daye to them, in all times hereafter: And the samin to stande with the like Priviledges and freedomes, as the Sundaye did of before.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES and utheris, maid be KING JAMES the Sext, in this threttenth Parliament, the fifth of Junij; 1593. seires, not imprinted.

- 1 **T**HE Decreete of reduction of the doome and foresaltour, led and deduced against unquhill John Lindesay of Wauchop.
- 2 Particular exceptions concerning new infestments, with richt of Patronage.
- 3 For mending of the Galsay of the Cannongate, and outwith the Waterzet.
- 4 Ratification of the Priviledge of the College of Justice.
- 5 Commission to the Checker, anent deciding of suspensjones in the Kingis cause.
- 6 Commission anent the Guinzie.
- 7 Ratification of the liberties and Priviledges of Burrowes.
- 8 *Act in favour of the Toun of Edinburgh, concerning the reparation of their Tolbuith and walles.*
- 9 *Act in favour of the Bisshoppe of Aberdene, anent the temporall laudes thereof.*
- 10 The dissolution of the Parsonage and Vicarage of Kirk-listoun.
- 11 Commission anent the Ministers stipendes.
- 12 Anent the Kingis privie Councell.
- 13 Supplication of the Minister of Dumfermeline, remitted to the Queenes Majesties Councell.
- 14 Ratification of the Earle Marfchel, anent the College of Aberdene.
- 15 *Act in favour of the Earle Marfchel, anent the Haven of Peter-head.*
- 16 *Act in favour of Andrew, Lord Stewart of Ochiltre.*
- 17 *Act in favour of the Laird of Basse.*
- 18 Ratification of the Laird of Edmond-stoun.
- 19 *Act in favour of Colin Mak-kenzie of Kintail.*
- 20 *Act in favour of the Duke of Lennox, anent the superioritie of the Bisshoppricke of Saint-Andrewes, and Glasgow.*
- 21 Confirmation of the Burgh of Aberdene of their annuall.

F I N I S.

THE FOURTEENTH
PARLIAMENT,

*Halden at Edinburgh, the aucht day of Junij, the zeir of God, aue thousand, five hundreth, fourscore fourtene zeires. Be the richt excellent, high, and mightie Prince,
JAMES to his Sext, be the grace of God, King of SCOTTES;
With advife of his Eftaites as followis.*

193. *Against willfull hearers of Mefse.*



OUR SOVERAINE LORDE, With advife of his Eftaites of Parliament, statutis and ordainis, thar in all time cumming, all willfull hearers of *Mefse* and conceilers of the fame, bee execute to the death, and their guddes and geare efcheitred to his Hienes ufe, fa foone as they fall be founde guiltrie and convict thereof, or declared fugitive for the fame, before the Justice Generall, or his deputies, or the Lordes of his Majefties privie Councell.

194. *Anent fatisfaction to the Kirk be Papiftes.*

OUR SOVERAINE LORD, With advife of his Eftaites in this prefent Parliament; Ordainis all Presbyteries within this Realme, to caufe lauchfully fummound, and charge quhar-fum-ever perfones *Papiftes*, or fufpected of *Papiftrie* within the boundes of their Presbyteries, perfonally, or at their dwelling places, To compeir before the faidis Presbyteries, and fatisfie the Kirk and Presbyterie, quhair they remaine and makis refidence, betuixt and the first daie of *August* nixt-to-cum: And in-case of their not-compearance, or compearing, fall refufe to give odedience and make fatisfaction, as faid is, betuixt and the faid day; His Hienesse with advife of his Eftaites forefaidis, ordainis fignification thereof, to be maid be the Presbyterie to his Hienes privie Councell: and upon the faid fignification, the privie Councell to direct letters, charging the faidis perfones *Papiftes*, or fufpected of *Papiftrie*, to compeir before them, and produce fufficient testimoniall of the Presbyterie quhair they remaine, of their fatisfaction as faid is, under the paine of rebellion, and putting of them to the horne: And gif they failzie, to denunce them thereto: Bee the quhilk denunciation, our faide Sovereaine Lorde and the Eftaites forefaid, declares that not only their moveable guddes, fhall fall in efcheit, and be confiscat to his Hienes ufe; but the lyfe-rent of quhar-fum-ever their landes, rowmes, poffeffions, and uthetis belanging unto them, fall appertaine to his Hienesse as efcheit: To be innotmetted-with, and difpomed upon, as he thinkis gude. And in like maner declaris; rhat quhar-fum-ever perfon or perfones fhall receipt, fupplie or interteine the faidis *Papiftes*, after the intimation of their difobedience, and denunciation, as faid is, fall incur the fame penaltie of tinfell of ther guddes, geare, and life-rent: And to the effect rhat the premiffes may be the better accomplished: His Hienesse and Eftaites forefaidis declaris; that in-case the faidis Presbyteries, beis found remiffe or negligent in citation of the faidis Presbyteries before them, to the effect abone writen: The Minifters of the faid Presbyterie, or onie ane perfon of the Minifterie thereof, in quhom the fault fall be tryed, fall amit and tyne the ane halfe of their benefice or ftipend rhat zeir: And the Collectour and his depute, fall up-lift the famin, to be difpomed be the advife of the Lordes, modifiers of the Minifters ftipendes, to the help, fupplie, and interteinement of uthir Minifters, as yet not provided to fufficient ftipendes.

195. *Against erections after the Annexation.*

OUR SOVERAINE LORD, With advife of his Eftaites in Parliament, retreatis, refcindis, and declaris, all erections granted and ratified, fen the acte of Parliament, maid in the zeir of GOD, ane thousand, five hundreth, four-score seven zeires, anent the annexation of the Temporalities to the Crown (quhilkis ar not speciallie excepted in the faid acte, from the faid annexation) to be null and of nane avale, force nor effect.

196. *For provifion of common Kirkes.*

OUR SOVERAINE LORD, And his Eftaites in this prefent Parliament, decernis and declaris, all common Kirkes to be of the fame nature of uthir Parfonages and Vicarages: And ordainis the fame common Kirkes to be conferred be prefentation of the lauchfull Patrone, and fufficient collation to Minifters, ferving thereat, feeing they ar benefices of Cure.

197. *Anent*

197. *Anent escheittes and life-rentes of Excommunicate perſones.*

FORSAMEIKLE As there is diuerſe perſones denounced Rebelles, quha being ſuſpected of *Papiſtrie* of before, and fearing the ſentence of Excommunication to have followed againſt them, heſ procured the giſtes of their eſcheittes and life-rentes, diſponed be our Sovereine Lorde, to their bairnes or utheris con-
 junct perſones, upon hornings execute againſt them for civil cauſes. And nevertheleſſe heſ retained the poſſeſſion of their hail guddes, gear, landes, poſſeſſiones, as gif they had remained his Hienes faithfull and obedient ſubjectes, quhilk heſ given them occaſion to continue in their rebellion: as alſwa in their ſuperſtitious opinion of *Papiſtrie*, and remaining under the ſaid ſentence of excommunication, in maniſeſt contempt of God his trew religion, and Lawes of this Realme. For the repreſſing of quhilkis contempt and remeid theiſof: our ſaid **SOVERAINE LORD**, with adviſe of the Eſtates in this preſent Parliament, de-
 cernis and declaris all and quhat-ſum-ever giſtes of eſcheittes and life-rentes, granted to the ſaid bairnes and conjunct perſons of any of the ſoit-named perſones, denounced rebels and put to the horne, for quhat-ſum-
 ever cauſe (quha being ſuſpected of *Papiſtrie* of before, heſ ſuffered the ſentence of excommunication to paſſe againſt them: and quhais guddes, gear, lands and poſſeſſions may be verified to have remained in their awin poſſeſſions, as gif they had remained faithfull and obedient ſubjectes) to have bene fra the beginning, and to be in all time cumming, null and of nane avail, with all that heſ followed, or may follow their-upon: Notwithſtanding quhat-ſum-ever decreites or declaratours given and paſt in favour of the ſaid rebelles, their bairnes or conjunct perſones, and the richt of the ſaid eſcheit guds, gear, and life-rentes, to have pertained, and to pertaine to our ſaid Sovereine Lord, and to be at his giſt and diſpoſition, als freele as gif the ſaid pre-
 tended giſtes and diſpoſitiones theiſof, had never bene granted nor diſpoſed to their ſaidis bairnes and con-
 junct perſonis, and as declaratour had not paſt their-upon.

198. *For the better obſerving of the Sabbath-day.*

ITEM, OUR SOVERAINE LORDE, And Eſtates of this preſent Parliament, ratifies and apprievs the Actes maid be his Hienes of before, anent the diſcharging of halding of mercatties upon the Sabbath-day, with this addition; That quha-foever prophanis the Sabbath-day be ſelling, or preſenting and offering to be ſauld upon the ſaid day, ony guddes, or gear, or quhat-ſum-ever merchandiſe be themſelves or anie uther in their name, and beis three ſeverall times lauchfullie convict theiſof, rather before the Provett and Bailies within Burgh, quhair the prophanation ſhall happen to be committed, or before certaine com-
 miſſioners, and Juſtices in every Presbytery, to be appoynted be the Kings Maſteſtie, with adviſe of his privie Councell, their hail guddes and gear ſhall be eſcheitted to his Maſteſties uſe, and their perſones puniſhed at the will of his Maſteſtie, with adviſe of his ſecreit Councell.

199. *For reliefe of them, quhais landes are, or ſhall be deſigned for Manſes and Glebes to Miniſteres.*

OUR SOVERAINE LORDE, and Eſtates of this preſent Parliament, underſtanding that there are findry ſewares and poſſeſſors, having Kirk-landes neir adjacent to the Kirk, quhair their heſ bene na manſes nor gleibe of auld, nor zit deſigned of new, and conſidering, that it were baith againſt reaſon and gude conſcience, that their ſuld be ane gleibe deſigned onelie of the ſaidis Kirk-landes, that pertainis to ane ſewar and poſſeſſour, and not of the reſt, and ſpeciallie quhair the hail Lands within the Parochin, or ane great part of the ſaidis lands are alike halden of the Kirk, and payis the like dewtie.

THEREFORE to the effect, that the Miniſters may be the better answered of their manſes and gleibes in time cumming, and enter theiſto but onie trouble or contention, conforme to the former Acte of Parliament, maid anent Manſes and Gleibes of the Miniſters, ſtatutis and ordainis, that quhair designation of Manſes and Gleibes beis maid and tane of Kirk-land, (the hail Parochin, or ane great part theiſof being Kirk-land: And the Miniſter notwithſtanding deſigned to the Kirk-land, maift eweſt and adjacent to the Kirk) That the ſewars, poſſeſſours and tackeſ-men, out of quhais landes, the Manſes or Gleibes are deſigned, ſhall have their reliefe of the remanent Parochinners, quha are ſewars, poſſeſſours, and tackeſ-men of Kirk-landes, lyand within the ſaide Parochin *pro rata*.

200. *Anent ſetting of tackes without conſent of the Patrone.*

OUR SOVERAINE LORDE, With adviſe of his Eſtates in this preſent Parliament, findis and declaris: That na benefited man under a Prelate, within this Realme, may in time cumming, ſet iſtanger tackes of reindes, or utheris pertinentes of their benefices, without the conſent of their Patrones, bor for the ſpace of three zeires all anerlie.

201. *Annulling of Actes of Parliament maid in favour of Vaſſalles of perſones ſoir-filted.*

OUR SOVERAINE LORDE, and Eſtates of this preſent Parliament, caſſis, annullis, and abrogates the Acte of Parliament, maid at *Edinburgh* the fiſt day of Junij, the zeire of God, ane thouſand,

thouſand, five hundreth, foureſcore twelve zeiris, in favour of the Vaſſalles of the perſones ſoſeſalted, and decernis and declaris the ſaid Acte to have na ſtrength, force, nor effect, and to be deleit furth of the buiks of Parliament.

202. *Anent ſraudfull diſpoſitiones maid be perſones ſoſeſalted.*

OUR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, underſtanding that di-
verſe perſones, quha hes committed the crime of treaſon and Leſe-majeſtie ; In defraud of his Hieneſſe,
and his Donatoures, hes maid diſverſe Bandes, obligationes, letters of tackes, aſſignationes, giftes of pen-
ſion, letters of factourie, and diſverſe uther giftes and diſpoſitiones : as gif the ſame had bene maid and
granted be them, before the crime of treaſon attempted, be the ſaides perſones ſoſeſalted : For remeid
quhairof, itis ſtatute and ordained, that na letters of penſion, factourie, bands, obligationes or aſſignati-
ones, maid or granted be onie perſon ſoſeſalted, ſhall be valide, effectuell, ſufficient, nor give onie action
without the ſamin, be ether lauchfullie confirmed be his Majeſtie, or authorized be ane decreete of ane or-
dinar judge, obtained before the ſaidis perſones ſoſeſalted, were firſt ſummonde, and challenged for the
crimes of treaſon, for the quhilkis they were ſoſeſalted ; Norwithſtanding quharſum-ever confirmation
or decreit obtained and following thereupon, ſen their ſaid citation, upon the crimes of treaſon, laide io
their charge.

Ratification of the act anent the Bullion.

OUR Sovereine Lord, with adviſe of his Eſtaites in this preſent Parliament, ratifies and appreivis, the
actes maid alſweill be his Majeſties maiſt Noble Progenitoures, as alſwa in his awin time, anent the hame-
bringin, of Bullion. And to the effect that the maiſt diligence may be done, for in-gaddering thereof, alſweill
for byganis as in time cumming, the Theſaurar, his deputies and uthers admitted to the cure thereof, to make
compt and reckoning to the auditoures of the next checker, and ſiklike in time cumming.

203. *Ratification of the actes maid for annexation of the proprietie, and annulling of the diſ-
poſitiones maid in Princes minorities.*

OUR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, ratifies and appreivis
the Actes of Parliament, maid be King James the Second ; And King James the Fifth, intitulate,
Anent the annexation of Landes to the Crown : And ſpeciallie, the act maid be the ſaid King James the Second,
upon the fourth daye of *Auguſt*, ane thouſand, four hundredth, ſiſtie five zeires. And als ane uther Act,
maid be the ſaide King James the Fifth, upon the thrid daye of *December*, the zeir of God, ane thouſand,
five hundredth, and fourtie zeires, and haill poyntes, artickles and clauſes ſpecified therein : And all uthers
actes, maid be onie our Sovereine Lordis Predeceſſours, concerning the keeping of the annexed proprietie
to remaine with the Crown. And further, our ſaid Sovereine Lord, with adviſe of his Eſtaites in Parliament,
declaris, that all perſones quha hes upliſed, received, and intrometted-with, or ſhall hereafter intromet-
with, at his Hieneſſe ſpeciall command, onie of the Kingis annexed proprietie, be vertew of the ſaidis Actes
of Parliament, ſhall incurre na daunger of ejection, ſpuilzie, or wrangous intromiſſion : And declaris, that
they ſhall be quite and free thereof, and all action that may followe there-upon. And ſik-like, our Sovereine
Lord and Eſtaites in this preſent Parliament, findis, decernis, and declaris the Act of diſſolution, maid be
our Sovereine Lord in his Hieneſſe minoritie, In the Parliament holden at *Edinburgh*, in the zeir of God, ane
thouſand, five hundredth, fourſcore four zeirs, and all uther acts of diſſolution maid be his Hieneſſe, or his ſaidis
Predeceſſours in their minorities, althocht the ſamin Actes and inſetmentes following thereupon, be ratified
in Parliament in their majoritie, To be null and of nane avail, force nor effect, with all that hes followed,
or may followe there-upon.

204. *Generall diſſolution of the proprietie.*

OUR Sovereine Lord, with adviſe of his Eſtaites in this preſent Parliament, Statutis and ordainis, that
it ſhall be leaſum to his Hieneſſe, to ſet all his auld proper landis, baith annexed. and un-annexed in ſew-
ferme, ſa that it be nocht in diminution of the rental, gerſummes or uther dewties, bot in augmentation
of the ſamin, with ſik clauſes and conditionis, as he thinks expedient to the effect ſoſeſaid, and that the Landes
that he ſettis in his time, ſtand perpetually to the aites after the forme of their condition, and that this diſſolu-
tion indure for the life-time of the King our Sovereine Lord, that now is allanerlie. Swa that the Landes
quhilkis he ſettis in his time, with the conditiones ſoſeſaidis, ſhall ſtand perpetuallie. And after his deceaſe
the annexationes maid of before, to returne againe to the awin nature. Swa that his Suceſſours ſhall not have
power to annalie nor ſet in ſew, mair nor they had before the making of this ſtatute. Providing, that this ſta-
tute ſhall not extend to the ſetting in ſew-ferme of onie of our Sovetaine Lords Caſtelles, Palaces, zairdes,
wooddes, parkes, forreſtes, paſtures for ſcheip and nolt, and in ſpeciall, the *Lowmondos* of *Falkland*, coal-
heuches, & offices. Bot the ſame to remane inſeperable annexed to the Crown, notwithstanding this preſent
diſſolution. And OUR SOVERAINE LORDE and his Eſtaites ſoſeſaidis, decernis and declaris,
that this preſent diſſolution, is, and ſhall be only to this effect, that the ſaidis annexed lands ſhall be ſett in ſew, to
the

the auncient and kindly tenneses, possessours and occupiers of the ground, quha wer infest be OUR SOVERAINE LORD, and his predecessours of befor, and to all utheris persones, quihilk hes heritable infestment of few-ferme, granted to them be our Sovereine Lord, or any of his predecessours, they seikand their infestmentes of few-ferme, and payand their compositiones theirfoir, to be modified be his Hienes Comptroller, with advise of *John*, Lord of *Thirlestane*, Chancellor, *John* Earl of *Mar*, Lord *Erskin*, *John* Earl of *Montrose*, Lord *Grahame*, *Alexander* Lord *Levingston*, *Robert* Lord *Seatoun*, *Mark* Lord of *New-bottle*, Maister of requestes, Maister *Thomas Lyon* of *Balduky*, Thesaurer, Sir *John Cockburne* of *Ormiston* Knicht, Justice Clerk, *Walter* Commendatar of *Blantyre*, keeper of the privie seale, Maister *Robert Dowglas* Provest of *Lincolnden*, Collector General, Sir *John Carmichael* of that ilk Knicht, Maister *David Carnegie* of *Culluthy*, *Alexander Hay* of *Easter Kennet*, Clerk of Register, *Alexander Hume* of *North-berwick* Mames Provest of *Edinburgh*, or onie seven of them; The said Comptroller alwaies being ane, beruixt and the first day of *August*, the zeir of God, ane thousand, five hundredth, foure score, fiftene zeires. Utherwaies, that it be lauchfull to his Majestie, to set the saidis annexed landes, now dissolved to quhat-sum-ever persons his Hienes thinkis expedient. Alwaies on condition of augmentation of his Hienes rentall as said is. And alswa ordainis, this present act of dissolution, to be extended in favour of the Queenes Majestie, to have sik richts and infestmentes of quhat-sum-ever landes pertaining to her, as she had of befor.

205. *Anent leeing-makers and authoris of slanders.*

OUR SOVERAINE LORD, With advise of his Estaites in this present Parliament, ratifies, apprievis, and for his Hienes and his successours perpetualle confirmis the Act, maid be his nobil Progenitors, King *JAMES* the first of worthy memorie, against leeing makers, the Act maid be King *JAMES* the secund, intitulat, *Against leeing makers and telleris of them*: The act maid be King *James* the fifth, intitulat, *Of leeing makers*, and the Act maid be his Hienes selfe, with advise of his Estaites in Parliament, upon the twentieth day of *Mayj*, the zeir of God, ane thousand, five hundredth, fourescore foure zeires, intitulat, for the punishment of the authors of slanders, and untrewie calumnies against the Kingis Majestie, his Councell and proceedinges, to the dishonour and prejudice of his Hienesse, his Parentes, Progenitours, Crown and Estait: As likewise, the Act of his Hienes Parliament, halden at *Linlithrow*, upon the tenth day of *December*, the zeir of God, ane thousand, five hundredth, fourescore five zeires, intitulat, *Against the authoures of slanderous speachis or writtis*. And statutis and ordainis all the saidis Actes to be published of new, and to be put in execution in time cumming, with this addition. That quha ever hearis the saidis leeingings, calumnies, or slanderous speaches or writes to be maid, and apprehendis not the authours their of, ifit lye in his power, or reveilis not the same to his Hienesse, or ane of his privie Councell, or to the Schireffe, Stewart, or Baillie of the Schire, Stewartes in Regalitie or Royaltie, or to the Provest, or ane of the Baillies within Burgh, be quhome the same may cum to the knowledge of his Hienesse or his faide privie Councell, quhairthrow the said leeing makers, and authors of slanderous speaches may be called, rryed, and punished according to the saidis Actes. The hearer and not apprehender, and (git it lye in his power) conceiler and not reveiler of the saidis leeing makers, and authors of the saidis slanderous speaches or writtes, fall incur the like paine and punishment, as the principall offendour.

206. *Anent payment of the dewtie of the wines.*

IT Is statute and ordained be our Sovereine Lord, and Estaites of this present Parliament, that the dewtie granted be the Estaites to his Majestie, upon the Wines, be thankfullie payed to his Majesties Collectour in all time cumming, within the space of ten dayis nixt efter their arriving within this Cuntry. And to this effect, ordainis the Provest and Baillies of ilk Burgh, within quahais bounds and jurisdiction ony wines fall arrive in time cumming, to take sufficient caution and fovery of the Merchandes, Mariners, and utheris hame-bringeris of the saidis wines, that they fall thankfullie pay the said dewtie, granted to our Sovereine Lord their of, within the space foirsaid, to his Hienes Collectours appointed for in-gathering their of. And heire-upon ordainis letteris to be direct, gif neid beis, baith to charge the saids Provest and Baillies, to tak the said caution, as also, ather to charge the caution, or then the hame bringeris, at the pleasure of the Collectour, to make payment of the said dewtis to his Hienes, within the saidis ten dayis nixt, after their arriving within this Realme, under the paine of Rebellion; And gif they failzie theirin, the saids ten dayes being by-past, to denunce them rebelles, and put them to the home, and that they be not relaxed theirfra, unto the time they pay the double of the said dewtie, to the Collectour for their contemptioun.

207. *Annulling of pensones furth of the erections, sen the annexation.*

OUR Sovereine Lord, with advise of his Estaites in this present Parliament, hes united, annexed, and incorporat; and be the tenour of this present act unitis, annexis, and incorporatis, in his Hienes patrimonie and to his Crown, to remaine theirwith inseparably in all time cumming, all and sindrie the few mailles and blenche dewties of all Landes, Lord-ships, and Barronies, quihilkis pertained of auld to quhar-sum-ever benefice within this Realme, and have bene erected in temporal livingis befor, or sen the Act of annexation maid in *Julij*, 1587. zeires: And therefoir have cased and annulled, and be the tenour heirof cassis and annullis

annullis all and quhat-sum-ever penfiones, and uthir difpofitiones, maid be his Majestie heirtofore, fen the said Act of Annexation, to quhat-sum-ever perfon or perfons, of ony part or pertinent thereof, or of ony temporalities of vacand benefices fallen in his Hienes hands at onie time, fen the said Act of Annexation, and thar be they esteemed in all time cumming null, and of nane availe, notwithstanding quhat-sum-ever confirmation or grante thereof in Parliament, or uthir-ways.

208 *Anent soverties for Officiars of armes.*

ITEM, Because that the soverties of all Officiars of armes, admitted be *Lyon* King of Armes, are found to him and his Clerk: It is therefore statute and ordained, that they be charged twife in the zeire, to produce their buikes offoverties; To the effect **OUR SOVERAINE LORDE** and his Thesaurar bee nocht defrauded of the halfe of the penalties, for the deprived officiars, and this to be used of the Thesaurar in thik sort as the Schireffe-Clerks are ordained to produce their hornings, to the effect that execution may follow there-upon. And the Thesaurar to be charged with his receipt of the foresaids penalties in his comptes. And further, ordainis all the saidis Officiars, that hes not found sufficient caution for dew administration in their office, or quhais cautioneris are deceased, or are not sufficient: To find caution of new, betuixt and the first day of *August* nixt-to-cum, uthertwise, the not finding of the said caution is presentlie declared to be cause of their deprivation. Quhilk deprivation fall be immediatlie published at the Mercat croce of the Schirefdomes, quhair the saidis Officiars remainis; and all their executions, fra thence furth to be un-uthentik and null.

209. *For tryall of the trueth of acquittances, in suspensions.*

OUR SOVERAINE LORD, With advise of his Estaites in this present Parliament, understan- ding that in times by-gane, his Hienes, and his Thesaurar hes bene greattumulie prajudged, anent the escheites of sik personis as hes bene ordourly denounced Rebelles & put to the horne, and that throw collusion of parties, quha after their lauchfull denunciation, the escheittes being cum in his Hienes hands, aggreis with the parties, at quhais instance they are denounced, and intendis reduction against the partie, the Kingis Thesaurar and Advocate, for annulling of the proces of horning, and denunciation led against them, and obteinis decreit thereintil, be production of ante-daitted discharges and acquittances, as gif the summes, or cause they were charged for, had bene payed, done, and fulfilled, lang before the denunciation. For remeid quhairof, It is statute and ordained, that quhen-soever onie partie groundis their reasons of suspension or reduction, for annulling of hornings, upon payment or satisfaction maid before the denunciation, and producis acquittances or discharges there-upon; the producer thereof, fall bee halden in presence of the Lords, to make faith solemnely swome, that the acquittances and discharges produced are trew in themselves, maid and subferived, of the famin dait as they wer produced: uthertways the users of the saids acquittances nor to be heard, to ground ony reasons of suspension for annulling of hornings upon sik acquittances and discharges, nor to use the same, against his Hienes and his Thesaurar.

210. *Anent haning of the Kingis Parkes and Forrestes, and increase of wilde fowl and vennison.*

OUR SOVERAINE LORDE, And his Estaites in this present Parliament, fore-seing that his haill Wooddes, Forrestes, Parkes, Hanynges, Da, Ra, Harts, Hynds, fallow deir, phefant, fouldes and uthiris wild beastes within the same, are greattumulie destroyed, and dailie decreffis, be reason the Actes and statutes, quhilk are set downe against the destroyers of the saids Woods, Forrestes, Parkes, Hanynges, and slayeris of the saidis wyld beastes, hes not bene put to execution: Swa that all men hes tane libertie to destroy and slay at their awin appetites. For remeid quhairof, and better interteinement of his royall pastime in time cumming: It is statute and ordained, that quhat-sum-ever perfon or perfones, at onie time heirafter, fall happen to cut onie timmer or greene-wood within his Hienes Wooddes or Parkes, or fall happen to slay deir, harts, phefants, fowls, partricks, or uthir wild-fowl quhat-sum-ever, ather with gun, croce-bow, hand-bow, dogges, halkes, or gines, or be uthir ingine quhat-sum-ever, within the same: or that beis found schutting with ony gun theirin, without special licence and tolerance of his Majestie, had and obtained heitro, or that slays onie of his Hienes Deir, strayand in time of stormes to barns zairds, or uthir pairties maist ewest feikand their fude: or beis foundand tryed till have schot with hagbut in the winter nicht, within onie of the foirsaidis wooddes or parkes, or within the space of ane mile theiraabout, quhiddir they be apprehended slayand the Deir or not, that their haill guddes, and gear fall be escheit and inbrocht to his Hienes use, and their perfones punished at his Hienes will, and this to be ane ordinar point of dittay, and the offender to be criminallie accused heiron, in all times hereafter. And also, It is statute and ordained, that gif onie perfon or perfones, fall happen to put onie of their guds within the saids woods, forrests, parkes or hanings, the same fall be confiscar and escheitted. And thar it fall be leifum to the keeperis, to intrometh their-with, at their awin handes, but onie further proces of Law, and they to be frie of all danger and action, that in onie wise may follow and ensue their-upon, the ane halfe to be employed to **OUR** said **SOVERAINE LORDIS** use,

use, and the uthir halfe to the Foresters and keepers. And likewise, it is statute and ordained, that no person nor persones shall hunt nor halke, within the boundes of sex miles to onie of his Hienes Woods, Parkes, Castellies, and Palices. And in case ony doe in the contrair, that ilk person contraveeneing, shall pay the summe of ane hundredth pounds money, the ane halfe thereof to the delatours of them, and the uthir halfe to his Hienes use. And als, quhat-sum-ever person shall be deprehended, or tryed till have flane hartes, or onie kinde of wilde foule in snaw, or onie uthir time with gunnes or girdes, or zit beis found to have shot at duik, draik, or ony uthir wilde-foul with ane hagbut, within onie part of this Realm, that they shall be subject to the foresaid penaltie of ane 100. pounds. And in case they, or onie of them beis not responfall, to be punished in their persones, at his Hienes will and pleasour.

211. *Anent the Privileges of the College of Justice.*

OUR SOVERAINE LORDE, With advyse of his Estaites in Parliament, ratifies, apprievis and confirmis all and quhat-sum-ever privileges, liberties, and immunities, granted of before be his Majestie, and his maist noble Progenitours, to the Chancellor and haill Senatours, baith Spiritual and Temporall, and members of the College of Justice, for maintenance of them in their persones, honours, and dignities, and for bruiking of their landes, rents, Benefices and pensions, in sik forme as is contained in the first erection of the said College, and as they and their Predecessours hes bruiked and possessed sines, conforme to the Ratification thereof in Parliament, or in onie uthir Acts, Lawes, Statutes, maid be his Majestie, or his Predecessours, in favours of the said College, Senatours and members thereof, in all poyntes: Notwithstanding quhat-sum-ever Actes, or constitutions that may appeare to derogate fra the same.

212. *Anent the declining of the Senatours of the College of Justice, quha ar Father, Brother, or Sonne to the parties.*

OUR SOVERAINE LORDE, With advyse of his Estaites in this present Parliament, statuis and ordainis, that na Senatours of the College of Justice, ordinar or extraordinar, shall sit, or vote in onie action or cause intended, or to be intended before them, quhair the parties persiewer or defender, is either their Father, Brother, or Sonne: sva that the Father shall in na wise be Judge in the Sonnis case, the Sonne in the Fathers case, nor the Brother in the Brothers, nor be declined therein.

213. *Anent the beginning of the Harvest vacance.*

OUR SOVERAINE LORDE, With advyse of the Estaites of Parliament, considering the great skaith that the Lieges susteinis, throw sitting of the Session, after the first day of *August*, harvest being in monie partes of the cuntrie, alreadie then begun. And understanding that the Lordes of Session, are content during the haill Summer Session, to enter in the Folbuth, and call maters daylie at aucht houres, quhair as their ordinar diet was not quhill nync: Therefor statuis and ordainis that the harvest vacance shall begin the first day of *August*; And the Session to sit bot the last day of *Julij inclusive*.

214. *That nane shall be compelled to produce procuratories or instrumentes of resignation, precepts of clare constat, or uthir precepts of saisng of Lands or annual-rents, possessed be them befor the space of fourtie zeiris.*

OUR SOVERAINE LORD, And Estaites of this present Parliament, understanding that sundrie of his Hienes Lieges, are heretablie infest in divers landes, and annual-rents within this Realme, like as their predecessours and authores, fra quhome their richts thereof proceidis, hes bene heretablie infest in the samin Landes & annual-rentes: And be verwey of their several infestmentes, & life-rentes therein reserved, they and their Predecessours and authours, hes bruiked the foirsaidis landes and annual-rentes be the space of fourtie zeires togidder: Notwithstanding quhair of, the saids infestmentes, maid and granted to them and their Predecessours and authours, are sundrie times drawn in question, for laik and want of procuratories of resignation, instrumentes of resignation, precepts of *clare constat*, or uthiris precepts of saisng, quhilkis are not extant to be produced and used, in respect that the samin are tynt and amited, partlie be iniquitie of time, partlie be perishing of protocollis and scrolles of notares: partlie for none-delivering of the samin, be the persones, seillares, and disponeres thereof: partlie because the evidents of comprised Landes uses to be abstracted and with-halden upon malice of pairties: and partlie, as evidentes nor thoer necessare to have bene kept, after sa lang time: Be reasone that the chartoures makis mention of the procuratories and instrumentes of resignations, and instrumentes of saisng makis mention of the precepts of saisng, quhair-upon the samin proceides. For remeide quhair of, OUR said SOVERAINE LORD, with advyse of his saids Estaites, and haill bodie of this present Parliament, findis, decernis, and declaris, that nane of his saids Lieges, may be compelled, after the space of fourtie zeires, to produce procuratories or instrumentes of resignation, precepts of *clare constat*, or uthiris precepts of saisng of landes, or annual-rentes, quhair of

quhair of the present heretable possessours and their predecessours, and authours, and utheris persons be vertue of life-rentes reserved in the saidis infestments, are, and was in possession be the space of fourtie zeires togidder, and that the wanting and in-laik theirof, nor nane of them, fall be na cause of reduction of the infestments granted to the proprietaires, or their Predecessours or authores of the lands or annual-rentes, quhair of the charter or charters (makand mention of the resignation or resignations to have bene maid, and the instruments of saifing, makand mention of the preceptes of saifing, be vertue quhair of, the saifings wer given) are extant. And willis, statutis, and ordainis, that this Act fall be extended to all procuratories, and instruments of resignation, preceptes of *clare constat*, or uthers preceptes of saifings, the wanting and in-laik quhair of, nor nane of them, fall be na cause of reduction, nor uther quarrell quhar-lum-ever, after the space of fourtie zeires, quhair infestments hes tane effect be possession, be the said space of fourtie zeires, in maner abone-rehearsed, and quhair the charters and instruments of saifing are extant, as said is.

215. *Ratificationes in this Parliament to be, Salvo jure ejuslibet.*

OUR SOVERAINE LORD, And his Estaites of this present Parliament, decernis and declairis, that na ratification granted in favour of particular parties in this present Parliament, fall be hurtfull or judicial to onie of the Lieges of the Realme, nor heard nor speciallie called thereto, bot all the saidis ratifications fall be understood and interpreted, *Salvo jure ejuslibet.*

216. *Anent the bying of landes and possessiones dependand in pley, be Judges or members of Courtes.*

OUR SOVERAINE LORDE, and Estaites of this present Parliament, statutis and ordainis, that in time cumming, it fall not bee leifum to onie Lordes of the Session, ordinar, or extraordinar, Advocates, Clerkes, Writers, their servandes, or onie uther member of the College of Justice, or onie inferior judgements within this Realme, their Deputes, Clerkes, or Advocates, directly or indirectly, be themselves, or onie utheris in their names, to their behoove or utilitie: To bye onie landes, teyndes, rowmes or possessiones, quhilks ar dependand in controverfie or question betuix onie parties, or hes bene dependand, and not as zit decided: Quhilks gif they, or onie of them do, and contraveenis the premises: The saidis Lordes of Session, Advocates, Clerkes, Writers, their servandes, or onie uther member of the College of Justice, or onie inferior judgements within this Realme, their Deputes, Clerkes, and Advocates, fall amit and tine their office, place, and all Priviledges and immunities bruikeid, or that may be bruikeid be them, be vertue thereof.

217. *That caution be found in actiones of ejection.*

OUR SOVERAINE LORD, With advife of the Estaites of this present Parliament, understand the great disordour, quhilk hes risen, and dailie dois arise amongst his Hiennesse lieges, quhairas persones wrangouslie intrusing themselves in the rowmes and possessiones of utheris, be bangitrie and force, being altogidder unresponal themselves, mainteinis their possession thereof: And quhen they ar challenged before the Lords of the Session, or uther Judges ordinar, be the partie grieved; The persones intrusers of themselves in sik possessiones, delayis the mater, be proponing of peremptour exceptions, quhilk ar not of veritie, and delays upon the probation thereof; And after lang pley, quhen as the partie grieved hes gotten decreete, ordaining him to be repossessed to his rowme and profitis thereof, his pairtie being untesponal altogidder, gettis na commoditie thereof: For remeid of the quhilk; It is statute and ordained, that in all time cumming, the partie persewed beane uther for ejection, fall finde caution for the violent profitis, asin causes of remooving, the first diet of the *Litiscontestation*, or utherwaies decreete to be given, outdaining the partie to be repossessed.

218. *For consideration of articles to be proponed in Parliament.*

OUR SOVERAINE LORDE, And his Estaites in this present Parliament, having considered the great fasherie and inconvenience at findrie Parliaments, throw presenting of a confused multitude of doubtfull and informal articles, and supplications: For remeid theirof in time cumming, statutis and ordainis, that quhen ever the Parliament is appoynted and ordained to be proclaimed, there fall ane convention be appoynted, of foure of everie estaite, to meete twentie dayes before the Parliament, to receive all maner of articles and supplications concerning general Laves, or tuitching particular parties: Quhilks articles and supplications, fall be delivered to the Clerke of Register, and be him presented to the persones of the Estaites, to be considered be them; To the effect that thinges reasonable and necessary, may be formallie maid and presented in an buik to the Lordes of the articles in the Parliament time, and all impertinent, frivolous and imptoper maters rejected: And that na article or supplication, wantand a speciall title, or unsubscribed be the presenter, fall be red or answered in that convention, or Parliament following the same: It is alwayes provided, that his Majestie may present sik articles, as he thinkis gude, concerning himselfe, or the common weill of the Realme, at all times when he thinkis expedient.

219. *Anent slauchter, and troubling of parties in persute, and defense of their actions.*

OUR SOVERAINE LORD, having consideration of the manifold oppressions done within this Realme, and for the maist parte occurring betuixt parties contending in Justice, be proud and undantoned braggars, boasters and oppressours: And understanding that there was ane acte of Parliament, maid of lang time by-past: First in the daies of umquhill *Marie*, Queene Dawager, his Hieneffe Gud-dame, of worthie memorie, quhilk wes onclie Temporall, for the space of three zeires nixt following; and approven be his Hieneffe in his Parliament halden at *Edinburgh*, in the Moneth of *Maij*, ane thousand, five hundred, fourscore four zeires; quhairby it was found and declared, that if ony person, ither persewer or defender, schuld happen to slaie or wound to the effusion of blood, or utherwaies to invade ane of them ane uther in ony forte, quhair-upon they might be criminallie accused, after the raising of the summondes and precepts, and lauchfull execution thereof, or in ony time before the compleit execution to be recovered there-upon: The committer of the slauchter, blood or invasion, in maner foresaid; or being airt, pairt, red or counsell thereof; gif it be the defender, he fall be condemned at the instance of the persewer, gif he be on life; or in-case of his decease, the nearest of his kinne, quha is slaine, without ony probation of the libell, except summar cognition to be tane of the slauchter, blood-shed or invasion, before the Justice, or ony uther Judge competent thereto. And gif the persewer slayis, woundis or invadis the defender, as said is: or be airt, pairt, red, or counsell thereof, cognition being tane, in-case the defender be on live, or in-case of his decease, the nearest of his kinne, fall have absolvitour fra the persewers libell. And gif the slayer, shedder of blood, or invader, as said is, hes landes or life-rentes, and beis denounced rebell, and put to the horne, for none-finding of soverty, or none-compearance, to underly the Law for the said slauchter, blood-shed, or invasion: In that case, the slayer, shedder of blood, or in-vader, incontinent after the denunciation, fall tane the benefite of his life-rent, of quhat-sum-ever his landes, offices or commodities, as in the saidis actes and statutes maid there-upon, at mair length is contened. Quhilk last act was also temporall, to indure for the space of seven zeires; And now it being knawen to his Hieneffe, and the saidis Estaites, how necessar the samin is, to be alwaies observed and kept in continual observance, as ane univerfall law in all time cumming, for repressing of the saidis invasiones: Therefore his Hieneffe, with advise of the Estaites, and hail bodie of this present Parliament, ratifies, appricvis, and affirmis baith the saidis first and second actes, with the hail poyntes, articles, and conditions contened there-inall, And ordainis the same to stand as ane perpetual Law in all time cumming.

220. *For punishment of Parricide.*

OUR SOVERAINE LORDE, and Estaites of this present Parliament, understanding the abominable and odious crueltie, that hes bene at sum-times heretofore used within this Realme, be Children against their Parentes, in murdering of them, and takand of their lives maist unnaturally; Hes therefore statute and ordained, that quhat-sum-ever he be, that hes slaine, or fall hereafter slaie, his Father or Mother, Gud-schir, or Gud-dame, and hes bene already, or fall be hereafter convict be ane assise: The committers of the said crime, and his posteritie in *linea recta*, fall be disherishid in all time hereafter, fra their landes, heritages, tackes, possessions: And the samin fall appertene to the nixt collateral and nearest of blood, quha utherwise nicht succede failzieng of the richt line.

221. *Anent the certaine time of Lentron, sparing of young flesh in the spring, and breakers of Lentron, and uther dayes forbidden to cate flesh.*

OUR Sovereine Lorde, and his Estaites in this present Parliament, in respect of the great dearth and scarcitie of all kinde of fleshes, statutis and ordainis, that in all time cumming, the time of *Lentron* fall be certaine, fra the first daie of *Marche inclusive*, to the first daie of *Maij exclusive*: And that na Lambes, nor young Vealles within zeir auldes, be slaine, or eaten before *Whit-sundaie* zeirle, under the paines following. And als, ratifies, appricvis, and confirmis the actes of Parliament maid of before against the caters of flesh in *Lentron*, or on the Wednisdaie, Fridaie, or Setterdaie, in everie oulke, except the penaltie appointed in the saidis actes, against the contraveeners thereof: Quhilk our Sovereine Lord, and Estaites foresaidis, cassis, annullis, and haldis that poynt of the same as deleit, and reservis the said penaltie as followis, to the effect the same may be the better execute: That is to say, quhafoever fall be tryed to have contravened the same, for the first fault fall be adjudged in the summe of ten pundes money, for the second, in the summe of twentie pundes: and for the thrid, in the summe of fourtie pundes. And so ordainis the paine to be multiplied, according to the contempt, and oft contraveining of the saidis Actes: And that the same may take the better effect: Our Sovereine Lorde, and Estaites foresaidis, ordainis, that within Burghes, his Hieneffe Thesaurer nominate ane sufficient person, and that everie Burgh nominate ane uther, rowes, his Hieneffe Thesaurer nominate ane sufficient person, and that everie Burgh nominate ane uther, quha fall have power to try, search, and seeke quhat-sum-ever persones contraveeners of this present act: And persew them before the Justice general, or his Deputes, monethlie for the same. And in-case of conviction of ony person or persons, ordainis the ane halfe of the penaltie to appertene to our Sovereine Lord, and the uther halfe to the Burgh, quhair the conviction fall happen, to be employed be them as they

they sall think guid. Quhilk act, our said Sovereaine Lord and Estaites foresaidis, ordainis to be put to execution in time cumming without exception or pretese of ony former licence graunted before the dait hercof, allweill against the eaters, as against fleschours, cuikes, hostelliares, and uthers preparers thereof. And that na licence be granted hereafter, without ane sufficient testimoniall be schawen to our Sovereaine Lordis Thesaurer, be ane Minister of Gods word, and Doctour of Medicine, Apothecarie or Chirurgian, of the infirmite of the person that suitis and cravis the same, uthewise the licence to be null. And in-case the persone obtainer of the said licence, be challenged for contraveining of this present act, the licence sall not be sufficient to absolve the person accused, except the same, togidder with the foresaid testimoniall, be likewaise produced and schawen in judgement.

222. *For punishment of committers of Usurie.*

FORSAMEIKLE As Usurie and ocker is an great crime, condemned be the Lawes of God and all commoun wealthes, and zit hes bene over frequentlie used within this Realme, thir diverse zeires by-gane, throw want of a certaine paine and punishment: Therefore our Sovereaine Lorde, with advyse of his Estaites in this present Parliament, statutis and ordainis, That quha ever committis usurie, or ocker in time cumming, directlie or indirectlie (that is to say) takis mair profite for the leane of money, nor as it cummis to ten pundes in the zeir for a hundreth pundes, or five bolles victual, And swa *provata*, quhiddir the same be great or small, upon wedde, pledge, or obligation, act or contract afore hande, or alter the zeir or time, sall be counted and esteemed Usurers and ockers, and the partie p yer, or oblist for the said unlawfulfull profite, reveiland the same, sall have repetition of his pledge, wedde, or discharge of his obligation, acte or contract, for his rewarde: And if the partie payer concealis the payment thereof, quhatsum-ever uthir man that reveillis and veresifies the saide ocker, sall have the saide benefite and richt to the summes of money given for ocker, as the giver might hahad, in-case heve had reveiled it himselfe: & the partie receiver of the said unlawfull profit, or contracter thereanent, to rine the principall sum and stock, quhilk was employed be him for payment of the said unlawfull profit and ocker.

223. *For punishment of sum disorders of students and burfarses.*

ITEM, Because the Burfarses, Studentes and Maisters of Colleges, at greatumlie drawn from their studies, and oftimes incurris greate skaith and perrell themselves, and dois damage unto uthers, throw their licencious libertie, in resorting night and daie to free Burghes, armed with swordes, pistolettes, and uthir weapones: Therefore **OUR SOVERAINE LORDE**, and Estaites of this present Parliament, ordainis the Provestes and Baillies of his Majesties free Burghes, in-case they finde the foresaidis persones, or ony of them, vagand nicht or day, within their saidis Townes, armed in maner abone specified: To take and intromet-with their armour, and to dispoise upon the same, as they thinke gude.

224. *For execution of the Actes, anent the slauchter of black or red fish, and fry of Salmond.*

OUR SOVERAINE LORDE, And Estaites of this present Parliament, understanding that the Actes of Parliament, maid against slayers of blackc or red filthe in forbidden time, destroyers of Smoltes and fry of Salmond, hes not bene put to execution in times by-gane, be reason of the jurisdiction of the Schireffes of everie Schireffedome, impeding the Provest and Baillies of Burrowes, to prosecute Justice thereanent: Hes therefore ratified, and approven the former actes, maid anent slaying of Salmond fish in forbidden time, and destroying of smoltes, &c. And declaris, that it sall be lauchfull to the Provest and Baillies of everie Burgh in time cumming, to proceede against the contraveiners of the saidis Actes, gif they sall happen first to attache and apprehend them, before they be challenged be the Schireffe or his deputies: Notwithstanding that be the former actes, the said power was restricted to the saidis Schireffes:

225. *Anent the Priviledge of Burrowes.*

OUR SOVERAINE LORDE, with advyse of his Estaites in this present Parliament, ratifies, appriovis and confirmis, the acte and statute maid in his Hienes Parliament, halden at *Edinburgh*, upon the fifth daie of *Junij*, the zeir of God, ane thousand, five hundreth, fourscor twelve zeires: In favours of the free Burrowes of this Realme, and their liberties and priviledges, against un-free traffiquers: and anent using of craftes in all the sub-urbes of the saidis Burrowes: speciallie beeing, That all maner of persones, inhabitants of the saidis Burrowes, exerceand ony maner of traffick in merchandice, or having exchange within the same: sall beare their part of all stentes and taxationes, watching and warding, in all dewties pertaining to our Sovereaine Lord, the weill of the Realme, and utilitie of the Burgh, as at length is contained in the said act, and all clausies and conditiones therein contained: with this addition, that the famin sall be extended to all merchandes or Craftes-men, allweill free as unfree, that hes na uthir dwelling place but within Burgh, and hes their commoditie within the same Burgh, and bearis na burden of taxation without the same Burgh.

226. *Anent the upholding of the decayed landes within Burgh.*

OUR SOVERAINE LORDE, With advise of his Estaites of this present Parliament, ratifies and apprevies the actis and statutes, maid be his Hieneffe maist Noble Progenitours of worthie memorie, concerning the upholding of Landes, given in conjunct infestment, alswell to Burgh as Land: And for the better execution thereof, and reparation of the decayed policie within Burgh, statuts and ordains; That the Provost and Baillies of ilke Burgh, fall at the instance of the heritours of the landes within the same, upon citation of the partie, take summar cognition of the estate of the landes, houses, or tenementes within the Burgh, beane condigne inquest of the Nichtbours thereof: And gif the same be found anle, decayed, and ruinous in ruise, sclaites, dures, windowes, fluring, loftis, tymmer-wark, and walles, or onie of them, and ane land bigged of faulde, and throw lang time decayed, in sik sort that it be already inhabitable, or that within short time may becom inhabitable, in that case, to decerne that the conjunct fear or life-renter fall repaire the saidis landes, and renementes in the partes theirow decayed, as fall be found be the said inquest, within the space of zeire and day, nixt after they be required theirow be the heritours: and failzeing theirow, declairis that it fall be frie to the said heretour, to enter to the possession of the same, to have the setting, raising, using, and disposing their-upon, in all time cumming, as gif there war na life-rent, or conjunct fee standing theirow. Providing alwaies, that sufficient security in the Burgh, quhair the landes or tenementes lye, be tane, for termelie payment to the conjunct fears or life-renters theirow, induring their life-time of sik mail and dewtie, as the same presentlie gives the time of the said cognition, or might reasonablie give in that estait, in case it be not presentlie set, deduce and alwaies the annuallies, and uther burding lye their-upon. And this to be extended to all brunt and waist landes, and against all conjunct fears present and to cum within Burgh.

227. *For punishment of theft, rife, oppression and forning.*

OUR SOVERAINE LORDE, And Estaites in this present Parliament, considering, that notwithstanding the sundrie Actes maid be his Hienes, and his maist Noble Progenitours, for punishment of the Authours of theft, rife, oppression and forning, and Maisteris and susteinars of thieves: Zit sik hes bene, and presentlie is the barbarous cruelties, and daillie Heirschippes of the wicked thieves and limmers of the Clannes and surnames following, inhabiting the *Hie-landes* and *Iles*: They are to say, *Clan-gregore, Clansarlane, Clanlawren, Cladowall, Clandonogh, Clanchattane, Clanchewill, Clanchamron, Clanrannald in Lechaber, Clanrannald in Knoydart, Moydart, and Glengarvey, Clanlewd of the Lewies, Clanlewd of Harriche, Clondonald South and North, Clangileane, Claniane, Clankinnon, Clanneil, Clankenzie, Clannadreis, Clannorgun, Clangan, Cheilphale*: And als monie broken men of the surnames of *Stewartis in Athole, Lorne, and Balquhider, Campbells, Grabames in Menteith, Buchananes, Galbraithes, Makcaulais, Macknabbes, Maknabrichtes, Meinzeis, Fergussones, Spaldinges, Makintoshes in Athol, Makthomas in Glenfiche, Fergussones in the Brae of Mar, Makinpersones, Grantes, Rosses, Fraseres, Monroes, Neilsones*; and utheris inhabiting the Schireffdomes of *Argyle, Bute, Dumbartane, Strivirling, Perth, Forfayre, Aberdene, Bamff, Elgin, Forres, Narne, Invernes, and Cromertie*, Stewarties of *Statberne* and *Menteith*. And likewise a great number of wicked thieves, oppressours, and peace breakers, and receipters of theft, of the surnames of *Armeistranges, Elliotes, Nicksones, Croseres, Grabames, Irwings, Belles, Cairkilles, Beatisones, Lielles, Thomsons, Glendunnings, Caruthers, Iobnestones, Iardanes, Moffettes, Latimers*; and utheris inhabiting the Bordoures fore-ant *England*, in the Schireffdomes of *Roxburgh, Selkirk, Peebles, Dumfriess, and Stewartie of Annandall*. In the Murthir, Heirschipp, and daillie oppression of his Hieneffe peaceable and gude subjectes; in the haill Countries adjacent to the Hielandes and Bordoures; to the displeasure of God, contempt and dishonour of his Hienes person and authoritie; and to the waisting and desolation of a gud part of the plentiful ground of the country, if speedie remeid be not provided. And understanding that this mischief and schamefull disorder increaseth, and is nourished be the oversight, hounding-out, receipt, maintenance, and not punishment of the thieves, limmers and vagaboundes; partie be the Landis-lordes, Maisters, and Baillies of the landes and boundes, quhair they dwell or resortis: And partly throw the counsellis, directions, receipt, and partaking of Chieftaines principallies of the branches, and housholders of the saidis surnames and Clannes, quhillis bearis quarrell, and seekis revenge for the least hurting and slaughter of onie ane of their unhappie race, although it were ordour of Justice; or in rescuing and following of rewe menis geare, stolen or reft: Swa than the said Chieftaines, principal of the branches, and housholders, worthelie may be esteemed the verie authors, fosterers and mainteiners of the wicked deedes of the vagaboundes of their clannes and surnames. **FOR** remeid quhairow, and that there may be anis a perfite distinction be names and surnames, beruixt them that ar, and desiris to be esteemed honest and trew men: and them, thar ar and aschamis not to be esteemed thieves, reifers, fornars, and receipters, and susteiners of theft, in their wicked & odious crimes and deeds: **IT IS** statute and ordained, that ther be an roll and catalogue maid with all possible diligence, of all persons of the surnames foresaidis, suspected of slaughter, theft, rife, receipt of theft, or thieves, or forning, within the saids Schireffdomes and Stewarties in quhat townes, and parochins, and under quhat Landes-lordes and Maisters or Baillies they dwell. **THAT** all Landis-lordes and Baillies be charged to finde sovertie, to relieve the King and Warden in the Bordoures, and over all quhair, to make their

The Landis-
lordes suld
finde cau-
tion.
Landis-
lordes suld
present
them to
Justice.

Pleger.

Fugitives.

Soverie.

No action
is com-
petent to re-
belles.

Quha is
man or ser-
vant to ane
other.

Justice
Counres.

Ane gene-
rall band.

Suspect
persones.

of ten-
nentes and
indwellers
in other
mens hou-
ses.

men, tennentes and servants answerable to Justice, and to redresse parties skaithed, quhilkis hes not found the said sovertie arecadi: THAT the haill persones suspected and delated of the saidis crimes, fall be given in valentines to their Maisters, Landis-lordes or Baillies, to be presented before his Hienesse Justice and his Deputes, and uthiris Commissioners or assessors to bee appoynted at certaine daies and places: That it may be understand quha will be obedient, and quha inobedient and fugitive. SIK Housholders of the saidis Clannes, as compairs, to finde caution, for reliefe of their Landis-lordes: SIK as compairs not, to be denounced rebelles and fugitives. THE Chieftaines, principal of the branches and Housholders to be charged to enter pleges, for reliefe alswa of the Landis-lordes. THE Pleges to be delivered in keeping to the Noble-men, Barronnes and Gentle-men, that hes received greatest and latest harmes of the saidis thieves and forners of Clannes, and their assisters in their awin houses, or with their friendes in the Countrie, quhair they thinke maist sure. GIF the persones compleined upon, compairs and findes gud sovertie, for reliefe of their Maisters and Landis-lordes, to bruik their tackes and titles. GIF They compeir not, or compeirand findis not the said sovertie, to be denounced rebelles, and their escheitres of tackes to be disposed to their Landis-lordes, for their better reliefe. The compleinar to have action criminal or civil, against the Landis-lordes, Maister or Baillies, or their soverties, for the attemptat to be committed, after the sovertie found; THE availle and quantite of the guddes stolen or reft, or uther skaith done, fall be referred to the aith of the compleiner, the truth of the fact being proven be two witness: or gif the partie compleined upon, compairs not personallie before the Justice, to make his defense, or excusis him not be the aith of his Minister personallie compeirand; Na Landis-lord, to set his land, or to suffer his land to be occupied and possessed with his consent, or receive mailles, gressume, and durie for the occupier theirof, that being of a Clanne, findis not sovertie, to relieve his Landis-lord, betuixt and the first day of August nixt, quhilk gif the Landis-lord omit to seik for his reliefe, he to be answerable to the compleiner, criminal or civil, as gif he had done the deed himselfe. Nane of the saidis Clannes, or uther broken men, their wives, bairnes, aites, executors or assignayes, fall have action criminal or civil against quhar-sum-ever persones, For ejection, spuilzie, slaughter, fire-raising, or uther alleged violent deed committed against them, be onie of his Hienes Lieges, except they instruct with their summondes, that the persone alleged hurt, spuilzed, slaine, or ejected wes the Kings free-licge man, the time of that deed, and had found sovertie to be answerable to Justice, for reliefe of his Landis-lord, and to redresse parties skaithed. Everie thiefe and forner fall be esteemed the man and servand of him, quhom of he hes land in tillage or pastourage: Or quhom the said thiefe, forner or rievair accompanies at conventiones, gatherings, or at onie violent deeds: Or on quhais ground, the said thiefe or rievair is receipt, and taries twelve houres together, with the knowledge of the Landis-lord, being of habitie and power to apprehend him: Or quha hes received band of manrent, or given band of maintenance to the thieves or rievares: Or receivis their cawlpes and herczeldes: Or quha hes had the said thieves and rievares under their asurance, or exemption: Twa Justice Courtes to be halden zeirlic, for the ordinar execution of this present act and statute, within everie one of the saidis Schireffedomes and Stewartries at least: At Jedburgh, for Roxburgh, Selkirk and Peebles: At Dumfriesshire for the Schireffedome theirof, and Stewartries of Kircudbright and Annand-dail: At Strivling for Argyle, Bute, Dumbartane and Perth, Stewartries of Menteith, and Strathern: At Abirdene for the Schireffedome theirof, and Bamff: At Elgin or Inverness, for the Schireffedomes of Elgin, Forres, Narve, Inverness, and Cromertie: And the expenses of Officiates, Clerkes and uther things needfull, to be tane of the readiest unlawes and escheitres of the saids Courts: Ane band to be maid, sworne and subscribed be all Nobil-men, Barronnes, and landed men, within the boundes of the saidis Schireffedomes and Stewartries, oblihand them to seik the true execution of this present act, for their awin partes, and to concurre against the saidis thieves, rebelles, and fornars, and to keip ordinar watching and warding, and to contribute to that effect: in sik sort, as fall be thought meitest among themselfis. Certifying them, that fall be found not to conveene and further this gude wark, they fall be halden infamous and favoreres and partakers with the saidis thieves and fornars in their evill deedes. And our said Sovereine Lord, with advise of his saidis Estaites, declaris that this present Act of Parliament, fall extend not onelie against all inhabitants of the saids special Schireffedomes and Stewartries, bot against the Landis-lordes, Maisters, and Baillies of all persons that are, or fall be suspected and delated of theft, reif, oppression, and forning over all partes of the Realme, and nameilie against the heretours and life-renters of Landes within Townes and sub-urbs theirof, quhilkis fall be halden to enter and present to Justice, persones dwelland within their tenementes and houses, suspected to be Harlottes, thieves, receipters of theft, or vagaboundes, sik-like as Landis-lordes in Hiellands, or Dor-renters in townes and sub-urbs theirof, take sovertie of their tennentes, quhome unto they set their houles, for their reliefe, at their awin perrell. And further, our Sovereine Lord, with advise of his said Estaites, ratifies and apprievis, and for his Hienes and his successours perpetualle confirmis all former Lawes and Actes, maid be his Hienes, and his maist Noble Progenitours in onie times by-gane, anent punishment of theft, rief, forning or oppression, not rising to effray and following, sitting under asurance of thieves, or taking, or paying of black mail: And ordainis the same actes to be put to execution with diligence, after the forme and tenour thereof. AND finallie, that as thieves and fornars concurre, assistis and mainteinis uthers in wicked deedes, against trew men, without feare of God, the King, or the Lawes:

Swia it fall be lauchfull to trow and honest men, to concurre and joyne themselves in Counsellis and actiones, <sup>Convo-
cation for
punishment
of thieves or
forming.</sup> for defense of the lives and guddes of themselves and their tennentes, against thieves and forners, and to fol-
low and persew them, and all their races, clannes and names, dwelland within the boundes of the Hie-landes
and Bordoures (not subject be gude and sufficient soverties and pleges, to be answerable to the Lawes, and
redresse of parties skaithed) and to take and apprehend their persones and guddes, keepe themselves in pri-
son, or execute them to the death, makand all our Sovereigne Lordis Officers, and Ministers of Justice, to
Burgh or lande, and all his Free-holders, remaining at his Hiennesse Faith, peace and obedience, conjunctlie
or severallie his Hiennesse Justices to that effect: with power to halde Courtes, create members thereof,
summond assises, ilk person under the paine of ten poundes, als oft as neede beis. And in-case any of the
saide thieves, forners of the saidis clannes, or their assisters dwelland in the Hielandes and Bordours (quhilk
fall not be under gude sovertie or plegging, as said is; beruixt and the first daye of *August* nixt-to-cum) hap-
penis to be tane, hurt, slaine, or mutilate: Their guddes to be taken and intrometted-with; their houses
burnt, destroyed, or casten to the grounde. OUR Sovereigne Lorde with advyse of the said Estaites in this
present Parliament, willis, grantis, and declaris, that the same fall never be impute as onie crime or of-
fense, to quhat-sum-ever trow man, authors or executors thereof: NOR they, nor nane of them, fall
be called or accused thereof, criminallic, nor civilie be onie maner of way in time cumming: Exonerand
and dischargeand them of the same for ever: And ratifies and apprievis all utheris acts abone specified: And
ordainis them to extend over all the Realme.

228. *Prelates and uthers beneficed persones suld have reliefe of their taxation.*

OUR Sovereigne Lorde and Estaites of this present Parliament, for the better explaining of the reliefe
granted to Prelates and Ministers provided to parsonages and vicarages, Vicars, and uthers bene-
ficed men, be the Act maid be the Estaites laidie conveyned, upon the taxation of ane hundred thousand
pundes, granted be them for the defray of the honourable charges of the Princis *Baptisme*: Findis and de-
claris that they and everie ane of them fall have their just reliefe *pro rata*, of their part of this present taxation,
upon the sewares, vassalies, pensioners, and tackel-men of teinds of their severall Benefices.

229. *That the Temporall lawdes annexed to the Crown fall remaine therewith, and
that they suld be retoured.*

OUR Sovereigne Lorde, and his Estaites of this present Parliament, declaris and ordainis, that all few-
landes annexed to his Majesties Crown, be the act of annexation, remaine with his Majestie & Crowne
in all time hereafter. And that all few-landes annexed, or uther few-lands quhat-sum-ever, within this Re-
alme, be retoured and availed, to marke or pennie lands, that his Majestie may know the awner thereof.
And being retoured that quhen it fall happen any imposs or taxation to be raised, that the saidis sewares fall
be charged according to their retours.

230. *Caution suld be found be them quha suld make compt in the Checker.*

OUR Sovereigne Lord and Estaites of Parliament, ratifies and apprievis, the act maid at *Edinburgh*;
the zeir of GOD, ane thousand, five hundredth, auchtie seven zeires; Anent making of Compt in
the Checker; And statutis and ordainis, that all the Chalmerlaines and sewares of his Majesties proper
landes, Customers, Baillies of Burrowes, Schireffes and uthers intromettours with the dewties of his Hi-
ennesse propertie and casualties, fall finde caution and sovertie, Burgeses of *Edinburgh*, for their zeirlic com-
peirance and making of compt in the Checker.

F I N I S.

A N E T A B L E

Of the

*PARTICULAR ACTES and uthers, maid be King JAMES the Sext; in
the Fourteenth Parliament, the viij. of Junij, the zeir of God, ane thousand, five
hundredth, ninetie four zeires, not imprinted.*

- 1 Declaration anent the annexation of Kello and Coldingham.
- 2 That na prejudice be done to the Queenes Majestie in this present Parliament.
- 3 Act in favour of the Ministers of Glasgow.
- 4 Ratification of the Kirk of Brunst-Iland.

B b b 3

5 Rati-

- 5 Ratification of the dispositions maid be umquibile Patrick Bisshoppe of Saint-Andrewes.
- 6 Ratification of the disposition of the Kirk of Carrail.
- 7 Ratification of the Kirk of Greenock, and the Parochin of Innerkip.
- 8 Anent the Chappel Royall of Striviling.
- 9 Ratification of the act maid in favour of the Skimares.
- 10 Anent the dissolution of the Kirk of Neither-airlie.
- 11 In favour of the Bisshoppe of Dunkeld.
- 12 In favour of the Bisshoppe of Aberdene.
- 13 In favour of Maister William Mall-vill, anent Kilwinning.
- 14 In favour of the new College of Saint-Andrewes.
- 15 In favour of the Provost of Lincluden Collectour.
- 16 In favour of David Seaton, of Parbroith, Comptroller.
- 17 In favour of the Cittie of Glasgow.
- 18 In favour of the Burgh of Kinghorne.
- 19 In favour of the Burgh of the Cannon-gate.
- 20 Anent the fair of Bathcarte.
- 21 Act in favour of the Earle of Murray.
- 22 Of the Lord Fleming.
- 23 Of the Lord Levingstoun.
- 24 In favour of the Countesse of Marte.
- 25 In favour of the Laird of Maw.
- 26 In favour of Maister George Young.
- 27 In favour of John Androw.
- 28 In favour of John Achefoun.
- 29 In favour of James Smyith and John Wel-wood.
- 30 In favour of Robert Abercrumby.
- 31 Act in favour of the fewares of the Kingis propertie in Fife.
- 32 In favour of Thomas Fowles.
- 33 Against the exemption of Nicoll Udward Burges of Edinburgh.
- 34 In favour of Robert Walde-grave Prentar.
- 35 Ratification of the act and contract anent the Cuinzie.
- 36 Of the act anent the bulzeon.
- 37 Of the attes anent Regraters and forestallers.
- 38 Ratification to the Burgh of Aberdene.
- 39 Ratification of the Burgh in Barronnie of Turteff.
- 40 Ratification of the Kingis Majesties acquittances to the Burgh of Dundie.
- 41 Ratification to the Duke of Lennox. Of the Temporalitie of Pluscardin.
- 42 To the Earle of Matre.
- 43 To David Seaton of Parbroth, Comptroller.
- 44 To the Clerke of Register, and Maister John Hay his sonne.
- 45 To Maister Peter Young.
- 46 To the Laird of Drumlanrig.
- 47 To the Constable of Dundie.
- 48 To David Scrimgeour of Fordie.
- 49 To John Hay of Lochloy.
- 50 To John Arnot.
- 51 To Captaine Patrick Cranstoun.
- 52 To Maister Henrie Keir.
- 53 To George Haliburtnoun and his wife.
- 54 To the Clerke of Register of the Chaplaines Chalmers of Aberdene.
- 55 The Commendatar of Pettin weeme.
- 56 To Patrick Hume of Polwart.
- 57 Anent the Brig of Dalkeith.
- 58 Provisions in favoures of Burghs erected sen the acte of annexation.
- 59 Anent the Hospitales and Schooles.
- 60 Exceptions fra the act anent Pensiones soorth of the erections, sen the annexation.
- 61 Exceptions fra the generall act of dissolution.

T H E F I F T E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E S E X T,

Halden at Edinburgh, the nineteenth day of December, the xxiir of God, one thousand, five hundred, ninerie seven xxiies.

231. *All Ministers provided to Prelacies, suld have vote in Parliament.*



OUR SOVERAINE LORD, AND His Hieneffe Estaites in Parliamente, havand speciall consideration and regard, of the great Priviledges and immunities, granted bee his Hieneffe Predecessours, of maist worthie memorie, to the halie Kirk within this Realme; And to the speciall persones, exercising the offices, titles, and dignities of Prelacies, within the samin: Quhilks persones, hes ever represented ane of the Estaites of this Realme, in all conventiones of the saidis Estaites: And that the saidis Priviledges and freedomes hes bene from time to time renewed and conserved in the same integritie, and condition, quhairin they were at ony time of before: Swa that his Majestie, acknowledging the samin now to be fallen and becommen, under his Majesties maist favourable protection: Therefore his Majestie of his greate zeale, and singular affection, quhilke hee alwayes hes to the advancement of the trew Religion, presentlie professed within this Realme with adyise and consent of his Hieneffe Estaites, statutis, decernis, and declaris, that the Kirk within this Realme, quhairin the samin Religion is professed, is the trew and halie Kirk: And that sik Pastoures and Ministers within the samin, as at ony time his Majestie fall please to provide to the office, place, title, and dignitie of ane Bishop, Abbot, or uther Prelate, fall at all time hereafter, have vote in Parliament, sik-like and als freele, as ony uther Ecclesiasticall Prelate had at ony time by-gane: And als declaris, that all and quhat-sum-ever Bishopprickes, presendie vaikand in his Hieneffe handes, quhilks as yet ar un-disponed to ony person; or quhilks fall happen at ony time hereafter, to vaik, fall be onelie disponed be his Majestie, to actuall Preacheres and Ministers in the Kirk: Or to sik uthers persones, as fall be foundin apt and qualified, to use and exercise the Office and function of ane Minister and Preacher: And quha in their provisiones to the said Bishopprickes, fall accept in, and upon them, to be actuall Pastoures and Ministers: And according thereto, fall practize and exerce the samin thereafter.

ITEM, As concerning the office of the saidis persones, to be provided to the saidis Bishopprickes, in their Spirituall Policie and government in the Kirk: The Estaites of Parliament, hes remitted, and remittis the samin to the Kingis Majestie, to be advysed, consulted, and agreed upon, be his Hieneffe, with the Generall Assemblie of the Ministers, at sik times as his Majestie fall thinke expedient to treat with them there-upon: But prejudice alwayes in the meane-time, of the jurisdiction and discipline of the Kirk, established be Actes of Parliament, maid in onie time preceeding, and permitted be the saidis Acts, to all Generall and Provinciaill Assemblies, and uthers quhat-sum-ever Presbyteries and Sessions of the Kirk.

232. *Kirk-zairde dykes suld be bigged,*

OUR Sovereine Lord, and Estaites in Parliament, statutis, decernis and ordainis: That all Parochi-ners of everie Paroch Kirk within this Realme, build and repaire the Kirk-zairde dykes of their awin Paroch Kirk, with stane and morture, to the height of twa elnes: And to make sufficient stiles and entresse in the saidis dykes, to pas to the Kirk and Kirk-zaird thereof: And ordainis the Lordes of the Session to direct and give letters and charges thereupon, in forme as effectis.

233. *Alienation of the Kingis annexed propertie.*

THE Kingis Majestie, and Estaites in Parliament, decernis and declaris, that all heretable infesmentes of few-ferme, set, given, and disponed be his Hieneffe, or ony of his Progenitours of gude memorie, of annexed propertie, is null of the Law, be way of action or exception, except sik infesmentes & dispositiones, quhilks ar set be his Majestie, or his Predecessours, being of perfite age, after dissolution maid in Parliamente, in his or their majoritie, with augmentation of the rental.

234. *The*

234. *The annexed propertie may not be disposed bot in few-ferme allanerlie.*

ITEM, It is decerned and declared, That all heretable dispositiones given and grãted in ony time by-gane, or to cum, to ony person, of his Hiennes annexed propertie, to be halden of his Majestie, and his Succesfoures in chiefe, be service of waierd and reliefe: or in ony uther maner of halding, then in few-ferme allanerly, is null and of nane avail, be way of action, or exception: Because landes, or uther annexed propertie to the Crowne, cannot be set or disposed, bot in few-ferme allanerlie: Providing that this constitution na-ways prejudice ilk infestmentes and alienationes, as ar maid and given be his Hiennesse, or his Predecessours, be way of *excambium*, permutation, or recompensation: Swa that thereby his Hiennesse rentall be not diminished.

235. *Anent disposition of the Kingis Castelles, and certaine uthers partes of the annexed propertie.*

IT IS Decerned and declared, that all hererable alienationes in few-ferme, or uther-ways, assedationes, rentalles, pensiones, giftes, or dispositiones quhat-sum-ever, maid and given be his Hiennesse, or ony of his Predecessours, of his Majesties Palices, Castelles, Parkes, Meadows, Coale-heuches, and uthers under-written: they ar to say, of the Palice of *Haly-rude-bouse*, and Park thereof: Palice of *Limth-gow*, Park and Coale thereof: Palice of *Falk-land*, Coale, Parke, and *Lowmoundes* thereof: Castell of *Striviling*, Parkes and wairdes thereof, and of the *Tor-woodde*: Castell of *Dumbartane*, with the landes and maines adjacent thereto: Castell of *Blacknesse*. And generallie of all and quhat-sum-ever Castelles, Parkes, Meadows, Coale-heuches, and uthers of his Majesties annexed propertie, ar null, and of nane availe, force nor etiect, fra the beginning, be way of action or exception.

236. *Disposition of the annexed propertie maid before the dissolution, or nocht conforme to the conditiounes thereof is null.*

IT Is statute, that all infestmentes, alienationes, rentalles, assedationes, pensiones, giftes, discharges, and uther dispositiones quhat-sum-ever, of the annexed propertie: And specialle of the Customes, great or small, maid or given after the annexation, and before lauchfull dissolution in Parliament: Or maid and given, after the dissolution, and zit contrair to ony of the conditions of the same, ar null of the Law, be way of action or exception, in all time by-gane, and to cum.

237. *Assise herring may not be disposed.*

IT Is statute and ordained, that all infestmentes and alienations in few-ferme, or utherways, and all rentalles, assedationes, and dispositiones quhat-sum-ever, in all time by-gane, and to cum, of the assise herring, is null and of nane availe: Because the saide assise herring perteinis to our Sovetaine Lorde, as ane part of his customes, and annexed propertie.

238. *Anent heretable Chalmierlanries, and dispositiones of the propertie.*

ITEM, The Kingis Majestie, and Estaites in Parliament, decernis and declaris, all offices of heretable Chalmierlanries, and all free giftes and discharges of the Kingis propertie, or ony part thereof, with all fees, casualities, or privileges pertaining thereto, to be null, and of nane avail, And ordainis them to cease in all time cumming: Swa that the King, and his Comptroller, may freelic intronet with the same, and all the rentes thereof, like as gif the saidis offices and dispositiones had never bene maid.

239. *Alienatio feudifirmæ feudifirmarum.*

OUR SOVERAINE LORD, and Estaites in Parliament, retreatis, rescindis, cassis and annullis all and quhat-sum-ever heretable infestmentes, and all and sindrie uther dispositiones, maid and given to ony person in ony time by-gane, of ony part of the few-ferme dewties, pertaining to his Hiennesse, fourth of the annexed Temporalitie of benefices of this Realme: Or of the annexed propertie: Or of ony parte of the patrimonie of the Crowne.

240. *Anent tackes and pensiones, given fourth of thriddes.*

ITEM, It is statute and ordained, that all tackes and assedationes, set in diminution of the rentall, or first assumption: And pensiones maid and given to ony person, in ony time by-gane, or in time hereafter, of the thriddes of the benefices, or ony part thereof: Ar, and hes bene fra the beginning, null & of nane availe: And that it fall nor bee leasum to his Hiennesse, in ony time cumming, to give and dispone the same, in ony maner of way.

241. *Anent*

241. *Anent thriddes of Benefices, common Kirkes, Friers-landes, rentes, and Benefices of cure under Prelacies.*

OUR SOVERAINE LORD, and Estaites in Parliament, Ratifies, apprievis and confirmis, the act maid be his Hiennesse, with advise of the Lordes of his secreit Councell and Checker, upon the fourteenth day of *Februar*, the zeir of God, anethousand, five hundreth fourscore seven zeirs: And confirmed in Parliament, with advise of the Estaites, upon the fifth daye of *Junij*, the zeir of God, anethousand, five hundreth, ninetie twa zeires: Anent the Reformation of the abuses of the thriddes of Benefices, common Kirkes, Friers-landes, rentes and Benefices of cure under Prelacies, within this Realme: And reducing of the same to their first institution: to have the strength, force, and effect of ane perpetuall and generall Law, in all time cumming: In all clausies and articles of the samin, and conforme to the tenour thereof in all poyntes: Amongst all and findrie our Sovereine Lordis Lieges, alswell be way of action and perfiture, as be way of exception and defense: And declaris and decernis, all and findrie exceptions, granted in favour of any person or persones, in the bodie of the said acte, or severallie in the said Parliament, halden at *Edinburgh* the said fifth day of *Junij*, the zeir of God, anethousand, five hundreth, ninetie twa zeires: Or in any uther Parliament halden thereafter, to be null, and of nane availle, force, nor effect, be way of exception or reply: like as gif the samin had never bene given or granted: Providing alwayes, that the exception and provison contained in the said acte and constitution, touching heretablie infestmentes, shall remaine and stande in the awin strength and effect, as ane exception maid fra the said Acte and Ordinance: And ilk-like, but prejudice of any priviledge granted to the College of Justice, or any of the Lordes thereof.

242. *The twa part of the Benefices vaikand, fall appertene to the King.*

IT Is statute and ordained, that the twa part of the Spiritualitie un-assumed of all Prelacies now vaikand; or that fall happen to vaik: And all fruites, rentes, profitis, and emolumentes thereof, *sede vacante*, fall appertene to his Hiennesse and his Successours, to the sustentation of their houses and affaires: And fall on na-ways be disposed in all or in part, to any person, be way of pension, gift or disposition quhar-sum-ever.

243. *Anent ratificationes and dispositiones maid in Parliament.*

FORSAMEIKLE As there is certaine Generall and Originall Lawes, quhairby expres provison is maid, that his Majesties proprietie and annexed Temporalitie of Benefices, may not be dilapidate nor disposed, to his Hiennesse prejudice, and derogation of the saidis Lawes. IT IS Therefore statute and ordained be his Majestie, with advise of the Estaites in Parliament, that the saidis generall Lawes fall have their full effect. And that na derogation fall be maid thereto, bee quhar-sum-ever gift or disposition: Notwithstanding the same bee particularly ratified in Parliament, except the said ratification and new disposition be maid with expresse and speciall dispensation of the saidis generall Lawes, and bee advise of the Estaites to bee speciallie mentioned therein: And that the Lordes of the Session fall Judge according to the generall Lawes, without respect of any particular derogation maid thereto, to his Majesties hurte or prejudice; or contrair the tenour of the saidis Actes.

244. *Ministers and possessours of benefices, fall give up the rentall of the Temporalitie.*

IT Is statute and ordained, that all Ministers that fall happen to receive any assignationes for their stipendes, foorth of the fruites and rentes of ony Benefice, within this Realme, fall at the time of the receiving of their assignationes, and raising of letters conforme thereto, declare and give up particularlie to the Clerk director and subscriber of the saidis letters, how meikle they, or ilk one of them hes of the Temporalitie, given and disposed unto them, in their severall assignationes: The quhilk Clerke fall be halden and obliged, to give and deliver the same, to the Clerk of the Thesaurarie of augmentation, to be insert and remaine in Register in all time cumming: And moreover, all and findrie Prelates, and uthers possessours of all benefices, quhilis ar at his Hiennesse gift or disposition, fall likewise give up to the Clerke foresaid, ane sufficient inventare, conforme to the first assumption of the thriddes of all rentes, profitis, and dewties, of the twa part of the saidis benefices: And how meikle thereof is set in few-ferme, or in *feudifirma feudifirmarum*: With certification to them, and everie one of them, gif they failzie, or gif they fall happen to omit ony of the rents or fruites foresaid: or give up ane rentall, quhilk is not just and leill: In that case their benefices fall vaik in his Hiennesse handes, as gif they were naturalie dead: Swa that his Hiennesse may disponethereupon, and intromet with the profitis of the same, at his pleasure.

245. *The sewares of the Temporalitie, suld give up ane rentall of their dewties.*

IT Is statute and ordained, that all sewares, of quhar-sum-ever annexed landes, perteneing to the Temporalitie of all Benefices within this Realme, except laick patronages, fall before the first day of *Januar*, the

zeir of God, ane thousand, five hundreth, ninetie aucht zeires, exhibite and produce to the Thesaurare of augmentations, and his deputies, their infestmentes and titles, quhair-by they buike and possesse the saidis landes : To the effect his Hienesse and his saidis officiares may be inspection thereof, understande the dewtie quhilk they, and ilk ane of them aucht and suld pay to his Hienesse : The quhilk Clerke, fall extract ane minute thereof : And all the speciall clauses and proviſiones gif ony be contened in the saidis infestmentes, to remaine with him, as ane trew and authentick rentall, of his Hienesse Temporalitie in time cumming : And gif ony of the saidis sewars sailzie in the premises, the infestment of few-ferme, and all uther richt and title quhilk he can allege and pretend to the saidis landes, to be null, and of nane avail, force nor effect, be way of exception or reply : and it fall be leasum to the King and his Thesaurar foresaid, to intromet, lift, and uptake the mailles, fermes, and dewties, at the terme and feast of *Whit-sunday*, nixt and immediatlie following, the said first day of *Januar* foresaide : And ordainis that this acte fall be imprented before the first day of *Maij* nixt-ro-cum : Or failzieing thereof, fall bee openly published at the heade Burgh of ilk Schire : And that the famin fall not be extended to ony person, quha hes produced and schawen their haldings alreadie.

246. *All sewes may be decerned null, for not payment of the dewtie, albeit na proviſion be maid there-aneut in the infestments.*

OR SOVERAINE LORD, and Estaites of this present Parliament, haveand consideration of the greate damage and skarth, quhilk his Majestie and lieges of this Realme susteinis, throw evil and unitious payment of the tew dewties of their landes, set in few-ferme : Therefore statutis and ordainis, that in case it fall happen in time cumming ony vassall or sewar, haldand lands in few-ferme, of our Sovereine Lord, or of ony uther superiour immediatlie in few-ferme, to failzie in making of payment of his few dewtie to our Sovereain Lords Comptroller, or uther havand power of him, or to uther immediate superiour, or uthers havand power of him, be the space of twa zeires, haill and togidder : That they fall amitte and tine their said few of their saids lands, conforme to the civill and cannon Law : Sik-like and in the same maner, as gif ane clause irritant were speciallie ingrossed and insert in their saidis infestmentes of few-ferme.

247. *It is not leasum to take mair annuall-rent or profite, nor ten for the hundreth.*

OUR SOVERAINE LORDE, And Estaites of this present Parliament, havand consideration, that exorbitante profite and usurie taken for the lene of money : Is nocht onlie bee the Lawe of GOD condemned, bot alsua is forbidden bee the Lawes of this Realme, and Actes of Parliament : Therefore statutis and ordainis, that nane of our Sovereain Lords lieges take upon hand in ony time hereafter, to take ony greater profite, or annuall-rent, for the lenc of money, outhir be infestment, or be band or contract, directly, or indirectly, bot ten for the hundreth, under paine of confiscation of all their moveable guddes and geare : And to be utherwayes punished in their persones, as commoun ockers, according to the Lawes : And for that effect, to be called and persewed at particular diettes, before the Justice and his deputies, to underly the Lawe for the famin, And that all infestmentes, contractes, and obligationes to be maid in time cumming, for payment of annuall-rent of victuall : That the victuall therein contened, fall be reduced to sik conformitie of price, as fall answer to ten for the hundreth alianerlie : Swa that the partie addetted, payand ten for the hundreth, the famin fall be als lauchfull, as gif they had payed the victuall contened in the saidis infestments. And because there is diverse persones, quha obreinis themselves infest in the propertie of landes, for small summes of money, under reversion : and fetis tack back againe to the heretour, or uthers to his behoove, for payment of ane great dewtie in silver or victuall, far exceeding the profite of Ten, for ilk hundreth : As alsua be contract, band or obligation, makis simulat forme, of byeing or selling of victuall, to be delivered at ane certaine day, and failzieing thereof, certaine high prices liquidat therein, of intention onely in defraud of the said act, to recover with their principall summe, sik exorbitant ocker and profite, as is directlie forbidden herein : As likewise there is diverse persones, quha the time of the deburſing of the said summe, quhilk they let to profite, aggries with the partie for the usurie and ocker, far exceeding the ordinar annuall-rent foresaid, and reteinis the same in their handes, and takis their securitie be plain forme of obligation, or utherwayes of the hail summe to be payed at ane certaine terme, as gif na sik exorbitant profite and ocker had bene deduced or allowed therein : Therefore statutis and ordainis, that all sik infestments, bandes, contractes, or obligationes, quhilk fall happen to be maid, in maner foresaid, in defraud of the saidis acts and statutes, and for circumvention of the lieges, astrictand them to pay farther profite in silver, nor according to ten for the hundreth : or mair victuall, nor may be answerable in price, to the annuall-rent in silver foresaid, in maner abone specified, fall be null, and of nane avail, force nor effect, as gif the famin had never bene maid : Notwidhstanding quhat summe uther colloured or pretended clause be insert therein : And the said nullitie upon the causes fore-said, to bereceived summarlie, alsweill be way of exception and reply, as be way of action, and to be tryed be the aith of partie, and all uther lauchfull probation conjoynd therewith, competent of the Law : quhairby the said un-lauchfull ocker may be verified to the Judge, and the said nullitie to be persewed be the

brocht within this Realme hereafter, quhair-unto his Hieneſſe ſubjectes ar aſtricted to bring in, bee his Ma-
jeſties Lawes, as Bulzicon: The ounce thereof, being of twelve denieres, Or being baſſer, and ſupplied
have ane ounce of his Hieneſſe awin cuinzie of elleven denieres for evry ounce of bulzicon, brought in maner
fore-ſaide: AND of all uther foreine Cuinzie, that they ſhall voluntarie bring in to the Cuinzie-houſe of
the ſaide ordinar Bulzicon: That there be onlie the threttie pennie thereof reteined to his Maſteſties
proſite.

And alſwa ordainis, thar all the ſaide Lieges, conforme themſelves in this mater of the Cuinzie: to the
will, declaration and determination of his Maſteſtie, his Nobilitie, Councell, and Eſtates foreſaids: And
on na-ways take upon hande to breake, or contravene the ſamin in any part, as they will anſwere to his
Hieneſſe, upon their obedience, at their uttermaſt charge and perrell: And under the paines preſcribed
in his Hieneſſe Lawes, to be execute upon them without favour. And to this effect, that the Theſaurar
and his deputies, inſiſt, and ſeek the execution of the paines and puniſhmentes preſcribed in the ſaids Lawes,
againſt the contraveners thereof, with all rigour and extremitie, as they will anſwere to his Hieneſſe, upon
their office and obedience: And that the Generall Maſter Cuinzieour, Warder, Countre warde, Mai-
ſter Cuinzieour, aſſayer, ſinker, meltare, forger, and all uthers officiares of his Hieneſſe Cuinzie-houſe,
proceede to the cuinzieing, ſtriking, and forging of new Cuinzie, according to the Lawes alreadie maid,
and this preſent acte and ordinance, as they will anſwere to his Hieneſſe, upon their offices. And to the
effect his Maſteſties ſubjectes may be reſolved of the prices of all golde and ſilver to be brocht be them
within this Realme: And quhilk the Maſter Cuinzieour ſhall be aſtricted to paye to them, conforme
to the tenour of thir preſents, he ſhall be aſtricted to have openlie affixed in his houſe of exchange, ane authen-
tick Table, to be maid be his Hieneſſe Commiſſioners, appoynted to that effect, containand the particular
prices of all ſpices of foreine Gold and Silver, uſualie in-brocht within this Cuntre: According to the
avale, weicht, and ſines thereof: And that the Clerke of his Hieneſſe Register, cauſe imprent thir pre-
ſentes, and all uther Acts maid concerning the Cuinzie, Customes, and Bulzicon, quhair throw his Hieneſſe
ſubjectes pretend na ignorance thereof: Quhilk acte abone written, our ſaid Sovereaine Lord, with
advife of the ſaids Eſtates in Parliament, ratifies, apprievis, and confirmis in all poyntes, after the tenour
thereof: And decernis and declaris the ſamin, to have the ſtrength, force and effect of ane Law and acte of
Parliament, in all time cumming.

250. *Wooll ſuld not be transported forth of the Realme.*

OUR Sovereaine Lord, and Eſtates of this preſent Parliament, ratifies, apprievis, and confirmis the
act maid at *Dundie*, the threttenth day of *Majj*, the zeir of God, ane thouſand, five hundredth,
ninetic ſeven zeires: Anent the reteining of wooll within this Realme: Of the quhilk the tenour followis.
THE Quhilk day, the Kingis Maſteſtie, with advife of his Nobilitie, Councell, and Eſtates, preſentlie
conveened, ratifies, apprievis, and confirmis the Acte of Parliament, maid be his Hieneſſe, and his E-
ſtates for the time; Anent the receiving and reteining within this Realme, of all the wooll quhilk growis
within the ſame, in all and ſindry poyntes, artickles, and clauſis therein contained: And ordainis the ſaid
act to be put to dewe execution in all poyntes againſt the contraveners thereof: notwithstanding any licences
or uther diſpenſation, granted be his Hieneſſe in the contrair: Quhilk licences and diſpenſationes, ſtrength
and effect thereof, his Maſteſtie annullis, and diſchargis *ſimpliciter* be thir preſentes: Promitting on na ways,
to grant any ſik licences or diſpenſationes at any time hereafter: And that craſte-men ſtrangers, be brocht
hame within this Cuntre, for woorking of the ſaid wooll within the ſamin, for the common weill and pro-
ſite thereof, in time cumming: Quhilk acte abone written, our ſaid Sovereaine Lorde, with advife of the
Eſtates in Parliament, ratifies, and confirmis in all poyntes, after the tenour thereof: And decernis and
declaris the ſamin to have the ſtrength of ane Law and acte of Parliament, in all time cumming.

251. *All Merchandice brocht within this Realme, ſuld pay cuſtome.*

OUR Sovereain Lord, and Eſtates of this preſent Parliament, ratifies, apprievis, and confirmis the
act maid at *Dundie*, the threttenth day of *Majj*, the zeire of God, ane thouſand, five hundredth, ninetic
ſeven zeires: Anent our Sovereaine Lordis cuſtomes; of the quhilk the tenour followis: FOR SAMEI-
KLE As it is underſtand to the Kingis Maſteſtie, his Nobilitie, Councell, and Eſtates, preſentlie
conveened, that the ſubjectes of all Foreine Nationes, quhilkis bringis and transportis any kinde of claith, or
uthers wares or Merchandice, from any Foreine Cuntre, to their awin Native Cuntre, hes bene in uſe,
and zit ſtill continues, in the payment of certaine cuſtome, or uther exaction therefore, chiefelie at
the time of their arrivall, and in-cumming within the ſamin: And almaiſt few or nane of the ſubjectes of any
Realme exceemed therelra (the ſubjectes of the Cuntre onely excepted) quha be reaſon of ane alleaged by-paſt
immunitie, claimis the privilege of exemption: Albeit it cannot be denied bot his Maſteſtie is a free
Prince, of a Sovereaine power, havand als greate liberties and Prerogatives, be the Lawes of this Realme,
and Priviledge of his Crowne and Diademe, as any uther King, or Prince, or Porentate quhar-ſum-ever:
And therefore aucht to have the like cuſtome and exaction, for interteining of his Princelie Eſtate of
all

all Claith and uther wares and merchandice, to be brocht within this Realme, be his Hiene subjects, at all times hereafter. For the quhilk purpose, his Majestie, with advise of his said Nobilitie, Councell and Estaites, hes thocht meere, concluded, and ordained, that all Claith, and uthers merchandice quhatsum-ever, to bee brocht within this Realme, fra all foreine Nationes, fall pay the custome following, at the time of their arrivall, and entrie therein, in all time cumming, that is to say, twelve pennies of everie poundes worth of all sortes of the saidis wares, or merchandice: And to this effecte, his Hieneffe, and his said Nobilitie, Councell, and Estaites, givis full power and Commission to the Lordes, Audirours of his Checker, and uthers of his Nobilitie and Councell, to the number alwaies of eleven persones, at the least, to set downe the *A. B. C.* of the custome of all claith, and uthers wares, and merchandice, quhilkis fall be brocht and entered within this Realme zeirle here-after: with power likewise to them, to set price upon the saidis wares: Conforme to the quhilk the Customers, to bee appoynted bee his Majestie ro that effecte, fall up-lift custome thereof: and to make all uther ordinances necessar for the ease of the merchandes, and surcite of his Hieneffe Custome, in the execution of the premiffes: And alsua of sik uther guddes, to bee transported forth of this Realme, as is not as zit expressed in the *A. B. C.* already maid: Providing this Acte bee not extended to Earles, Lordes, Barronnes, and Free-holders: Bot it fall be leasum to them, to send their guddes beyond Sea, for their awin particular use: AND ALS, It fall bee leasum to them to bring within this Realme, Wines, Claithes, and uther furnishinges, for their awin particular use: And nawaies to make merchandice thereof, conforme to the Lawes and liberties granted to them of before: The quhilk acte, above written, OUR SOVERAINE LORD, and Estaites foresaidis, decernis and declaris, to stand as ane law in all time cumming.

252. *English claith, and all uthers English merchandice maid of wool, is forbidden.*

OUR SOVERAINE LORD, And Estaites of this present Parliament, ratifies, apprievis, and confirmis the acte maid at *Dundie*, the thretenth daye of *Maij*, the zeir of GOD, ane thousand, five hundredth, ninetie seven zeires: Anent the hame-bringing of *English* Claith: Of the quhilk the tenour followis: THE Quhilk day the Kingis Majestie, his Nobilitie, Councell, and Estaites, presentlie convened, fore-seeing the greate hurte and inconvenience, quhilk the common weill of this Realme daitie susteinis, throw the un-profitable trade used bee Merchandes, in the hame-bringing of *English* Claith, and uthers *English* wares and Merchandice maid of wooll: The same Claith havand onelie for the maist parre, ane out-wardeschaw, wantand that substance and strength, quhilk oft-times it appears to have: And being ane of the chiefe causes of the transporting of all gold and silver forth of this Realme: And consequentie of the great fearstie, and present dearth of the cuinzie, now current within the samin: Seeing that kinde of exchange, cannot weill bee interteined be ony lauchfull trade, or uthers wares or merchandice, to be transported forth of this Realme, quhilk be the Lawes of the samin, ar not already prohibite and forbidden: And therefore his Majestie, with advise of his saidis Nobilitie, Councell, and Estaites foresaidis, hes thocht rincete and conveniente, to restrain the hame bringing within this Realme, of all *English* Claith, or uther *English* wares or merchandice maid of wooll in time cumming: And ordainis his Hieneffe Lieges, of quhat estaire, qualitie, or degree that ever they be of, that nane of them take upon hande, to bye or bring hame within this Realme to be fauld, ony kinde of *English* claith, or uther *English* wares, or merchandice maid of wooll, at ony time hereafter, under the paine of confiscation of the same claith and merchandice: And all uthers the moveable guddes of the hame-bringers to his Majesties use: The quhilk acte, our said Sovereine Lord; and Estaites foresaidis, ordainis to stand as ane law in all time cumming.

253. *Great burne Coale, suld not be transported firth of this Realme.*

OUR SOVERAINE LORDE, And Estaites of this present Parliament, ratifies, apprievis, and confirmis the Acte maid at *Dundie*, the thretene daye of *Maij*, the zeire of God, ane thousand, five hundredth, ninetie seven zeires: Anent the transporting of Coales furth of this Realme. Of the quhilk the tenour followis: FOR-Sameikle as it is understand to the Kingis Majestie, his Nobilitie, Councell, and Estaites, presentlie convened: That the greate burne Coales, ar commonlie transported forth of this Realme, be diverse and sundrie persones, quha at all times laidenis their Schippes and uthers veschelles therewith, and transportis the same at their pleasure, usand the samin as a common trade, togidder without his Majesties licence or permission: To the great hurte of the common weill, and expresselie against his Hieneffe Lawes, actes of Parliamente, and sundrie proclamations maid in the contrair: For remeid quhairof in time cumming his Majestie, with advise of the saidis Nobilitie, Councell, and Estaites foresaidis, statutis and ordainis, that na persones, alsweill strangers, as uthers borne subiectes of this Realme, take upon hande to transporte onie greate burne Coale forth of this Realme, at ony time hereafter: Nor zit laiden their Schippes, Creares, or uthers veschelles there-with, to be transported, as said is, under the paine of confiscation of the same Coales, Schippes, Creares, and uthers veschelles, to his Majesties use: Certifieng them, and they doe in the contrair, that the same Coalles, Schippes, Creares, and veschelles, fall be confiscat and intrometed-with, with all rigour and extrenitie, in exemple of uthers. And to this effect, thar all Provestes and Bailiis of the saidis Burrowes, Customers and searhoures quhatsum-ever,

fall search, seeke, take, and apprehend all and findrie persones, contraveeners thereof, keip, and cause retaine their persones in warde, within their Tolbuithes: Fense and arreist their schips, Creares and vessels, take the sailles fra the Raes, and keip them under arreistment, at his Majesties instance, quhairthrow they departe not: Notifand their names to his Hienes, that his Majestie may give furdre direction rowards them, as apperteinis: As the saidis Provestes, Baillies, Customers, and searchores will answereto his Hienesse, upon their office and obedience: The quhilk act, our said Sovereaine Lord and Estaites foresaidis, ordainis to stande as ane law, in all time cumming.

254. *Forbidden guddes suld pay custome.*

OUR SOVERAINE LORDE, And Estaites of Parliament, statutis and ordainis, that in case any of the forbidden guddes under writen, bee transported upon licence forth of this Cuntrie: The rransporters sall pay therefore, the customes under-writen, To wit, for ilk stane of wool, five shillings: Ilk douzane elnes of linning claitch, foure shillings: Ilk boll of victual, five shillings, and ilk poundes woorth offorbidden *English* wares, in-brocht to this Cuntrie upon licence, twelve pennies.

255. *All coquettes suld be speciall, and containe the particular kindes of Merchandice.*

ITEM, It is statute and ordained, for eschewing of the damage and skaith quhilk dailie arisis, throw generall and informall coquettes, given and graunted within this Realme: That in all times cumming, all Clerkes of the Cocquet, fall particularlie expreeme and specific in the Coquettes given be them, the particular quantites of the guddes and merchandices, the special kindes and sortes thereof: The names of the Merchandes, and awners of the famin: How meikle of the same guddes pertainis to ilk Merchant: And that the Conservatour in the *Law-Cuntries*, doe not admit nor allow any Cocquet, except it be writen and formed in maner foresaid, bot fall confiscate all the saidis guddes, nocht expreemed particularlie, as said is: And make compt and reckoning thereof zeirlic to the Thesaurar, as he will answer upon his office.

256. *All Schippes suld have ane sufficient Cocquet.*

IT Is statute and ordained, because the Cocquet is the Schippes passport and testimonial of her lauchfulness; That the Conservatour fall sene and arreist all Schippes nocht havand ane Cocquet, or nocht havand ane Cocquet formelie writen: And escheit the haill guddes and geare being in the said Ship, to our Sovereaine Lordis use, and make compt thereof zeirlic in the Checker to the Thesaurar.

257. *The aith of the Merchandes, Skippers, and Factoures, passand to and fra the Law-cuntries, and furth of this Realme.*

ITEM, The Conservatour fall nocht receive or admit any Cocquet, albeith the same be lauchfullie given, except the Merchandes, Skippers, Factoures, and everie ane of them, before the lossing of any of their guddes, make faith, and sweare solemnedlie be God himselfe his Creator, that hee hes na forbidden guddes or geare, nor na uther lauchfull merchandices, by, and arour that quhilk is contained in the Cocquet: Nor knavis of nane to be in the famin Ship, pertainig to uthers: And that sa far as he understandis, the haill guddes and geare pertainis properlie to free men, and na part thereof to un-freemen: As alsua at their back returning fra the *Law-cuntries*, towards *Scotland*: They fall likewise give their solemne aithes, before the laidenig of the Schip, or inputting of any guddes, that the guddes properlie pertainis to themselves, and nocht to strangers: And gif they losse onie guddes and geare cummand from *Scotland*, before the giving of the saide aith, or puttis ony guddes in Schip-buird, to be transported towards *Scotland*, all the same guddes to bee confiscate. And gif the said aith be refused be them all, and they nawaies will make the same: It fall be leasum to the Conservatour, to arreist the saide Schippe, and all the guddes contained therein: And gif some makis aith, and uthers refusis, hee fall arreist all the guddes pertainand to the partie refusand: And make compt thereof, as saide is: And quhair-fum-ever guddes is nocht contained in the Cocquet, to be confiscat, as said is.

ITEM, It is statute and ordained, that all Merchandes and Skippers, at the receiving of their Coquettes, in all partes and Portes within this Realme, fall give their solemne aithes, and mak faith in forme and maner abone expreemed: And that they have na forbidden guddes, nor na uther lauchfull guddes or merchandice, except that quhilk is contained in their Cocquet and entres: And fall take na uther gudis in, all that voyage, under the paines foresaidis: Quhilk aith, fall be maid to the Customers, quhair-anent they fall be answerable zeirlic in the Checker.

258. *All Schippes and Merchandes suld land at the ordinar Staple.*

IT Is statute and ordained, that na Schippe passand to the *Law-cuntries*, fall lande onie mennis guddes or geare in any parte thereof, bot at the Town of *Camp-Veeer*, or the ordinarie Staple for the time: And na person fall gang on Lande, or transporte ony thing out of the Schippe, before his arrival at the same Porte,

Porte, under the paine of ten poundes *Flemish* to bee taken up fra the contraveeners, be the Conservatour, and he to bee comprable thereof, to the Thefaur. AND Ordainis, the Conservatour in time cumming, to take the aith of the Skipper and Merchandes here-anent, before the losing of any of their guddes and geare.

259. *The Conservatour shuld punish usurers.*

IT Is likewise statute and ordained, That the Conservatour shal put the acts of Parliament to execution, anent ocker and usurie upon all *Scottes* Merchandes, Skippers, and Factoures, within the *Law-cuntries*, conforme to the tenour of the saidis actes in all poyntes: As he wil answere upon his office, and make comptanis in the zeir of his intromission to his Hiennesse Thefaur.

260. *All Merchandes shuld give ane inventare of their merchandice and guddes, to the Conservatour.*

ITEM, Everie particular Merchande cummand sooth of the *Law-cuntries* to this Realme, shal give up to the Conservatour, the special quantitie of his guddes, and the qualitie thereof, before the in-barking of the samin guddes, under the paine of confiscation thereof: And the Conservatour to visie and trie the same, at his pleasure, to the effect that he may send hame ane Cockquet of the same, particularlie to his Majesties Thefaur, subscribed be himselve or his depute: For eschewing of the fraud quihilk may be used towardes his Majestie in his customes.

261. *Of slayers of read fish, Smoltes, frie, and Salmond in forbidden time.*

OUR SOVERAINE LORDE, and Estaite of this present Parliament, understanding that there hes bene diverse actes of Parliament maid anent the slayers of blacke fische in forbidden time, Smoltes, and fry of all Salmond fische, and for halding downe of cruves and zaires, quihilk hes nottane effect, throw the iniquitie of the time, and considering that the greatest hurte and skaith is susteined bee his Majestie, throw want and in-lack of ane great part of his Hiennesse patrimonie, of the custome of Salmond: Therefore his Grace, with consent of the three Estaite, hes ratified and apprieved, and be thir presentis, ratifies and apprievis, the former actes maid for punishing of slayers of read fish, smoltes, and fry of all fishes in forbidden time, commissioun and power therein contained: Making the particular persones therein mentioned, Justices in that parte, with this addition: That all and sundrie Earles, Lordes, Barrennes, Gentle-men, and Free-holders, havand land nixt adjacent to the waters and rivers, quhairin Salmonde fish ar taken and slaine, within all the partes and boundes of this Realme, shal according to the General bande, finde caution and sovertie, acted in the buikes of Councell, that they, and everie one of them shal be answerable for their awin tennantes and in-dwellers within their landes: And for all uthers within their boundes, sa farre as their landes extendis, quhome they may stop or let, conforme to the general bande, that they shal not slay ony Salmond fische, in forbidden time, with cobill, net, speare, wand, creil, pock, or ony uther kinde of ingine: The Earle and Lord, under the paine of ane thousand markes: The Barronne and Gentle-man, and uthers quhar-sum-ever awners of waters and landes, under the paine of five hundred markes: The ane halfe of the saidis paines, in-case of contravention to be up-lifted to his Majesties use: And the uther half to the Judges contained in the former acts: And that letters of horning be directed at the instance of the saids Judges, and charge the saidis Earles, Lordes, Gentle-men, and Free-holders, to finde the said soverties, acted in maner foresaid, exceptand furrh of this present act, the waters of *Annam* and *Tweed*.

262. *The inhabitantes of the Iles and Hielandes shuld schaw their baldinges.*

OUR SOVERAINE LORDE, With advise of the Estaite of this present Parliamente, Considering that the in-habitanes of the *Hie-landes* and *Iles* of this Realme, quihilkis ar for the maist parte of his Hiennesse annexed proprietie: Hes noch onelie frustrate his Majestie of the zeirle payment of his proper rentes, and dew service proprietie addebred be them to his Majestie, sooth of the saidis Landes: Bot that they have likewise throuch their barbarous in-humanitie, maid, and presentlie makis, the saidis *Hie-landes* and *Iles*, (quihilkis ar maist commodious in themselves, alswell bee the fertilitie of the grounde, as be rich fishinges bee Sea) atrogidder un-profitable, baith to themselves, and to all utheris his Hiennesse Lieges within this Realme: They neither interteyning ony civil or honest societie amangst themselves, neither zit admitting utheris his Hiennesse Lieges, to trafficque within their boundes, with safeite of their lives and guddes. FOR Remeid quhairof, and that the saidis in-habitanes of the saidis *Hie-landes* and *Iles*, may the better bee reduced to ane godlie, honest, and civil maner of living: IT IS Statute and ordained, that all Landes-lordes, Chieftaines, and leaders of Clannes, principall House-holders, heretoures, and utheris possessoures, or pretendand richt to ony landes, within the saidis *Hie-landes* and *Iles*, shal betuixt this and the xv. daye of *Maj* nixt-to-cum, compeir before the Lordes of his Hiennesse Checker, at *Edinburgh*, or quhair it shal happen them to sit for the time, and there bring and produce with them, all their infeftmentes, richtes

richtes and titles quhat-sum-ever. quhairby they claime richt and title to any parte of the landes or fishinges, with in the boundes foresaidis: And then thereafter finde sufficient caution, acted in the buikes of Checkers. For zeirlic and thankfull payment to his Majestie, of his zeirlic rentes, dewties, and service addebtet be them, foorth of the landes, possessed and occupied bee them, or ony in their names: And that they themselves, men, tennentes, servandes, and dependares, fall bee answerable to his Hieneffe Lawes and Justices: And that they, nor name of them, fall doe injurie to ony utheris his Hieneffe Lieges, in their persones or guddes, quha fall happen to reparaire and travell within the saidis boundes, for their lauchfull trafficque within the famin: And that they, and every anc of them, fall make redresse to all parties, skaitheid and hurte, or to be skaitheid and hurte bee them, in time cumming, under sik paines as it fall please the saidis Lordes of Checker to modifie, by reparation of the skaithe to the parties, that susteined the famin: With certification to them, and ilk anc of them, gif they failzie in the premisses, or to compeare and finde caution in maner, and within the space foresaide: That they, and everie anc of them, quha failzies, fall bee decerned, like as bee this present acte, they ar decerned, to foresault, amit, and time all pretended infestmentes, and uther richt and title they have, or may pretende to have, to ony landes quhat-sum-ever, they have halden, or pretendis to hald of his Majestie, either in propertie, or superiortie: Quhilks their pretended infestmentes and titles thereof, in-case of failzie foresaide, ar now as then, and then as now, declared be this present Parliamente, to bee null and of nane availe, force, nor effect in themselves, and that the nullitie thereof, fall be received and admitted in all judgements, be way of exception or reply, but ony proces, action, or declaratur of reduction to be given thereupon.

263. *Anent the bigging of Burrowes-Townes, in the Iles and Hie-landes.*

OUR SOVERAINE LORDE, With advise of the Estaites of this present Parliament: FOR the better interteining and continuing of civilitie and policie, within the HIE-LANDES and ILES: Hes statute and ordained, that there be erected, and builded within the boundes thereof, Three Burghes and Burrowe-Townes in the maiste convenient and commodious partes, meete for the famin: To wit, ane in Kintyre, ane uther in *Lochaber*, and the thrid in the *Lewis*: To the quhilks Burghes, and inhabitants thereof, OUR SOVERAINE LORDE, And Estaites foresaidis, fall graunt, and be thir presentis grantis all Priviledges, quhilks his Hieneffe, or his Predecessoures hes granted to ony uther Burghes, or inhabitants thereof, within this Realme. AND that it fall be leasum to OUR SOVERAINE LORDE, Be advise of the Lordes of his Majesties Checker, ro give, graunte, and dispoine, to everie anc of the saidis Burghes, sameikle lande and ground, foorth of his Hieneffe annexed propertie, as may serve to bigge the saidis Townes upon the famin, with sameikle lande and fishinges nixt adjacent thereto, in common gude to everie anc of the saidis three Townes, as may susteine the common chaarges thereof, to be halden in free Burgage of his Hieneffe, in sik forme and maner, as his Majesties maist Noble Progenitours of worthie memorie hes graunted of auld, to the erection of uthers Burghes of this Realme.

264. *Letters of horning, inhibitions, interdictions, executiones, and publications thereof, against persones dwelland within Bailleries, suld be registred in the Baillies buikes.*

OUR SOVERAINE LORDE, and Estaites of this present Parliament, statutis and ordainis, that all letters of Homing, relaxations, inhibitions, interdictions, and publications thereof, and uthers of the like sorte, thar fall at ony time hereafter bee raised, and execute against quhat-sum-ever person within this Realme, dwelland within the Baillaries or Stewardries, alswell of Royaltie, as Regalitie, be execute at the mercat-croce of the head Burgh, or Toun of the saidis Baillaries and Stewardries, within the quhilk the saidis persones dwellis: And als that the famin letters be registred in the saidis Stewart and Baillies buikes: Quhilk registration, fall be als lauchfull in all time cumming, as gif the famin had bene registred in the Schireffes buikes. And that all executiones and registrationes, thar fall happen hereafter to be uthervaies execute and registred, fall be null, and of nane availe, with all thar followed thereupon: And ordainis, all the generall claufes and proviiones insert and mentioned in the acts of Parliament, maid of before, anent registration of hornings, in the Schireffes buikes, to be halden as expressed and repeted in this present ordinance and constitution.

265. *Registrations of letters of horning, relaxations, inhibitions suld be maid judiciallie: Or before ane Notar, and foure witnesses: Of the Judge refusand the registration.*

IT Is statute and ordained, that all registrationes of letters of horning, relaxations, inhibitions, interdictions, before quhat-sum-ever Schireffe, Steward, or Baillies, alswell of royaltie, as regalitie, be either registred in time cumming judicially, or before ane Notar, and four famous witncses, by and attour the ordinar Clerke: And in-case ony Schireffe, Baillie, or Steward, alswell of Royaltie, as Regalitie, refusis to register the foresaidis letters of horning, relaxations, interdictions, and uthers of the like sorte:

That

That the partie quha presentis the famin letter to be registred: take instrumentes of the faide refusal, and present the famin letter thereafter to the nixt Schireffe, Stewarde, or Baillie, or to the Clerke of Register, and his deputes, to be depute be him: To the effect the famin may be registred in the buikes of Councell: Quhilk registration, fall be als sufficient, as gif the famin letters were registred in the Schireffe, Stewarde, or Baillies buikes, quhair the saidis persones dwellis.

266. *It is not leasum to slay Deare, Raes, Flares, wilde-fowles, or Dowes.*

OUR SOVERAINE LORDE, and Estaites of this present Parliament, ratifies, apprievis, and confirms the actes, lawes, and constitutiones, maid be his Hienesse, and his Predecessours of worthie memorie of before, against the schutting and slaying of Deare, Raes, Hares, wilde-fowles, and Dowes, with hagbuttes, hand-gunnies, Croce-bowes, and Pistolettes, and taking of them with gines and nettes: And ordainis the same to be put to dew execution in all tyme hereafter, with this addition, that it fall be leasum to everie Schireffe, Steward, Baillie, and Baronne, within his awin boundes, to slay all lying dogges, quhilkis the fowlers usis, for slauchter of the said wilde-fowles, and tak and apprehend the saidis Fowlers themselves, and put them in stockes, and deteine them therein, for the space of 48. houres, as oft als they be apprehended.

267. *Auld unlaues, ar valued and amplified.*

OUR SOVERAINE LORDE, and Estaites foresaidis: Considerand the great contempt done be the maist part of the Lieges of this Realm, quha ar charged to pas upon assises, or to do any uther thing upon small pecunial paines of un-lawes: Quhilkis paines be sa small, that they respect not the famin, bot disobeyis our Sovereain Lordis autoritie: Therefore it is statute and ordained, be our Sovereain Lord, and the three Estaites, that quhen-soever any person contraveenis ony Law, statute, or acte of Parliament, maid of before, containand ane special pecunial paine and unlay: That he fall pay for ilk twelve pennies of unlay of auld, ten shillings, of present current money of this Realme: And for ilk twentie shillings of auld, ten poundes of present money: And swa fourth proportionallie: And this ordinance to be understand of pecunial paines and unlaues, contained in the Lawes of this Realme, maid and constitute before the first day of March, in the zeir of God, 1542.

268. *Strang beggers, vagaboundes, and Egyptians suld be punished.*

OUR Sovereain Lorde, and Estaites of Parliament, ratifies and apprievis the actes of Parliament maid of before, against strang and idle beggers, vagaboundes, and Egyptians, with this addition, That such beggers and their bairnes, bee employed in commoun warkes: And their service mentioned in the act of Parliament, in the zeir of GOD, ane thousand, five hundteth, seventie nine zeires, to bee prorogate; induring their life-times: And in place of severall commissions in Landward to be granted be the King, for execution of the said act, the power thereof to be granted to the particular Session of the Kirk.

269. *The paines of Law-burrowes suld be payed be him quha for his disobedience is denunced rebell: The cautioner may be persewed, or the principall.*

OUR SOVERAINE LORDE, and Estaites of Parliament, statutis and ordainis, that the paines of contravention, fall be payed be the principal partie, that is charged to finde Law-burrowes, as beir hee passe to the horne, and finde not caution: And gif he finde caution, that baith he as principal, and als his cautioner, fall be subject to the payment thereof, at the option of the persewer, as in all uther pecunial obligationes.

270. *The paine of the generall bande, is divided betuixt the King and the partie.*

OUR SOVERAINE LORDE, and Estaites of Parliament, statutis and ordainis, that the paines of contravention of the general bande, fall be divided betuixt the King and the partie, in all tyme cumming.

271. *The Schireffe Clerkes, suld bring their buikes to the Checker: They suld be marked.*

OUR SOVERAINE LORD, and Estaites of this present Parliament, finding that the securitie of all byeing and seiling of landes, and of all escheitres, depends upon the registration of inhibicionis, interdictiounes, and hornings *respective*; the credite quhair of allanerlie pertainis to the Schireffe Clerkes, quha hee bene oftymes improven before the Session: Therefore statutis and ordainis, that their buikes be marked be the Clerk of Register, in sik forme and maner, as uther Notares buikes: And that the authentike copies be reported zeirlie, to remaine in the Kingis Register, quhair-arent they fall be answerable zeirlie in the Checker, under the paine of wairding of their persones, or hornung, as fall please the Lordes Auditoures of the Checker.

272. *Barronnes suld send to the Parliament Commissioners with sufficient commissions.*

OUR SOVERAINE LORD, And Estaite of Parliament, statutis and ordainis, that na Barronnes be received as Commissioners, for ony Schireffedome within this Realme, at ony Parliament, to be halden hereafter: Except the saidis Barronnes bring and produce with them sufficient Commissions, granted to them in ane full convention of the hail Barronnes of the said Schireffedome: Quhilk Commission fall be authorized, with the subscription of ane great number of the Barronnes then present, togidder with the Clerke of the said convention, his subscription: And gif the said Commission be not past in dew forme, in maner foresaid, his Hiennesse and Estaite, dischargis the Clerk of Register, in all time hereafter, of ony receiving of their saidis Commissions.

273. *Prison-houses suld be bigged within all Burrowes.*

OUR Sovereine Lorde, and Estaite of this present Parliament, understanding that for want of sufficient and sure prisonis, jailles, and warde-houses, findrie rebelies and transgressours of the Lawes, alswell criminall, as civil, escapis unpunished, and Justices contemned: For remeid quhairof, our Sovereine Lorde and Estaite, hes statute and ordained, that within the space of three zeires, in all Burghes within this Realme, there be sufficient and sure jailles and warde-houses bigged, up-halden and maintained be the Proveist, Baillies, Councell, and Communities of the saidis Burrowes, upon their awin common gude, or utherways upon the charges of the Burgh: And that for sure imprisoning, warding, keeping and detaining of all sik personis, transgressours of his Hiennesse Lawes, upon their awin expenes, alswell criminall as civil, as fall be presented unto them, be the Schireffe of the Schire: Or Stewards and Baillies of Regalities, within the quhilk the saids Burghes ar situate, and speciallie quhair their judicatorie sittis: And alswa all uthers personis presented ather to warde, be vertue of their awin authoritie within Burghes, or utherways, upon letters of caption directed to them.

274. *Anent dimission of Benefices containing reservation of the life-rent of the resignant.*

FORSAMEIKLE As in the Parliament halden at *Edinburgh*, in the Moneth of August, the zeir of God, ane thousand, five hundreth, fourescore, foure zeires, All Successours and Provisiones to Abbacies, Commendataries, Priories, and Nunries within this Realme, maid be the titulars thereof for the time, in favour of their Successours, nominate bee them, and giftes graunted to them there-upon, bee **OUR SOVERAINE LORDE**, containing reservations of the dimitteris life-rent of the same, in respect of the manifeste abuse and corruption thereof, are retreated, rescinded and declared to bee null in the selfe. **QUHILK ACTE** Of Parliament, is declared be ane uther Acte of Parliamente, maid in the Moneth of *July*, the zeir of God, ane thousand, five hundreth, fourescore threttene zeirs, to be extended to sik provisiones allanerly, as suld happen to be purchasid, after the making of the said first Act: And nocht to sik provisionis as was dewlie and lauchfullie past, before the making of the said first Acte, quhairupon diverse personis hes taken occasion to purches and obtaine giftes and provisiones of the saidis Benefices, as Successours nominate thereto, bee their Predecessours, And upon their dimission, with reservation of their life-rentes: And hes antedated the signatoures thereof, as gif the samin had bene past, before the making of the said first acte of Parliament: And zit hes nocht past the samin, throw the greite scale, quhill lang after the making of the said last act of Parliament: quhilk declaris plainlie, the manifest fraude and falsed of the saidis provisiones. Quhilkis provisiones, ar nocht onlie maist wrangouslie and surreptitiouslie purchasid, as said is: Bot alswa ar maist prejudicial to his Hiennes in his rente, and commoditie of the Temporal landes thereof: Quhilk perteinis to **OUR SOVERAINE LORDE**, bee the Acte of Annexation, as ane parte of the patrimonie of his Crowne: And therefore **OUR** said **SOVERAINE LORDE**, and Estaite foresaidis, considering the manifest fraud and falsed committed in the purchassing of the saidis pretended provisiones: **AND FOR OBTAINING** Of the samin, retreatis, rescindis, cassis and annullis all sik provisiones of Abbacies, Priories, and Nunries, and uthers benefices maid, or to bee maid, be quhat-sum-ever person or persons, past upon the dimission of their Predecessours, and containing the reservation of their life-rentes, as said is: Quhilkis was nocht dewlie and lauchfullie past and expid, with all solemnities: And speciallie quhilkis was nocht paste and expid through his Hiennesse greite scale, before the making of the said first act of Parliament maid there-anent, quhilk was in the moneth of *August*, the zeir of God, ane thousand, five hundreth, auchtie foure zeires: And before the act of annexation: Bee the quhilk, the Temporal Landes was annexed to his Majesties Crowne: And declaris the samin to have bene from the beginning, and to be null in all time cumming, of nane avails, force, nor effect, with all that hes followed, or may follow thereupon.

275. *Of persones dwelland within Burgh, subject to the helpe of the pair, to watching and warding.*

FOR fameikle as there is diverse in-habitanthes that dwellis and remainis within the free Burrowes, with their families, and ar of reasonable substance: As alsua hes rentes and livinges within the samin Burgh, zit refusis to contribute for the interteinement of the puire, watching and warding within Burgh, with the rest of the Nichtbours: or to beare their parte of sik uthet dewties, as concernis his Majesties service, thereby living at libertie, neither knawand the Magistrates in Kirk nor Policie: To the great hinderance of his Majesties service, and the haill Realme: For reined quhairof, It is statute and ordained, be our SOVERAINE LORD, and the three Estaites of this present Parliament, That all sik as hes their residence and dwelling within the saidis Burrowes, be their families: And may spend ane hundreth poundes of zeirly rent within the same, or stented be the discreit Nichtbours, to be worth twa thousand markes in free guddes: fall be subject to be burdened with the rest of the inhabitanthes, for the advancement of the glorie of God, his Majesties service, and weill of the Burgh quhair they dwell: Providing alwaies that this act be nawaies extended to sik as ar exceded for his Majesties service, as ane of sik occupation for that cause: Neithet to any person that ar members of the College of Justice, and admitted be the Lordes of the Session.

276. *All Burgeses suld be taxed and stented be their Magistrates, according to the rentes within Burgh.*

OUR Sovereain Lord, and the three Estaites of this present Parliament, understanding that at sik tymes, as taxationes and stentes, occuris within this lande: That the Provest and Baillies of Burrowes, and sik as they appoynt Stenters within the samin, without all gud ordour and discretion, stentis findrie of the Burgeses, inhabitants of the Burrowes, quha hes their special rents and livinges to Land-wart, out-with burgh, according to their abillie, alswell to Land-wart, as to Burgh, albeit reason and equitie wauld crave, that they suld be only stented, according to their rentes, and halding within Burgh: Because their tents and living lyand to Landwarte, ar stented, with the Barronnes, Gentle-men, and Free-holders within the Shires quhair they lye: It is therefore statute and ordained, that in all time cuming, it fall not be leasum to the Provest and Baillies of Burghes, nor na Stenters within the same, to stente any persones therein, according to their livinges and rentes lyand out-with Burgh: Bot only according to their rents and halding within Burgh, as they do with vther persones, of their rancke and substance, that hes na rente nor living out-with Burgh, and na utherwayes.

277. *An TAXATION to be granted to the KING: The forme and maner of the up-taking thereof.*



HE Estaites of Parliament, presentlie convened, considering how expediente it is that his Majestie, for findrie weichie affaires, and of greate consequence, tending to the advancement of his Hiennesse honour and Estait, and to the benefite of all the haill Lieges of this Realme: Sall direct diverse and findrie honorable Embassadours, to findrie foreine Princes: And fore-seeing the great and excessive charges that man bee maid be his Majestie, in furnishing, and reiking out of the saide Embassadours: And his saidis Estaites being willing to helpe, further, and supplie the samin, and relieve his Majestie of ane parte thereof:

HES Therefore frechie and voluntarie offered and graunted to his Majestie ane taxation of twa hundreth thousand markes, to bee uplifted and payed be the haill Lieges of this Realme, in forme as followis. That is to say: The summe of ane hundreth thousand markes, bee the Spiritual estare: The summe of threescore, sex thousand, sex hundreth, threescore sex markes, aucht shillings, ten pennies, be the Barronnes, & Free-holders: And the sume of threttie, three thousand, three hundreth, threttie three markes, foure shillings, sex pennies, be the Burrowes of this Realme: And that to be payed betuix and the first day of April, nixt to-cum: And for in-bringing of the Spiritual persones part of the said taxation:

IT IS Ordained, that letters be direct, charging all and findrie Bishoppes, Abbottes, Priors, and utheris beneficed persones, contained in the taxt roll, their Chatmerlanes, Factours, and inromettours with their livinges, to make payment of that summe, that they and everie one of them at taxt, to Marke, Lord of New-bottle, Maister of requestes, his Hiennesse Collectour general, appoynted for receiving of the saide haill taxation: or his deputies and officers in his name, havand his power to receive the samin: And that betuix and the fifteenth day of March nixt to-cum, under the paine of rebellion, and putting of them to the Horne: And gif they failzie, the said day being by-past, to denunce &c. And that the Prelates and beneficed men for their relieve, have letters to charge their vassalles, sub-vassalles, Fewars, Tackes-men, Ladies of Terce, conjunct-feets, live-rentars, and pensioners, to make payment of their partes of the said taxation *pro rata*, within xx. dayes, nixt after they be charged thereto, under the paine of rebellion &c. And gif they failzie, &c. To denunce &c. And gif neede beis, to poynd and distreinzie there-

The division of the taxation.

The clergy.

therefore, as they thinke maist meete and expedient, alwaies declaris that the production of sufficient hornings, against the said sewars and vassalles, fall be ane reliefe to the saidis Prelates: And fall exoner them *pro tanto*, fra the payment of the said taxation.

AND Furder, that the saidis Prelates, and others benefieed perſones, may have their reliefe of their saidis vassalles, sewars, tackef-men, and pensioners, to their greater ease, and lesse trouble, to their saids vassalles, and others foresaidis, And to the effect that everie man proportionally, may pay his part of the said taxation, according to the quantitie and avails of the free rente that he hes of his landes and teind scheaves, pertaining to him, alswell the Prelate himſelfe, as the sewar or tackef-man: It is thoct expedient, statute and ordained, that the saidis Prelates, fall everie ane of them severallie convene his hail sewars, vassalles, and tackef-men, at sik convenient place as hee thinkis meetest: And cause summond them personallie, or at their dwelling places, for that effect: And being convened, the saidis Prelates and benefieed perſones, fall schaw to their saids vassalles, the quantitie of the taxation imposed upon them, and they with ane consent, fall distribut the samin to be payed be everie man. Alswell be the Prelate, as be the vassall, sewar, tackef-man, and pensioner, according to the great or small quantitie of his free rents, that he hes either of his landes, teindes, or pension, with certification to ony of the saidis perſones, sewars, vassalles, pensioners, and others foresaidis, that compeiris not at the day appoynted, to the effect foresaid, that sik as fall compeir with the said Prelate and benefieed person, fall procede in the equall distribution of the said taxt, alswell amang them that ar present, as the absentis quhilk fall be als lauchfull in all respects, as gif the hail number were convened. AND als it is thoct expedient, statute and ordained, that all erections

Prelacies
erected to
Lord-shippes.

Benefices
dissolved.

Benefices
vaikand.

The Bar-
ronnes and
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Barronnies
dissolved or
dis-mem-
bred.

of onie Prelacies in Temporal Lord-shippes, fall in the payment of this present taxation, pay to the Collectours of the said taxation, fa-meikle of this present taxation, *pro rata*, as gif they were nawaie erected, and as they were subject to do, before the erection of the samin, with special provision alwaies, that this fall be na preparative of the like hereafter. Bot that in all time cumming, their saidis erections, fall pay the taxaciones, to be hereafter imposed, as uther Temporal livings within this Realme: And this nawaies to prejudice or derogate in onie waies to their saidis erections. AND Sik-like, it is statute and ordained, that all dissolved benefices within this Realme, fall be subject in payment of sameikle of the said taxation, *pro rata*, as they would have bene subject to give, swa the samin had not bene dissolved: And therefore, that letters be direct chargeing the present possessor of the saids dissolved benefices, everie ane of them for their awin partes, to pay proportionallie their parte of the said taxation, to the quantitie that the samin benefice would have bene taxt to, gif the samin benefice had not bene dissolved, as said is, within twentie daies nixt after they be charged thereto, under the paine of rebellion &c. And gif they failzie &c. To denunce &c. AND Sik-like, because that at this present, there ar findrie Prelacies vaikand, undissolved, to onie person or perſones quhar-sum-ever: Therefore it is statute and ordained, that the said Collectour Generall, fall use the like forme be himſelfe, or some uther sufficient qualified person in his name, with the sewars, vassalles, and tackef-men of the saidis vaikand benefices, that is prescribed and set downe of before, to be done be the Prelates, and uthers benefieed men, in the distributing of the said taxation, as said is: And the saidis Estaites authorizis the said Collectour generall, of this present taxation, in the verie place of ane provided Prelate to the saids vaikand benefices, for this effect allanely. AND for the Barronnes and Free-holders part of the said taxation, that letters be direct, chargeing all and findrie Schiteffis, Stewards, Baillies, their deputies and Clerks, thar they, and ilk ane of them, within the boundes of their offices, raise and up-lift the summe of 40. shillings, of everie pound land of auld extent, lyand within the boundes of their jurisdiction and in-bring and deliver the same to the said Collectour generall, beuixt and the xv. day of *March*, quhilk is the terme of payment of the said taxation, under the paine of rebellion &c. And for their reliefe, that letters be direct, chargeing all and findrie Earles, Lotdes, Barronnes, and Free-holders, to make payment and deliverance to the saidis Schireffes, Stewards, Baillies, and their deputies and Clerks, ilk ane of them for their awin partes, for the summe particularie abone written, of everie pound land of auld extent, pertaining to them, As for the said taxation, within xx. daies nixt after they be charged, under the paine of rebellion, &c. And gif they failzie &c. to denunce &c. and to efcheir. Or else, that the saidis Schireffes, Stewards, Baillies and their deputies poynd and distreinzie therefore: As they fail thinke maist meete and expedient: And that the saidis Earles, Lordes, Barronnes, and Free-holders, have sik-like letters for their reliefe, against their vassalles, sub-vassalles, Ladies of Terce, conjunct-feares, and life-renters.

AND Because there ar diverse and findrie Barronnies, within this Realme, dismembred, and the Barronnes of the saidis Barronnies in time by-gane, hes had na reliefe *pro tanto*, of sa-meikle of the said Barronnie, as wes dis-membred, against all reason, seeing that the Schiteffe, Steward, or Baillie, or their deputies, without onie regard, charged the present Barronne, of the said Barronnie, for the hail taxation of the samin, as gif na part thereof were dis-membred: Therefore it is statute and ordained, that all sik parties of onie Barronnie, as ar dis-membred therefra, fall be retoured be the Schireffe of the Schire, quhair the samin lyes, to the avails and quantitie proportional, of the hail Barronnie: And being retoured, the said Barronne fall have letters of reliefe, against the heretoures of the said dis-membred part of the Barronnie for relieving of him, of sa-meikle of the said taxation, as the samin landes fall be retoured unto, be the Schireffe, within twentie dayes nixt after the charge, under the paine of rebellion &c. And gif they failzie &c. To denunce &c.

AND FURDER, It is statute and ordained, that all the Stewardest and Baillies of onie part of his Hienes ^{The King's} propertie, fall with all convenient expedition, cause retour the hail landes of the famin, everie ane within his awin boundes and jurisdiction, and that to the famin avale, quantitie and proportion, as onie uther landes lyand nixt adjacent to the same, halden of his Majestie, ar set or retoured to: having neverthelesse ane speciall regard to the free-rent, that the sewars and rentallers hes of the same lands, beside their few-fermes and dewties payed be them, to our Sovereine Lord: Quhilkis landes being retoured, as said is: It is ordained that letters be direct be the said Collectour of this present taxation, charging the saidis Stewardest and Baillies, to raise and up-lift the summe of fourtie shillings of evcrie pound lande, that his said Hienesse propertie fall be retoured to, everie ane within his awin jurisdiction, and in-bring and deliver the same to the said Collectour, betwixt and the said fiftenth day of *March* nixt-to-cum, under the paine of rebellion, &c. And gif they failzie, &c. to denunce, &c. And for their reliefe, that letters be direct, chargeing all and sundrie sewars, rentallers, tennents, and tacke-men of his Hienes propertie, to make payment and deliverance to the saidis sewars, Baillies, their depures and Clerkes, ilk ane of them for their awin partes, the summe particularlie abone written, for everie pound land, that their saidis landes fall be stented or retoured to, within xx. dayes, nixt after the charge, under the paine of rebellion &c. And gif they failzie, &c. To denunce &c. And gif need beis, that the saidis Stewardest and Baillies poynd and distreinzie therefore, as they fall think maist meete and expedient. And because his Majesties propertie hereof, hes nawayes bene in use and consuetude of payment of ony part of ony taxations granted heretofore, neither did they relieve the rest of the Lieges, of ony parte of the famin. His Hienesse and Estaites foresaidis, thinkis it maist meete and expedient, that the said taxation be up-lifted fra the saidis sewars, tennentes and tacke-men, of his Hienesse propertie, fall be na-wayes accompted nor allowed in part of the said summe of twa hundred thousand markes; bot the famin summe to be up-lifted, according to the division abone written: And the summes to be up-lifted of the landes of his Hienesse propertie, to be maid compt of be the said Collectour, over and beside the summe of twa hundred thousand markes, granted, as said is: Providing alwayes that the famin be na-wayes employed nor bestowed to ony use quhat-sum-ever, except to the famin effect that the uther great summe abone written.

AND For in-bringing of the Burrowes part of the said taxation, that letters be direct, chargeing the Provost and Baillies of ilk Burgh, to make payment of the taxe and stent thereof, to the saidis Collectour ^{The Burrowes part of the taxation.} generall, at the time abone specified, under the paine of rebellion &c. And gif they failzie &c. To denunce &c. And for their reliefe: That letters be direct, chargeing all and sundrie inhabitantes of ilk Burgh, to convene and elect certaine persones, to stent their nichtbours: And the said election being maid, to charge the persones elect, to accept the charge upon them, in setting of the saide stent-upon the inhabitantes of ilk Burgh: And to convene and set the famin, and make ane stent roll there-upon, as escheiris, within twentie four houres, nixt after they bee charged thereto, under the payne of rebellion &c. And gif they failzie, to denunce &c. And escheit &c. And sik-like, the saide stent-roll being maid and set, as said is, to charge the Burgesies, inhabitantes and nichtbours of ilk Burgh, to make payment of their partes of the said stent, to the saidis Provost and Baillies, conforme to the tax-roll, to be maid and given out there-upon, within three dayes, nixt after the charge, under the paine of rebellion &c. And gif neede beis, to denunce &c. And escheit &c. And gif neede beis, that the saidis Provost and Baillies poynd and distreinzie therefore, as they thinke maist meete and expedient. IT IS ALWAIES Provided, that na person quhat-sum-ever be stented or taxt within Burgh, except according to the avale and quantitie of his rente, living, guddes, and geare that he hes within Burgh, nawayes respectand his landes and possessions, quhilkis helies to Landwart, for the quhilkis hee will be obliged to pay taxation to uthers officers. ATTOUR, THE Saidis Estaites considering the manifold abuse that hes bene used in all times by-gane, be sundrie of the Lieges, against all gude conscience, in causing their puir Fermorers and labourers of their ground, being removeable, quha was subject in payment of verie deare fermes, to relieve them of the hail burden of the saide taxation, quhilk hes bene the occasion of the im-poverishing of ane great number of the saidis Fermorers, and bringing of them to utter wrack and ruin. ^{Fermorers removeable sould be free.} Quhairas of reason, the saidis tennentes, sould be togidder free from the payment of onie taxation: And the famin sould be payed be sik as hes free-rent, landes, and guddes of their awin: For remeid quhair of, It is statute and ordained, that na person quhat-sum-ever, exact or compell his tennentes and Fermorers removeable, quha payis him ferme for the landes occupied be them, to pay ony parte of this present taxation, or to sure reliefe for the famin, at their handes. And gif the famin beis found done be ony persones, that they fall be called and convened before his Hienesse Justice and his depures, as violent and maisterfull oppressours of his Hienesse subjectes, and punished therefore, according to Justice.

AND TO THE EFFECT That bee the negligence of Collectours, appoynted for in-gadding of the saide taxation, in letting time over-slip, the silver be nocht in reddienesse in dew time, to the effectuating of the purpose, quhairfore the same was appoynted: therefore it is ordained, that the saidis letters and charges be directed against the saidis Prelates, beneficed persones, Schireffes, Stewardest, Baillies, and Provostes, and Baillies of Burrowes, to bee in reddienesse against the first day of *Januar* nixt-to-cum; At the quhilk time, the saidis Collectours fall use all possible diligence, for the dew execution of the famin.

Letters of
suspension.

ATTOUR, It is concluded, determined, and resolved, that na suspension of any letters or charges to be direct for payment of the said taxation, shall be granted either be the Lordes of Councell and Session, or be the Lordes of secret Councill; bot dischargis them *simpliciter* of any granting of the same: Always as the equite of the cause requiris, his Majestie and Estaites hes given and granted speciall power and commission to *Alexander*, Lord *Fyvie*, President of the College of Justice: *Walter*, Prior of *Blantyre* Thesaurar: Maister *John Lindsay*, of *Balcarrhouse*, Secretar: Maister *James Elphinstoun*, Person of *Highshame*: Maister *John Skene*, Clerke of Register: And Maister *Thomas Hammiltoun*, of *Drumcarny*, his Hienes Advocat. Giving them, at the least onie foure of them being altogidder convened allanerlie, power and commission to grant the saidis suspensiones of the charges, direct for the said taxation, and to decide the saidis suspensiones, according to equite and Justice. Discharging all others the Lordes of secret Councell and Session of any melling therewith, and of their offices in that part: And als, our said SOVERAINE LORD, and his Estaites, hes given power and Commission to the saidis persones abone mentioned, to decide the haill suspensiones restand undecided of onie taxationes, graunted heretofore, and ordains them to ministrate Justice there-intill, according to reason.

Letters of
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Schireffes
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be received.

AND Because his Majestie hes bene defrauded of ane great parte of his taxation granted heretofore, be reason that the Schireffes of ilk Schire, quha sulde be in-gadderers of the said taxation, and ar men of that power and authoritie, within the saidis Schireffe-domes, that there ar nane within the same, that either dare or will in any wayes resist the saidis Schireffes, in poynding for this presente taxation: zit neverthelese, findrie of the saidis Schireffes heretofore, having had na regarde to the dewtiful obedience they aucht to his Majestie, and to the faithfull discharging of their offices, hes thocht in time by-gane, ane sufficient exoneration of them, forsameikle of the said taxation, as they produced letters of homing, execute against ony persones for the same: quhair be the power of the same letters, he micht have lauchfully poynded the rediest guidde and geare of the saidis rebelles: or else be production of alleaged disforcementes, done wilfullie to defraude his Majestie, quhen as in their awin particular, they wald na-wayes suffer the like, being men of that authoritie and power, as said is: That they ar able with strang hand, to poynd and disfreinzie the saidis rebelles guidde, gif they pleased. For remeid quhair of in time cumming: It is statute and ordained, that the Collectours of the said taxation, neither the Auditours, to be appoynted hereafter, for the hearing of the saidis Collectours compts, in any wayes receive ony homing, or disforcement, for ane lauchfull exoneration to the saidis Schireffes, for the said taxation, *pro tanto*: Bot allanerlie the payment of the summes, for the quhilk they ar charged for: Always the saidis Estaites remittis to his Majesties consideration, the condition of some Schireffes, quha are not of that power and authoritie, within their Schireffedomes, that ar able with strang hand, to poynd sik rebelles guidde and geare, as fall be denounced to the home, for this present taxation, of quhom his Majestie hes promised, as he findis convenient to receive homingges and disforcementes for their exoneration.

The Schi-
reffes and
Officers
said up-lift
the taxati-
on without
any devic.

AND BECAUSE Heretofore, there hes bene ane great abuse used bee the Schireffes and their Officiars, in up-lifting and raising of uther taxationes heretofore, be forcing the subjects to pay in ane maner ane new taxation to them, for in-gadding the same, alleageing it to pertaine to them as Schireffes: Albeit they be their offices, ar subject in in-gadding of the same, and na-wayes the saidis subjects debtbound in payment of any dewtie to them: Therefore it is statute and ordained, that na Schireffe nor officiar quhat sum-ever, directlie nor indirectlie, upon ony kinde of pretext, charge, up-lift or raise fra ony of his Hienes subjects, onie dewtie quhat sum-ever, except the summe of fourtie shillings, for everie pound lande contained in the letter, under the paine of deprivation of the said Schireffe of his Office, in-case it be foundin that the same was in onie maner of way, done of his commande or allowance: And gif the faulte be committed be the Officiar himself, not only to be the deprivation of him *simpliciter* fra the Office, Bot als wa to be an crime of falsed, and he to be accused before the Justice and his deputs, and punished to the death therefore with all rigour.

Persones
Privileged.

AND Forder, his Majestie and Estaites foresaidis, be thir presentis, annullis and dischargis all privileges and immunities quhat sum-ever, quhairby ony persones may thinke themselves free of payment of this present taxation (exceptand allanerlie the privileges of the Lordes & members of the College of Justice) quhairunto his Hienesse and Estaites will na-wayes derogate in ony thing.

Precept
direct bee
the King.

FURTHER HIS Majestie and Estaites being acquainted with the great abuse that hes bene in times by-gane, be granting of precepts to findrie inoportune persones, for answering them of ane pairte of findrie taxationes graunted heretofore, quhairthrow his Majestie hes bene verie far circumveened, the same summes of money imposed upon the subjectes, being utherwayes bestowed, nor to that end, quhairfore they were destinat: For remeid quhair of, his Majestie and Estaites foresaidis, ordainis and commandis the said Collectour, that he on na-wayes answere, obey, and make payment of ony patte of the said taxation, to ony person or persones, upon pretext of onie precept or precepts to be direct or subscribed be his Hienesse, except the saidis preceptes be subscribed bee the Commissioners under-written, quhom his Majestie and Estaites hes appoynted to be over-seers, that this presente taxation be na-wayes employed, bot to the furnishing of the saids Embassadors: They ar to say, *Peter*, Bishop of *Dunkeld*: *David*, Bilhoppe of *Aberdene*: *John*, Commendatar of *Haly-rude-house*: *Edward*, Commendatar of *Kinlosse*: *William*, Earle of *Angus*: *George*, Earle *Marshall*: *John*, Earle of *Marre*: *Alexander*, Lorde *Levingstoun*: Maister

Commis-
sioners.

Maister David Carnegie of Culluthy: *Sir George Hume of Wedderburne Knight*: *John Towres of Inner-Leith*, and *Alexander Stratoun of Laureston*: *Henry Nisbet*, *Provest of Edinburgh*: *Sir William Sea-ton*, *Provest of Haddington*: *Nicoll Cornerwell of Bonehard*, *Provest of Linlithgow*, and *Walter Cowane*, *Commissioner to this present Parliament, for the Burgh of Strivling*: Or ony aucht of them, there being alwayes twa of the Spiritual! staite: Twa Noble-men: Twa Barrounes, and twa Commissioners of Burrowes: Quhilke persones fall allanerly direct the saidis precepts to the said Collectour, for answering of ony part of the said taxation, and that allanerly to the use abone written, for directing of the saidis Embassadours. And gif ony precepts upon ony uther effect, or to ony uther use, bee answered, then to the use abone written, in that case, alsweill the said Collectour, as a monie of the Commissioners abone written, as fall subscribe the saidis preceptes, fall be answerable to his Hiennesse and Estaite, for the summe debursed. And the same preceptes fall be na discharge and allowance to the said Collectoure in his comptes. And gif at ony time appoynted for in-gathering of the said taxation, occasiones may interveene, that it fall not be necessar to direct away anie ilk Embassadours. It is alwayes provided, that the said Collectour fall reene the said summe in his hands ay and quhill that the saidis Embassadours be direct: Or that be his Hiennesse Parliament and Estaite to bee conveyed hereafter, the said summe fall be employed, with all their consentes, to sum uther gude warke, tending to his Hiennesse honour, advancement and weill of this Realme: Upon the quhill declaration, *Henry Nisbet*, *Provest of the Burgh of Edinburgh*, in name of the haill Burrowes, asked instruments.

LIKE-WISE, It is provided that the said Collectour fall be na-ways urged nor subject, to receive, nor answere ony assignation or precept, to the use abone written, exceeding his receipt or intromission, albeit the samin be orderly subscribed, as said is, bot that it fall be ane sufficient excuse to him in refusing the acceptation thereof, that he hes received na mair, nor hee hes debursed alreadie, upon anterior precepts.

AND FURDER, His Majestie and Estaite, confiddering that diverse and sundrie persones, dwelland within Regalities, hes without onie regard of his Majesties Lawes, past wilfullie to his Hiennesse horne, and remained thereat as rebelles, thinking themselves in suretie great enough, be reason that the Lordes of the saids Regalities, having right to their saidis escheities, communie disponis the samin in favours of the saids rebelles: Quhair throw his Majestie is defrauded of sa-meikle of the said taxation, as is to be payed be them: For remeid quhairof, his Majestie and Estaite, be thir presentes, determinatis and concludis, that in all time hereafter, quhen onie person, within onie Realitie within this Realme, be denounced for none-payment of the said taxation, that the Lordes of the said Realitie, fall either cause the said summe, quhairfore the said rebell is denounced, be payed to his Majesties Collectour, of this present taxation, betuixt and the said fifteneith daye of *March*, next-to-cum: Or then the said Lord of Realitie, fall renunce and give over onie richt and title, that he may have or claime to the said rebelles escheir: And that in favour of his Hiennesse Thesaurer, quhom his Majestie and Estaite foresaidis, ordainis to introner there-with, and to make compt of the samin, before the Lordes Auditours of his Hiennesse Checker: That be this preparative hereafter, his Hiennesse be not defrauded of onie part of the said taxation, be reason of the said rebelles voluntar passing to the horne, as said is.

AND LAST, Because the officiares, chargars for the said taxation, up-lifteres, and receivers of the samin, hes bene in use of allowing to themselves of great and extraordinar tees for their service, quhilc was ane great impairing of the former taxation, there being ane great parte thereof bestowed upon the charges, in in-gathering of the samin, albeit it might have bene in-gaddered upon farre lesse expenies, gif swa the Collectours of before had used the greater fore-sight, in not suffering the saids officiares, to continue in their alleged wounted allowance: Therefore his Majestie and Estaite, ordainis the said Collectour General, of the said taxation, to compone, transact, and agree with the saids officiares, executours of the saidis charges, upon als reasonable condition as is possible, having na respectal-to-gidder, to anie auld consuetudes, that the saids officiares may crave be onie allowance granted of before.

Collected, visied and extracted, fourth of the Bukes and Register of the Actes of Parliament, at his Majesties command: Be me Maister JOHN SKENE, Clerk of his Hiennesse Councell, Register and Rolles, under my signe and subscription manuell.

JOANNES SKENE

Clk. Register.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES and utheris, maid in the Parliament, balden at Edinburgh, the ninetenth day of December, the zeir of God, ane thousand, five hundreth, ninetie seven zeires, nocht imprinted.

ACTES IN FAVOURS

OF Lodovick, *Duke of Lennox.*
Sir Robert Mal-vill, Knicht.
The Bisshoppe of Brechin.
The Laird of Phillorth, anent the College of Frazer-burgh.
Maister Andrew Knox, Minister of Paislay.
The Burgh of Aberdene.
The Burgh of Perth.
The Burgh of Hadingtoun.
Of the Kingis Lieges, guba accompanied his Majestie & his Lieu-tenente, in the North partes of this Realme,
Of William, Earle of Angus: George, Earle of Huntlic: And Frances, Earle of Erroll.

RATIFICATIONS

Of the Lordship of Dunfermelinc to the Queenes Majestie.
To Andrew, Lord Dingwell.
To the Bisshop of Aberdene.
To the Burgh of Narne.
To the Burgh of Jedburgh.
Of the Consistorie of Aberdene.
Of the new fundation of the College of auld Aberdene.
To Maister Edward Bruyse, Abbot of Kinloss.
To Maister William Mal-vill, Lord of Tungland.
To Sir Alexander Hume, of Snuick Knight.
To Eustathius Roch, anent the making of Salt.
Of the act of Copper cuinzie.

For Locall stipendes of Ministers!
For ane Grammer to be univversallie teachid.
For ordour and prioritie of place in Parliament.
For retouring of landes nocht retoured.
Anent the forme of proces against Witches.
Ane act anent certaine Kirkes of North-Berwick.
Ane act anent Christs-Kirk of Udny.
Anent the Kirk of Dummery.
Act for up-balding of the Brig of Don, and the calsey of the Month of Cowy.
Act for reparation of the Brig of Mussil-burgh.
Act for bigging of ane calsey upon Edmondstoun edge.
Exceptiones in favoures of Patrick, Lord of Lundoris.
Maister Peter Young of Seaton, Maister Almouffer.
Sir Thomas Erskin, of Gogar, Knight, and his Brether.
Michael Elphinstoun, and Andrew Mal-vill, Maisters of houshold.
Sir James Mal-vill of Hal-hill Knight.
Sir Patrick Murray.
Patrick Hume zounger of Polwart.
William Elphinstoun.
Maister George Young, Arche-deane of Saint-Andrewes.
Maister Andrew Black-hall, Minister of Mussil-burgh.
And Bernard Lindefay.

Protestation continand the Kingis declaration, in favoures of Alexander, Lord of Spyny.

F I N I S.

THE

T H E S E X T E E N T H

P A R L I A M E N T

O F

KING JAMES THE SEXT,

Halden at EDINBURH the XV. day of November the yeare of God 1600.

1. *The Fifth day of August is appoynted for giving yearly solemne thanks to God.*



FORSAMEIKLE As the Estitaires of this Realme, acknowledging that singular benefite, grace and favour of GOD, bestowed upon them by his miraculous and extraordinary preservation of their most gracious SOVERAIGNE from the horrible and detestable murther, and parricide attempted against his Majesties most Noble Person, by unwylie *John Earle of Gowrie*, and unwylie Maister *Alexander Ruthven* his Brother, upon the fifth day of August last by past. And that it becommeth them with most humble and thankfull hearts, to give unfained and daily praise to their mercifull GOD, for the saistie of every one of themselves, and of the hail bodie of this Common-wealth, preserved from wrack and utter confusion by the miraculous and bountifull deliverance of his Majestie, from the said Treason in maner fore-said.

Therefore OUR SOVERAIGNE LORD with advice and consent of the hail Estitaires, Statutes and ordeins, that in all tymes and ages to come, the fifth day of August, shall yearly be appoynted and kepted in all the Presbyteries and Parochins within this Realme, and bounds of his hail dominions, for publick preachings, prayers and solemne thanksgiving to GOD for his great mercy and favour granted to this Realme, and every member thereof, by his Majesties gracious and miraculous preservation, as said is, upon the said day. As a perpetuall monument of their most humble, heartlie and unfained thanks, to GOD for the samin. And that all worke, labour, and other occupations, whilk may in any wise distract the people from the saids godlie exercises, and thanksgiving yearly, upon the day foresaid, shall be forborne and abstained from. And that all Judges Civill and Ecclesiasticall, shall cause the samin to be universallie observed, every one of them within the bounds of their owne jurisdiction; and see the contraveiners thereof punished according to the qualitie of their transgression.

2. *Act of Annexation of the fore-saulted Lands, and others to the Crowne.*

FORSAMEIKLE As it is clealie understand by the Kings Majestie, and Estitaires of this Realme, that the augmentation of the Patrimonie and revenwes of the Crown thereof, not onely serves for the forth-setting and mainteinance of his Heighnes honour and Royall Estaite, but also releaves greatlie his subjects of divers charges and heave burdings.

Therefore OUR SAID SOVERAIGNE LORD, following the commendable examples of his most Noble Progenitors, with advise and consent of his Majesties Estitaires, unites, annexes and incorporats to his Heighnes Crowne, there-with to remaine perpetuallie, and inseparablie in all tyme coming, the Lands, Lordships, Baronies, Abbacie, and others under-written, which may nether be given in franktenement, fee, or otherwise to any person of whatsoomever Estate or degree, without advice, decreit and deliverance of the hail Parliament; and for great, reasonable, profitable and seene causes concerning the wel-fair of the Realme; first to be advised and digestlie considered by the whole Estitaires. And albeit it shall happen OUR SAID SOVERAIGNE LORD, that now is, or any of his Successours, Kings of SCOTLAND, to annalie or dispoine the saids Lands, Lordships, Baronies, Abbacie, or others under-written, with their pertinents presentlie annexed to the Crowne, as said is, or any part thereof; that the saids alienations shall be null and of nane avail: and that it shall be leasome to the King for the tyme or his Successours, to receive the saids Lands, livings, Abbacie, and others fore-said with the pertinents, to their owne use when ever it shall please them, without any proceffe of Law, and the takers shall refund & pay all profites that they have taken up of the saids Lands, and others foresaid to the King, for all the time that they have had them, with such other restrictions as are contained in the Acts of Parliament, made by his Majestie and his most noble Progenitours Kings of SCOTLAND in their annexations to the Crown. Whilk hail former Acts of annexation, and all Kings and hundrie articles, provissions and restrictions therein conneined, are halden as repeated, and speciallie expressed and comprehended in this present Act. There are the names of the lands and others with the pertinents

E e e

presently

presently annexed to the Crowne. All and hail the Lands, Lordshippe and Barronie of *Gowrie* and *Scone*. All and hail the Lands, Lordshippe and Barronie of *Ruthven*, *Ballerina*, *Newtown*, *Kowgaske*, *Strath-brane*, *Glenfchie* and *Trocbrie*. All and hail the Lands, Lordships, Barronies, Teinds, commodities and rents whilkis pertained to the Abbacie and Monastrie of *Scone*, with all and fundrie the Lands, Lordships, Barronies, Mylnes, Moulters, Schawes, Woods, Parks, Fishings, Townes, Villages, Burrowes of Regalitie or Barronie, Tene-ments, Annuelrents, Reverfions, Customes, Few-fermes, Places, Houses, Buildings, Castels, Towres, Maner-places, Outfers, Yards, Orchards, Kirks, Teynds, Advocation, Donation, and right of Patronage of Kirks, Hospitals, Chaplenies and Prebendaries, Tennents, Tennendries, and service of Free-tennants, profits, emolumentes, commodities and pertinentis what-som-ever of the said Lordships, Barronies, Lands, Abbacie, Benefices, Patronages, Teinds and others particularie above mentionat, or any parte thereof. All and hail the tenement and ludging in *Perth*, whilk pertained to umwhyle *Iohne* Earle of *Gowrie*, with the Yards and others pertinentis pertaining thereto, With all & fundry others Lands, Lordships, Barronies, Benefices, Rents and Possessions whilkis pertained either to the said umwhyle *Iohne* sometime Earle of *Gowrie*, or to his Predecessors, to whom he was heire, or appearand heire, or to whilkis any wyse he might have succeeded, or have had right to, or was posselt by him by the space of five yeares, before the committing of the crimes of treason, for the whilkis his memory and posteritie are fore-faulted, and declared unhabile and incapable to bruike and possesse lands, heritages, benefices, offices or others dignities or commodities within this Realme, and now pertaining to OUR SAID SOVERAIGNE LORD, and being in his Heighnes hands by reason foresaid. Attour, OUR SAID SOVERAIGNE LORD, with advyse foresaid, suppresses and abolishes

Regalitie.

the Regalities and heritable offices pertaining to the said *Iohne* Earle of *Gowrie*, or his Predecessors, or whilkis were annexed to any of the Lands, Lordships, and others foresaid, and unites, annexes, and incorporates the same to his Heighnes Royaltie, there-with inseparabile to remaine in all tyme coming. And ordeinis his Comptroller present and to come, to intromet with, up-lift, and dispone upon the hail rents, profits and commodities of all and fundrie the Lordships, Barronies, Lands, Teyndes, Rents, Revenwes, profits, commodities, and others, what-som-ever above specified, to his Heighnes proper use, and intertainment of his Heighnes house, and other honorable charges belonging to the said office in all tyme coming.

Union.

Finalle OUR SAID SOVERAIGNE LORD, with advyse and consent foresaid, unites all and fundrie the Lands, Lordships, Barronies, Benefices, and others particularie above mentioned, annexed to his Heighnes Crown, as said is, to the said Lordship of *Ruthven*, now and in all tyme coming, to be called the Lordship and Stewartrie of *Huntingtoun*, and the tenants, inhabitants and possessors thereof, to be answerable to his Heighnes Stewart of the said Lordship united, as said is, with sik freedoms, privilegedges and liberties as are any wyse competent to any Stewartrie of his Heighnes propertie, or to the tenants and indwellers of any of his Heighnes proper lands within this Realme. Exceptand alwyse and reservand forth of this annexation, all and hail the thrid part of the Lands and Barronie of *Dirlton*, with the Towre, Fortalice, Maner-place thereof, Brabrother-parke, Hiefeld, Mensles and Menslesmore, the Toun & Lands of *Dirlton*, whilkis were apprysed by umwhyle Maister *Adam Otterburne*, and redeemed by umwhyle Dame *Iean Halyburntoun*, with mylnes, moulters, cunnings, cunningers, fishings als well in salt water as in the freshe, with the advocation and donation of the Provestrie of *Dirlton*, with the tenants, tennendries, and service of free-tennants, of all and hail the lands and Barronie of *Dirlton*, with all the pertinentis thereof. The thrid part of the lands & Barrony of *Bolton*, with mylnes, moulters, tenants, tennendries, & service of free-tennants, of all & hail the saids Lands & Barronie of *Bolton*, with the pertinentis. The thrid part of the lands & Barronie of *Hassenden* & *Halyburntoun*, mylnes & moulters thereof, advocation and donation of the chaplenrie of *Halyburntoun*, with all their pertinentis, with tenants, tennendries, and service of free-tennants. Of all and hail the Lands and Barronie of *Halyburntoun* with all pertinentis. All and hail the superioritie and tennendries of the halfe lands & Barronie of *Ballegernoch*, with the pertinentis. All and hail the thrid part of the Lands and Barronie of *Abernytie*, with the mylnes, moulters, mylne-lands, wak-mylnes thereof, tenants, tennendries, and service of free-tennants of the samin. All and hail the thrid part of the half Lands of *Forgundery*, with the mylnes, moulters, mylne-lands, tenants, tennendries, and service of free-tennants of the saids half Lands and Barronie, advocation and donation of the chaplenry of *Forgundery* with the pertinentis. All and hail the thrid part of the Lands and Barronie of *Segie*, with mylnes, moulters, mylne-lands thereof, tenants, tennendries, and service of free-tennants. Of all and hail the saids Lands and Barronie of *Segie*, with all and sundry parts, pendicles and pertinentis, annexes and connexes, of all and sundry the saids lands and others respective above written. Whilkis Lands, Barronies and others respective above specified are ordered by his Majestie and Estaites, to be disposed heritable to his Heighnes familiar and domestique servitor, Sir *Thomas Erskine* of *Gogar* Knight, for great, seene and reasonable causes of the Realme, And ate declared no wyse to be comprehended under this present annexation, nor no claufe nor condition thereof. As likewyse exceptand and reservand forth and fra the said annexation, all and hail the Lands and Teyndes of *Cowlsland*, with all and sundry their pertinentis: whilkis Lands and Teyndes with their hail pertinentis, ar likewyse ordered by his Majestie and Estaites to be disposed heritable, to his Majesties faithfull and trustie servitor Sir *Hew Heries* Knight for great, seene, profitable and necessaie causes of the Realme, at lenth expressed in the said Sir *Hewes* infestment and securitie of the saids Lands and Teyndes granted to him in this present Parliament whilkis are halden as speciallic expressed herein. And siklike, exceptand and reservand forth of this present annexation, the yearlie pension of

of twentie chalders victuall, thereof ten chalders ten bolles beere; nyne chalders sex bolles meill, to be yearlie up-lifted and tane by the said Sir *How Heries*, his heires and assignayes, forth of the best and readiest payment of the haill frutes, rents, mailes, fermes, kaynes, customes and others dueties whatsover of the lands and Lordship of *Scoone* and *Gowrie*; ay and whill the infestment of the lands and Baronie of *Cowsland* may take full effect, by possession in their persons, either by decease of Dame *Dorathie Stewart*, Countes of *Gowrie*, or by the eviction of the samin lands and Baronie of *Cowsland* from her by the Law. And how soone the said Sir *How Heries* or his foresaids shall happen to recover and to enjoy all and haill the saids lands and Baronie of *Cowsland* and teyndes thereof, that then the said letter of pension to remaine with his Heighnes Crowne for ever. As also, exceptand and reservand forth and from this present annexation, all and haill the lands of *Nether-leiff*, teyndes, few-fermes, arage, cariage, and all others dueties & service whatsover adebted to be payed forth of the samin of before, to the Earles of *Gowrie*, or to the Commendators and Convent of *Scoone*, or either of them. As als all and haill the town and lands of *Durdynglis*, alias, called *Nether-Durdie*, teyndes, few-fermes, arage, cariage, and all others dueties and service whatsover adebted to be payed forth of the samin of before to the saids Earles of *Gowrie*, or to the saids Commendators and convent of *Scoone*, or either of them. To the effect that his Majestie may gif and dispone the saids lands of *Nether-leiff*, teyndes, few-fermes, arage, cariage, and all others dueties of the samin to *George Hay of Nether-leiff*, his heires & assignayes whatsover heritable or otherwyse: and the foresaid town and lands of *Durdynglis*, alias, called *Nether-Durdie*, teyndes, few-fermes, arage, cariage, and all others dueties thereof, to Maister *Peter Hay of Durdy*, his heires and assignayes whatsover, heritable or otherwyse, in sik forme and maner as best shall please his Majestie.

Artour his Majestie, with advise foresaid, declares and ordeines, that this present annexation of the Lordship and Abbacie of *Scoone* to the Crown, shall nowyse be hurtfull nor prejudiciall to the yearlie pension of ten chalders victuall, granted or to be granted by his Heighnes to Maister *Patrik Galloway* forth thereof, during all the dayes of his lyfytyme, conforme to his gift of pension, and speciall assignation thereof, made or to be made there-upon. Whilk his Heighnes, with advise and consent foresaid, Ratifies and approves in all poynts, and ordeines, if need beis, that the samin gift be at lenth insert in the Bookes of Parliament, for the said Maister *Patrik* his better securitie, declaring that the said annexation shall not be effectuall but shall be suspended, induting the lyfytyme of the said Maister *Patrik*, in so far as concerns the saids teyndes, disposed or to be disposed, to him in maner foresaid allenalie. And liklike exceptand and reservand forth of this present annexation of the Earledome and living of *Gowrie*, to his Heighnes Crown, all and haill the lands of *Craigtown*, with the teyndes thereof, and the teind-shawes of the lands and town of *Gowktoun*, *Rybnies*, *Sogiden*, *Piscindie*, nether *Kinfacones*, over *Kinfacones*, *Byn* and *Tillibow* with their pertinents lyand within the Parochin of *Kinfacones*, the teynd-fish of the fishing of *Craigtown*, *Incherrisfeplat*, *Stobriknodab*, the *Cruike* and all others teynd-fishings pertaining to the Abbey of *Scoone*, from the wood of *Kinnowal* to *Incherry*: to the effect that our said Sovereigne Lord may give and dispone the samin to *John Lindeisay*, alias, *Charteris*, eldest sonne and apperaund heire to *Hendrie Lindeisay*, alias *Charteris*, feer of *Kinfacones*, his heires and assignayes; to be halden of his Heighnes, according to the condition & maner of halding, as the samin was halden of before; of the Earles of *Gowrie*, or Abbots of *Scoone*: and for the samin selfe dutie whilks the saids lands and teyndes was in use to pay to the Earles of *Gowrie*, or Abbots of *Scoone* before the making of this present act.

3. Act in favours of the Vassels of the Earledome of Gowrie:

OUR SOVERAIGNE LORD and haill Estaites of this present Parliament, remembreing the good and notable act, made in his Majesties Parliament halden at *Strivling* in the Moneth of August, the yeare of God 1571. yeares, in favours of his Heighnes true and faithfull subjects, for bruiking of their lands, heritages, annuelrents, lyfrents, pensionis or possessions whatsover halden of any person, called and forfeited in the said Parliament, notwithstanding the forfeaulting of their Superiours thereof. And his Heighnes now being willing and fullie resolved to renew the foresaid act, and to grant the benefite and favour therein contained, to all his faithfull and true subjects who or their Predicessours to whom they are heires; at the least apperaund heires, albeit as yet not entered, held lands, heritages, annuelrents, lyfrents, mylnes, woods, fishinges, or other possessions whatsover, of umquhile *John* sometime Earle of *Gowrie*, or any of his Predicessours. Therefore Our said SOVERAIGNE LORD, with advise of the saids Estaites & whole bodie of this present Parliament, statutes, ordeines and declares, that all his Heighnes faithfull and true subjects, their heires and Successours, being nowyse culpable of the abhominable and horrible crymes of treason and lese-Majestie, attempted by the said umwhile *John* sometime Earle of *Gowrie*, against his Grace, most noble Person, shall bruike and possesse all their lands, heritages, woods, mylnes, fishinges, annuelrents, lyfrents, racks, reppalles and possessions whatsover halden by them, or their Predicessours of the saids umwhile *John* sometime Earle of *Gowrie*, or his Predicessours, and hald the samin of Our said SOVERAIGNE LORD, his Heighnes Successours and others, their next immediat superiours, their heires and Successours, conforme to their investments, rights and securities thereof in all poyntes. Siklike and als frelie in all respects as if the processe and doome of forfeaultrie had never bene led, deduced not pronounced against the said *John* sometime Earle of *Gowrie* in this present Parliament. And als notwithstanding the acte made in his Heighnes Parliament halden at *Edinburgh* the aught day of *June* the yeare

of God 1594. yeares, annulling the Acts of Parliament, made in favours of vassels, of persons forfeaulted. To the whilk act, and all others acts, statutes, or constitutions; made at any time of before, and made or to be made, in this present Parliament, thir presents makes and shall make full derogation: and that annullie in favours of the saids persons, who, or their Predicessours held lands, heritages, and others foresaids of the said unquihile *Johne* formerime Earle of *Gowrie*, or his Predicessours, as said is. The foresaids vassels, and every one of them payand to his Majestie, and his Successours, or any others their next immediat superiours, for ilk twentie shilling land, whilk they held of before of the said Earle of *Gowrie*, ten pounds money of this Realme betwix and Whitsonday next to come, for composition.

4. *Anent invading and persewing of Counsellors.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, understanding that diverse of the Lords of his Heighnes Secret Counsell and Session, and others of his Heighnes Officers, for the discharge of their bounden dutie in his Heighnes service, incurre the haitred, indignation, malice and feed of fundrie persons, who often tymes quarrels them, without any just cause. Therefore, Statutes and ordeines, that what-som-ever person in tyme coming, invades or persewes any of his Heighnes Session, Secret Counsell, or any his Heighnes Officers, it being verified and tryed, that any of the saids Counsellors, Sessioners and Officers, was persewed and invaded for doing of his Heighnes service, shall be punished to the death.

5. *Anent Purpursion in the Kings Commonities.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, considering that his Heighnes, and his Heighnes Predicessours, for the helpe and releef of his poore commonns, in diverse parts of this Realme, hes reserved great quantitie of Moores, and others common lands, nowyse disposed in propertie, to any particular person. Notwithstanding whereof diverse persons, hes riven out, parked, tilled, sawne, and laboured great portions of the famin commonities, without any right of propertie competent to them, to the prejudice of his Heighnes, and utter wrack of the poore tennents and commons of this Realme. Therefore, Statutes and ordeines that all persons, who hes tilled, laboured, sawne, parked, inclosed, or appropriat any part or portion of his Majesties common Moores, or others commonities, belonging to his Heighnes, within the memorie of man; the famin being tryed, either by way of molestation, or by the Lords of the Session, that they within yeare and day, after the said tryell, lay in the famin commonities againe: to the effect the famine may remaine unlaboured or parked in any time thereafter; but to remaine as commonitie, siklike and in the famin maner as it was before the riving out or parking thereof. And gif they failie to doe the famine, within the space foresaid, lawfull tryall being tane therein, as said is, they shall be decerned to have committed purpursion. And siklike, OUR said SOVERAIGNE LORD, and Estaites foresaids, statutes and ordeines, that wha-soever in tyme coming, shall till, labour, manure, saw, parke, inclose, or appropriat any part or portion of his Majesties common Moores, or others his Heighnes commonities. (The famine being sufficientlie tryed in maner foresaid) shall be also decerned to have committed purpursion, and punished therefore conforme to the Lawes, use and consuetude of this Realme, observed of auld in matters of purpursion.

6. *Anent Bearers and Schutters with Hagbuts and Pistolets.*

OUR SOVERAIGNE LORD, understanding that calling and persewing of bearers, wearers & Schutters with Hagbuts and Pistolets and others ingynes of fire-wark before his Justice and his deputies, breeds sik trouble to parties and assifours, and sik difficultie in the tryell, that often tymes innocent persons, are thereby vexed, and sik as are gilty eschewes their due punishment, by declyning of the assifours, that best knowes the veritie of the fact, and other sik subterfuges and delays of lawfull tryell. For remeed whereof, his Heighnes with advise and consent of his Estaites of Parliament, Statutes and ordeines, that the Bearers and Wearers of Hagbuts and Pistolets, and others ingynes of fire-wark, who hath neither committed slaughter nor mutilation, nor other odious violence there-with, but onely borne and worne them upon their persons, or in their companies, contrair his Heighnes Lawes, and Acts of Parliament, may be either persewed criminallie before the Justice and his deputies, according to the Custome heretofore observed, or before his Heighnes, and the Lords of Secret Counsell, and lawfull probation of witnes, or eath of partie, at the option of his Heighnes Thesaurer or Advocat. Provying alwyse, that sik as shall be persewed before his Heighnes, and Lords of the Secret Counsell, and tryed by probation of witnesss, gilty of any of the saids crymes, shall not incur the corporall punishment prescryved by the former Acts, be amputation of the right hand, but onely to be punished by warding of their persons, escheir of their goods movable or payment of sik a pecuniall penaltie and summe of money, as his Heighnes and Lords of his Secret Council shall decerne; but prejudice any wyse of the execution of the former Acts of Parliament, against sik as shall be criminallie persewed, convict and found gilty by a condong assise before his Heighnes and Justice generall, or his deputies foresaids, in case his Majestie like rather that they be persewed criminallie before the Justice, nor before the Secret Counsell. And farther, his Heighnes and Estaites foresaids, annuls & discharges all

licences given by his Majestie, for bearing and wearing of Hagbuts, Pistolets and others ingynes of fire-wark. And statutes and ordaines, that na licences shall be granted in tyme coming to no persons for bearing and wearing of the same, except that the same licences be granted by his Heighnes, and Lords of secret Counsell sitting in Councell: And when the same licences are so graunted, ordaines the same licences to pay composition to his Heighnes Thesaurer, and passe his Register, and to passe the Signet and haill seales; and decernes and declares all licences not graunted in Councell, and whilk shall not pay composition and passe the Signet and haill seales, as said is, to be null and of nane avail. And notwithstanding thereof, the said persons to be accused, conforme to this present act, and acts of Parliament made of before.

7. *Explanation of the acts of Parliament anent Ocker and Usurie.*

OUR SOVERAIGNE LORD, With advyse and consent of the Estaites, ratifies and approves the acts of Parliament made against Usurie and taking of unlawfull annuell-rent or profite for silver in all poynts, according to the tenour of the same. And because the obscurity of the act of his Majesties fiftenth Parliament, titulat, It is not lesome to take mair annuell-rent or profite nor ten for the hundreth, anent the manner of tryell and probation of the said cryme by each of partie, and all other lawfull probation conjoynd there-with, competent of the Law, hes bred sic difficultie in peruse and decision of the saids causes, that Justice thereby hes bene greatlie frustrat, and the contraveiners of the said act altogether unpunished.

Therefore his Majestie with advyce and consent foresaid, statutes and ordaines that in all actions already intended, dependand, or hereafter to be intended against contraveiners of the saids acts, Litiscontestacion being made therein, by admitting of the summonds to probation, it shall be lesome to prove the saids summonds and contraveining of the saids acts, or any of them anent the taking of unlawfull and exhorbitant profite, for summes of money, by writte or each of partie, receiver of the said unlawfull profite, and be the witness insert in the said securitie, made for the saids summes, without receaving of the each of the partie, giver of the saids unlawfull profitess, for eschewing of all occasion of perjurie, whilk might be suspected to proceed there-upon.

8. *Anent dissolution of the Coal-heughes of the proprietie, and lands where demolished strengths and Castels were builded of auld.*

OUR SOVERAIGNE LORD, understanding that the ground & boundes where diverse Castels, Strengths and Forths pertaining to his Majesties most noble Progenitours, were of auld situat, is now altogether most deforme and unprofitable to his Majestie, the saids Castels and Forths being so demolished, that there remains no kynde of building therein, either for strength or dwelling to his Majestie. As lykewise, that his Heighnes Coal-heughes within the boundes of his annexed proprietie, being unhabile to be wrought, without advancement of great expences, are so neglected that his Majestie neither receavis furniture of coales to his Heighnes house thereby, nor any other profite or commoditie of the same. For remede whereof, OUR said SOVERAIGNE LORD, with advyse and consent of his Estaites of Parliament, statutes and ordaines that it shall be lesome to his Heighnes, to sett all and fundrie the lands and boundes with the pertinents, where-upon any of the saids auld demolished and unhabitable Castels and Forths were situat; together with the Medowes and Loches belanging thereto, and Coal-heughes being within the boundes of his annexed proprietie, in few-ferme heritable. So that it be not in diminution of his Heighnes Rentall, Gressum or others duties, but in augmentation thereof. And to that effect, with consent foresaid, makes present dissolution thereof. And that the lands, Medowes, Loches, Coal-heughes, and others set by his Majestie, by vertue of this Act in maner foresaid, shall stand perpetuallie, and after his decease, the annexations made before to retorne againe to the awne nature. So that his Succellours, after his decease, shall have na farther power to annalie nor wodset in few any of the saids lands, boundes, Loches, Medowes, Coal-heughes, and others foresaid, nor they had before the making of this present dissolution. And his Heighnes and Estaites of Parliament, declares that the foresaid dissolution shall nowise hurt nor prejudice Alexander Lord Levingston his rights, whilk he hath to the Coall of Boniton beside Lirghow, and to his right that he hath to the Castell of Blacknes, with the greines and pertinents belanging thereto.

Act anent cunye and Bullion.

OUR SOVERAIGNE LORD, and Estaites of Parliament, having at length reasoned anent the state of the Cunye, as the same is presently current within this Realme declares, that in this present Parliament, they will on no wyse alter the fynnes nor pryces of the Cunye, either of gould or silver; but that the same have free passage and course hereafter as it presently gives. And because his Majestie and Estaites understands that there is great scarcitie of Cunye for the tyme within this Realme. Therefore, hes given power and commission to the Lords of his Heighnes secret Counsell, for ordour taking anent the hame-bringing of Bulyeon for furnishing of the Cunye-house, and discharging the transporting and away taking of gould, silver and other forbidden geare, under the paine of punishing of their bodies and goods, according to the discretion of the saids Commissioners. Whereby the Countrie may be furnished with abundance of

Cunyic of sik fynnes and pryces as the famine presentlie gives, and hes passage within this Realme. And thesē presents to be published to all OUR SOVERAIGNE LORDS Lieges.

10. *Act anent the salting and transporting of herring.*

THE Kings Majestie with the advyce of the Estaites of this present Parliament, statutes and ordaines, that na person nor persons, alsivell strangers as native borne subjects of this Realme, take upon hand to buy, pack, peill, salt, barrell, or yet transport forth of this Realme, any herring in small or great quantitie at any tyme before Michael-mes yearlie, but to suffer the famine to be brought to publick marcets, and there fault to all his Heighnes Lieges, upon reasonabill pryces, without attempting any thing in the contraire thereof, under the paine of confiscation of the famine herring, barrells, shippes and vessels; and of all the rest of the movable goods of the persons, contraveiners hereof in any poynt, The third part of the famine to the apprehender, and the rest to his Majesties use, to be inrovetted with by his Heighnes Comptroller, and sik as he shall give power and commission to for that effect. And statutes and ordaines, that no licences be granted hereafter for packing, peilling, salting and transporting of herring before the tyme foresaid; except the famine licences be graunted with consent of the Counsell sitting in the Councell. And after the graunting of the saids licences, ordaines the famine to passe the Signet and haill seals, otherwyse declares the famine licences to be null and of nane avail.

11. *Slaying of Salmond in forbidden tyme, to be ane cryme of thift in tyme comming.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, statutes and ordaines, that the slaying of Salmond in forbidden tyme, or of Kipper, Smolts, or sik black fishe at any tyme, shall be in all tyme comming, ane cryme of thift to the committer whatomever in all tyme comming; and shall be punished as thift in every qualitie, according to the committers rank and estate. Exceptand alwyse forth of this present act, the Salmond, Kipper, Smolts, and all other fishes slane or tane within the rivers of *Ammand* and *Tweed* allanerlie.

12. *Anent singular Combats.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, considdering the great libertie that sundrie perones takes in provoking of others to singular combats, upon suddaine and frivole quarrels whilk hes ingennered great inconvenients within this Realme.

Therefore, statutes and ordaines, that no person in tyme comming, without his Heighnes licence fight any singular combat, under the paine of death, and his movable geare escheat to his Heighnes use. And the provoker to be punished with a more ignominious death nor the defender, at the pleasure of his Majestie.

13. *Anent Hornings.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, considdering the great expenses and falserie the Lieges of this Realme susteines, by seeking of a Notar and foure witnesses, to the registration of all letters of Horning, Relaxations, Inhibitions and Inredictions, in the Schireffes, Baillies or Stewarts bookes within this Realme. And als susteins great delay by seeking of the Clerks wha should registrat the famine.

Therefore OUR SOVERAIGNE LORD, and Estaites foresaids, discharges that part of the act of Parliament made in the Moneth of December 1597. yeares, anent the registration of the famine letters of Horning, Relaxation, Inhibition and Interdiction, before a Notar and witnesses. And decernes and declares the famine letters whilk are or shall be registrat in the saids Schireffes, Baillies or Stewarts bookes by the Clerk thereof. Or by the Clerk of Register and his deputes, in the bookes of Counsell, shall be valide and sufficient in the selfe, and shall make faith in judgment or out-with in all tyme comming.

14. *The negligence of the Kings Officiars may be supplied by their successors.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, statutes and ordaines, that the sleuth and negligence of any of his Heighnes officiars, in the persewing or defending of any of his actions or causes in any tyme by-gane or to come; shall nowyse be prejudicial or hurtfull to his Heighnes, but that he and his officiars, successors in that office, may without any orduor of reduction, and by way of exception or reply, use and propone all and sundrie exceptions, replies and defenses competent of the Law, whilk were willinglie or negligentlie omitted by their predicesours. And thereby supplie whatomever thing that hes bene neglected or amitted by the saids predicesours. To the effect, that his Heighnes and his Crown be no wyse hurt, nor prejudged by negligent Officiars, and the benefite of his Lawes may be competent to him at all tymes when it shall please him and his officiars to crave and use the famine.

15. *The paine of forbidden and uncustomed goodes.*

OUR SOVERAIGNE LORD, with consent of the Estaites of this present Parliament, statutes and ordaines that na person nor persons, take upon hand in tyme comming to transport forth of this Realme, or inbring within the famine any forbidden or uncustomed goodes under the payne of tynself of their movable goodes that shall happen to come in the contrare hereof. That is to say, the saids forbidden and uncustomed goods that shall happen to be taken and apprehended, to apperteine as escheat to OUR SOVERAIGNE LORD, and to be inrometted with, and up-taken by his Heighnes Comptroller, and compt thereof to be made by him in the Checker, and the remanent of the movable goodes and geare pertainning to the contraveiners of this present act, to be escheat for their contempt by OUR SOVERAIGNE LORDS Thesaurer. For the whilk he fall be lykewyse obliged to make compt in all tyme comming. And discharges all licences already granted to that effect, and that no licence passe hereafter, except the famine be past in Counsell, and passe the haill Seales, and pay composition to his Heighnes. And ordaines letters to be direct hereupon as effecters.

16. *Ratification of the acts made of before in favours of the Kirk.*

OUR SOVERAIGNE LORD, With advyce of the Estaites of this present Parliament, ratifies, approves and confirms the libertie of the true and holy Kirk and Religion, presentlie professed within this Realme, and established by the Lawes of the famine; and all acts, constitutions and immunities made and graunted to the famine, als well in his Heighnes minoritie as since his perfitte age. And ordaines the famine to be put to execution in all poyntes, against all persons whatsoever in all tyme comming.

17. *Act anent non Communicants.*

OUR SOVERAIGNE LORD, with advyce of the Estaites of this present Parliament, Ratifies, approves and confirms the Act made in the convention of the Estaites at *Haly-rude-boufe*, the day of October, the yeare of God 1598. anent non Communicants, whereof the tennour followes. FOR-SAMEIKLE as by diverse and fundrie lovable Actes of Parliament, made by his Heighnes, and his unwhyle Mother of good memory, since the reformation of the Religion. It is statute and ordained, that all his Heighnes subjects should embrace the Religion presently professed, als well by hearing of the word, as participation of the Sacraments. Notwithstanding whereof, fundrie persons of the Realme absteyn from the receaving of the Communion and Lords Supper, pretending an excuse of rancour and malice that they have in their myndes, against some of their Neighbours, bearing them at deadly fead. Alledging so long as the famine rancour remains with them, and they nowyse reconciled with their saids Neighbours, that they can not worthelie receave the saids Sactaments, and can not justly be burdened by the Ministrie to doe the famine. Whilk pretended excuse is nothing but a coulour and clock to cover their Papistrie, whilk is the onely cause of their absteyning to communicat. And in so far as by the acts of general Assemblies, it is found that deadly fead can be no lawfull cause why any person should debar himselfe from the Seales and Sacraments of this Communion with Christ.

Therefore his Heighnes with advyce of the Estaites presentlie convened, hes statute and ordained, that all his Heighnes subjects shall communicat once every yeare; and shall no wyfe pretend any excuse of deadly feade, rancour or malice to appeare towards their neighbours. And when ever it shall happen any to absteyne or debar himselfe from the participation of the said Sacrament, upon the pretence of the said excuse, or any other cause whatsoever, they being first lawfully requyred by their Pastor or Presbyterie to doe the famine; that then they shall be astricted to pay the particular penalties under written, enjoyned to them, and that to his Heighnes Thesaurer. That is to say, every Earle so oft as he shall contravene the premises, a thousand pounds. Every Lord, a thousand markes. Every Barron, five hundred pounds. Every Freeholder, three hundred markes. Every Yeoman, fourtie pounds. And every Burges according to the modification of the Kings Majestie and Lords of secret Counsell. Whilkes paines, the saids Estaites hes ordained OUR SOVERAIGNE LORDS Thesaurer, to execute with all extremite against the contraveiners hereof, and to intromet there-with to his Heighnes use.

18. *Ratification of the act anent Jesuits, Preists, excommunicat and traffiking Papists.*

OUR SOVERAIGNE LORD, with advyce and consent of the Estaites of this present Parliament, Ratifies, approves and confirms the act made in the secret Counsell at Sanct *Johnston*, the first day of Apryle 1600. yeares. Anent the Jesuits, Seminarie Preists, excommunicat and traffiking Papists, common enemies to all Christian Governement, whereof the tennour followes. For-sameikle, as by diverse Actes and Proclamations made and published heretofore, all Jesuits, Seminarie Preists, excommunicat and traffiking Papists, common enemies to all Christian Governement, are specially commanded to depart and passe forth of this Realme, under certaine paines mentioned in the famine act. The not execution wheteof hes produced sik a contempt and mistegarde of the saids acts, that the resait and traffik of the saids Jesuites and

and Seminarie Preists, is very frequent in sundry parts of this Realme, where-throw great numbers of ignorant and simple people are seduced by them, to declyne from the true and Christian Religion, to the offence and displeasure of God.

For remeed whereof, it is statute and ordained by his Majestic, and Lords of his Heighnes secret Council, that whatsover Jesuites, Seminarie Preists, excommunicat and trafficking Papists, presently being within this Realme; or that shall happen to be within the same, shall immediately after their delation to his Majestic, be taken and apprehended by ordinar Magistrats of the bounds where they resort, and committed to ward, ay and whill they be converted to the Religion, removed and put out of the Countrie, or else punished according to the tennour of the saids acts. So that alwyse the benefite of the act of Parliament, granting to other Papists the space of fourtie dayes to satisfie the Kirk, or to remove of the Countrie, shall be nowyse extended to them. And because the reset whilk they have founden in diverse parts of the Countrie, hes given them the boldnes so avowedlie to contemne his Majestic and his Lawes. That therefore sik persons as shall be given up by the Presbyteries, or Session of the Kirk, to be the refecters and hurders of them, shall be charged under sik pecunial paines, as shall be modified by his Majestic, and Lords of secret Council, not to reset them hereafter with this addition; that his Majestic and Estaites of Parliament declares that every Earle that shall happen to reset any, shall pay a thousand pounds. Every Lord, a thousand marks. Every Barron, five hundreth pounds. Every Free-holder, three hundreth marks. Every Yeoman, fourtie pounds. And every Burges according to the modification of the Kings Majestic and Lords of secret Council, the paine alwyse not exceedand the summe of an hundreth pounds. Whilks paines the saids Estaites hes ordained OUR SOVERAIGNE LORDS Thefaurer to exact with all extremitie against the contraveiners hereof, and to intromet there-with to his Heighnes use.

19. *Ratification of the act anent strong and idle beggers.*

OUR SOVERAIGNE LORD, with advyce of the Estaites of this present Parliament, ratifies and confirms the act made by his Heighnes and Estaites conveyed at *Perth* the first day of Appryle last by past, against strong and idle beggers; whereof the tennour followes. The Kings Majestic and Lords of secret Council, remembering how there hes bene diverse gude and lovable acts of Parliament and secret Council, made and published heretofore, for punishment of strong and idle beggers, and releef of the poore and impotent. And how the saids acts hes received litle or no effect, or execution by the oversight and negligence of the persons, who were nominat Justices and Commissioners, for putting of the saids acts to full and due execution. And that here was not a special penaltie, appoynted and enjoyned to them, who should be remisse and negligent therein. So that the strong and idle beggers being for the most part theeves, bairds and counterfite limmers, living most insolentlie and ungodly, without mariage or Baptisme of a great number of their children, are suffered to vaig and wander throughout the haill Countrie, and the poore and impotent persons are neglected, and no care had, nor provision made for their enterテインement and sustentation. For remeed whereof, and supplie of the saids acts, and namely of the act of Parliament made in the yeare of God 1597. Whereby the execution of the acts of Parliament, is committed to the particular Sessions of the Kirk. It is statute and ordained by the Kings Majestic, with advyce of the Lords of his secret Council, that the saids Sessions of the Kirk, where need is, shall be assisted by one or twa of the Presbyteries; and that they shall put the saids acts to full and due execution, conforme to the tennour thereof in all poynts, every an of them within their awne bounds, under the paine of twentie pounds to be exacted of them, so oft as they shall be found to be remisse or negligent herein. And that thes presents shall beginne to take effect, and have execution upon the first day of June next to come. And to the effect his Majestic may be the better assured of the care and diligence of the saids Sessions of the Kirk, in due execution of the saids acts of Parliament, his Majestic commands the haill Presbyteries of this Realme, to take diligent tryd of the obedience of the Sessions hereanent, and to report their certificat and testimonial there-upon, to his Majesties Ministers, betwixt and the first day of August next to come. Where-throw his Majestic may thereafter proceed against sik as shall be negligent as accords: And that letters of publication be direct here-upon as effairs; where-throw the said Sessions of the Kirk, nor no other pretend ignorance. And to command and charge the saids Sessions of the Kirk to put the saids acts of Parliament made against strong and idle beggers, whereof the execution is committed to them, by the said act of Parliament made in the foresaid yeare of God 1597. to due and full execution in all poynts, conforme to the tennour thereof, betwixt and the said first day of June next to come, under the said paine of twentie pounds to be exacted of them, so oft as they shall be founden to be remisse after the said day. Certifying them that sayes, that the said paine shall be uplifted of them with all rigour. And sik-like to command and charge the saids Presbyteries to take tryell of the saids Sessions here-anent, and to report their testimonial there-upon betwixt and the first day of August, as said is. As they will answere to his Majestic upon their obedience at their uttermost charge and perrell.

20. *Anent the Mariage of adulterous persons.*

OUR SOVERAIGNE LORD, with advyce of the Estaites of this present Parliament, decernes all mariages to be contractd here-after by any persons divorced for their awne cryme and fact of adulterie,

adulterie, from their lawfull spouses, with the persons with whom they are declared by sentence of the ordinar Judge to have committed the said cryme and fact of adulterie, to be in all tyme comming null, and unlawfull in themselves, and the succession to be gotten be sik unlawfull conjunctions, to be unhabile to succeed as heires to their saids parents.

21. *Registers of the Schireffe Clerks to be marked by the Clerk of Register and his deputies, and their extraittes to be marked by themselves.*

THAT all and whatsoever Schireffes Clerks in all tymes hereafter, shall present their Registers to the Clerke of Register to be marked by him and his deputies. And whatsoever registration to be subscribed hereafter by them, upon whatsoever letters together with whatsoever extraitts shall be given forth thereof to any person, shall containe in all tyme comming, the lease wherein the same is registrat, and this or dour to beginne from the first day of March next; within the whilk, they and every one of them shall present their saids registers to be so marked. And that nane of them subscribe their registration upon any letter, or give forth any extraitt subscribed with their hand after the foresaid day, unspecified the lease wherein the same is contained, within their Booke, marked as said is, under the paine of an hundredth markes, *roties, quoties*. But prejudice alwyse of the hornings whilks the saids Clerks omission, or neglect in this behalfe, shall nowyse make invalide.

22. *All aungt removing and extinguishing of deadly fead.*

OUR SOVERAIGNE LORD, and haill Estaites of Parliament presentlie convened, for removing of the present feads that abounds within this Realme. Finds it meet and expedient that the parties be charged to compeir before his Heighnes and secret Counsell, at sik dayes as shall be thought expedient, to submit to two or three friends on either side; or to subscribe ane submission, formed and sent by his Majestie to them to be subscribed. Whilks friends by their acceptation shall be bound either to decerne within the space of threttie dayes, after they have accepted, or else to agree at their first meeting, on ane Overf-man who shall decerne within that space: whilk if they can not doe, they shall within the foresaid threttie dayes, report the ground and cause of their disagreement to his Majestie, and sik specials of his Counsell as his Heighnes shall finde least partial and suspect. (Whaes Majestie by the advyce of the Estaites here present, is declared to be Overf-man in that matter.) And failing, that the friends arbitrators, either decerne or report not within the foresaid space after their acceptation, every ane of them by the authoritie of this present acte, to incur the paine of ane thousand pounds, to be employed to his Majesties use. And because all feads are ane of thir three natures, namely that there is either na slaughter upon neither side, or slaughter upon ane side only; or else slaughter upon both sides. The parties in the first may be commanded to agree, due satisfaction being offered, and performed at the sight of friends, and overf-man in maner foresaid. Where there is slaughter upon both sides, his Majestie may by rigour and equalitie of Justice, compell them to agree, due satisfaction to be made on either side, according to the qualitie of the offence, and persons offended. Where the slaughter is onely on the ane side, the partie grieved can not refuse in reason to submit in maner foresaid, all quarrell he can beare to any person innocent, Justice being made patent to him against the gilty; speciallie he being ordained by this present acte to persew nane other but the gilty, and that by the Law. And the partie so persewed not to beare quarrell for it, but to defend in lawfull maner. And that all quarrels shall cease against sik as shall be lawfully persewed in this forme, either by their conviction, and execution by Law, or otherwyse by their clenging and agreement; that all persons being of perfite age, and within the Countrie, and having entres to persew any partie for crimes capitall, shall within fourtie dayes after the publication of this present acte at the head burgh of the Shyre where the persewer dwelles; raise, and cause execute their letters in the said matter. And insist in the persute thereof, with certification to sik as failyes, that their action shall perish, expyre and be extinct; and the said persewer shall be compelled to submit his action, in maner above specified. Reserving alwyse to his Majestie his action, as accords of the Law. Providing, that if the said persewer satisfie the ordinance of this present acte, and be delayed either by ane continuation of the dyet by warrant of the Prince, or by the dilatour defenses proponed by the pannell, for eliding of the finall tryell of the persute. In that case the prescription nowyse to runne against the persewer, having done his possible diligence in maner foresaid. And because the giltynes of crimes consistes not onely in the person of the actual committers thereof, but also in the authors, causers and movers of the same to be committed, wha are airt, part and gilty of the said fact, whereof na publict knowledge nor certaine tryell is had, His Majestie and Estaites nowyse willing that neither the authors nor actour of sik hynous crimes eschape the due punishment, through obscuritie and laik of publict knowledge thereof. Declares that the parties offended, doing their diligence, as said is, against the actual and knowne committers of the saids crimes, and satisfying this acte anent their reconciliation with all others persons, shall nowyse be prejudged of their action, competent against sik persons of whaes guiltines they shall hereafter get knowledge; providing, that they shall beare no fead against the saids suspect persons, whill first after sufficient information obtained, they raise their letters for summonding the saids parties to underly the law, and either make them fugitive, or otherwyse obtene the persute decided. And farther, that the

prescription of this present act shall nowyse militat against any partie, whaes actions are already submitted to ane langer day nor is preseryved in this act. Provyding, that the partie doe his diligence in maner above written, within fourtie dayes after the expyryng of the said submissioun. And to the intent that Justice be an occasion to breed farther trouble, every partie shall come to the town accompanied allanerlie with twentie foure persons, where both they and their companie shall keepe their ludging to the houre of cause. At the whilk, first the ane and then the other shall be brought out by the town in Armes accompanied from their ludging to the Bar with the number preseryved to their rank by act of Parliament. The contravincner whereof, if he be persewer, shall tyne his persute in tyme comming; and if he be defender, he shall be denounced rebell as presumed guiltie, and refusing laifull tryell. And for staying of all deadly feads in tyme comming where there is no cause nor quarrell given as yet, it shall not be lawfull to the persewer to invade, persew, beare fead or quarrell against any friend of the offender, innocent and not accused and convict of the cryme, under the paine of tynfell of his action and persute against the guiltie, & to be compelled to submit with the offenders selfe. Refersing alwyse to his Majestie his action against him for the cryme. Lyke as the friends of the guiltie person being convict and fugitive from the Law, shall not beare quarrell for his persute be Law, neither maintein, supplie nor reset him, under the paines conteneid in the act against resetters of fugitives and rebels. And in case any of the friends of the guiltie persons reset him in contempt of this present act, and others his Heighnes Lawes, the partie grieved assisted with his Heighnes Advocat, shall onely persue the resetter by ordour of Law without convocation or fead, grudge or quarrell to be borne against him therefore othervyse; under the paine of tynfell of his said lawfull action in all tyme comming. And to this ordour before specified, the haill Nobilitie and Estaites here present, have given their approbation and consent, and sworne to conforme them thereto in all feads whilk shall fall out in tyme comming. And this present act nowyse to nullitat in sik case where the partie offender is denounced rebell, or shall happen hereafter to be fugitive and put to the horne, for slaughter or other odious capital crimes, during the tyme of their rebellion. And to the intent these present articles may have the better effect, and be the mair willingly embraced by his Majesties haill subjects, his Heighnes of his proper motive and gracious inclination to Justice, quietnes and well of his people, solemnly declared and faithfully promitted in presence of the saids Estaites, that for slaughter and other odious crimes to be hereafter committed, his Heighnes shall graunt no respit, remission, pardon nor oversight at any tymes hereafter, Albeit the parties transact and agree amongst themselves, till the inveterat and damnable customes of the saids heynous crimes be rooted out and altogether suppressed. Whilkis articles above written, in the haill heads and poynts of the famine, **OUR SOVERAIGNE LORD** and Estaites foresaid, presently conveyed, ratifies, approves and confirms, and ordaines the famine to have the strength, force and effect of ane law in all tyme comming. And that letters of publication and executiorials passe hereupon, for the better observacion hereof in this present Parliament.

23. *Act against slaughter of Wyld-fowles.*

FOR SAMEIKLE as by common consuetude of all Countries, special prohibition is made to all sorts of persons to slay wyld-foull, Hair or Vennison, except sik as by their revenewes may beare the charges and burdings of the Halkes, Hounds and Dogs, requisit in sik pastymes. In respect the famine as well hes bene created for the recreation of mankind, as for their sustentation. Lyke as it is of treuth that by diverse and sundry acts of Parliament others statutes and proclamations made heretofore, all slaying of the said wyld-foull and beastes by any indirect meanes, sik as hagbut, girn, net and fowler dogg is speciallie forbidden, and diverse penalties conteneid in the famine act. Yet never heles, sik hes bene the slacknes of the execution of the famine, that diverse and sundrie persons having greater regarde of their gaine and commoditie, whilk they purchases by the selling of the said wyld-foull, to sik persons wha prefers their awne inordinar appetite and gluttonie, either to the obedience of the saids Lawes, or to the recreation that may be had by the direct slaying of the famine. Hes used all the saids indirect meanes in slaying of the saids wyld-fowles and beastes, whereby this Countrie being so plentifullie furnished of before, is become altogether scarce of sik waikes. For remeed whereof, and that the continuing of the said abuse may not procure worse inconvenients, seing in tyme of peace in all tyme bygane, the saids pastymes of hunting and halking were the onely means and instruments to keepe the haill Leiges bodies fra not becoming altogether effeminat. **OUR SOVERAIGNE LORD** and Estaites of Parliament, finding that the discharging of the selling of the saids wyld-fowll and Vennison shall procure ane remeed of the abuse foresaid. Have therefore discharged, lyke as by these presents they discharge any persons whatsoever, within this Realme in any wyse to sell or buy any fastan reid or fallowe Deare, Daes, Raes, Hares, Partridges, Moote-fowles, Black-cokes, Aith-hennes, Termigants, wyld-Dukes, Teilles, Atteilles, Goldings, Mortyms, Schidderems, Skaidraik, Herron, Butter, or any sik kynde of fowles, commonly used to be chased with Halkes, under the paine of ane hundred pounds to be incurred alsweil by the buyer as the seller. And in case of the inhabilitie of any of the saids persons to pay the said summe, that the apprehender of them shall cause them be scourged thorow the Burgh or Town where they shall be apprehended. And als discharges any of the saids Leiges, in any wyse to slay any of the wyld-fowll or beastes above specified, by girn, net or hagbut, under the paine above specified to be incurred by them. For execution whereof, **OUR SOVERAIGNE LORD** hes given and graunted power and commission to all Schireffes, Stewarts, Bailies, alsweil of Regalities as

Royalities,

Royalties, Provests and Baillies of Burrowes, and every Barron within his awne Barronnie, special Justices to that effect; giving them full, free and plene power to up-lift or execute the paines above specified against the transgressors of these presents; the one halfe of the saids pecunial paines to be intromitted with by them, to apperteyne to **OUR SOVERAINE LORD**, and to be payed to his Heighnes Thesaurer; and the other halfe to the delator and apprehender. And because one of the greatest occasions of the scarcitie of the saids Partridges and Moore-fowles, is by reason of the great slaughter of their Pouts and yonganes: when as for youth neither are they habile to give pastyme, and for quantitie can no wyse be ane great refreshment.

Therefore **OUR SOVERAINE LORD** hes discharged all his Heighnes subjects whatsomever, in any wyse to slay or eat any of the saids Moore-pouts, or of any other kyndes before the thrid day of Julie; or Partridge-pout, before the aught day of September. Alwyse **OUR SOVERAINE LORD** and Estaites foresaids, declares that this present act, shall nowyse comprehend Cunnings, Wod-cock, Pleyars nor wyld-Goose, but the samine to be slane with nets, and others-ingynes not forbidden by the Lawes of this Realme, and to be coft and sauld as lawfull Merchandice as of before.

24. *Anent the custuming of goods.*

FORSAMEIKLE as it is understand to the Kings Majestie and Estaites of this present Parliament, that be diverse Acts of Parliament, Lawes and constitutions heretofore observed, all maner of English goods broght within this Realme, are and have bene ever subject, and in use of payment to his Heighnes of ane certaine custome, and duetie properly pertaining to his Majestie, as ane-part of the Patrimonie of his Crown. Lyke as also other sorts of claith, silkes, stufes, and merchandice broght within this Realme from forraigne Nations, are by act of his Majesties Nobilitie, Councell and Estaites, of the date the thretein day of Majj, the yeaere of God 1597. Ratified and approved in Parliament holden at *Edinburgh* in the Moneth of December, the samine yeaere, subject to the payment of ane certaine custome to his Heighnes. And the Merchants inbringers of the saids goods, aught not to losse, breake bouk, or dispoine there-upon, whill the samine bee first entered, then marked, and dewlie customed by the Custumer appoynted thereto. Notwithstanding the custome of the saids goods are very far over-sene, to the great hurt and discommoditie of his Majestie, in respect there is na seall appoynted to be hanging, to the saids goods, according to the use and consuetude observed in other Nations, whereby the goods customed, could nowyse be knowne by the uncustomed goods. And sa by their confusion the Merchants, awners and inbringers of the saids goods, immediately after the arryving and comming of the saids goods within this Realme, looses, breaks bouk, selles and conceales the samine; and never offers nor presents na part thereof to be customed, conforme to the ordour, to the great prejudice of his Heighnes: whilk being now considered by his Heighnes, his said Nobilitie, Councell and Estaites, and they finding that by the want of the said seall, his Majestie is, and hes bene greatly defrauded of his customes. Ordaines therefore the haill Custumers within this Realme, to cause make ane print, seall, and stamp of seall containing twa halves for every Burgh and sea-port within this Realme, where there are established custumers; the one halfe thereof containing **JACOBUS REX**, with his Heighnes Armes and Crown; and the other halfe the name of the Burgh where the samine shall remaine. Whilk seall & stamp shall be applyed to lead, & being so stricken and printed with the said stamp, shall be hanging to every wob, peece and steik of claith, silk and stuff of whatsomever Nation that here-after shall be broght wthin this Realme by sea or land, before the samine be presented to open markers, sauld or any wyse disposed upon. And the one halfe of the said seall to be kepted by the Custumer, and the other halfe by the Clerk of the Cocquet. The awners of the said claith, silkes and stufes pay and the custume thereof. And to the effect the claith, silkes and stufes presentlie being within this Realme, may be knowne and decerned from that whilk hereafter shall be broght within the samine. It is also decerned and ordained, that the Custumer of every Burgh and sea-port, shall repaire to the dwelling houfes and buiths within every one of the saids Burghs and Ports where they are particularely appoynted Custumers, and there receive the eathes of the awners, of sik peeces, steiks and wobs of claith, silkes and stufes as are therein; whiche the samine hes payed the custume thereof or not. And sik as hes not payed custume, that the samine be then instantlie payed, and the said seall in token thereof hanging thereto, and to all others peeces, steikes and wobs whilks shall be apprehended within the saids buithes and houfes, whereof the custume hes bene payed of before, upon the expenses alwyse of the said Custumer. And that the awners of the said claith and stuffs, requyre the Custumers within every Burgh and Port particularely to repaire to the saids buiths and houfes, to this effect, within fourtene dayes after the publication hereof: And farther, to doe and performe all other things whilks to every one of them is appoynted to be done in maner foresaid, under the paine of confiscation of all the peeces, wobs and steiks of claith and stuff, that shall be apprehended thereafter wanting the said seall. And that na maner of persons, inbringers of the saids claith, silk and stuff within this Realme in tyme comming, presume nor take upon hand, to sell nor dispoine upon the samine, nor na part thereof, unto the tyme the samine be presented to the Custumers within the custume-houfes, the custume thereof payed, and the said seall in token thereof, hanging to every particular peece of the samine, as said is, under the paine of escheating of the samine. Certifying them if they failyre that all and whatsomever wobs, steiks and peeces whilks shall be apprehended wanting the said seall, shall be confiscar and intromitted with to his Majesties use as escheat, with all rigour and extremitie

in example of others. And that letters of publication be direct here-upon, where-throw nane pretend ignorance of the samine.

25. *All charges of Horning against persons dwelland be north the water of Die to be direct upon fiftene dayes at the least.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, considering how that his Majesties subjects, inhabiting the North-part of this Realme, are oftymes drawn in great inconvenients by findrie charges, direct against them, some-tyme for finding of Law-borrowes, or compeiring before his Majestie, and his Councell upon simple charges of sex dayes; sa that be the shortnes of tyme, and impossibilitie to them to satisfie the saids charges within sex dayes, in respect of the far distance of the place of their residence from the Burgh of *Edinburgh*, they are oftymes put under the danger of horning; whereas if they had convenient tymes graunted to them, there wald not be sik disobedience of sik great numbers of his Majesties subjects. For remeid whereof, it is statute and ordained, that na letters of horning shall be direct against any persons dwelling be North the water of *Die* upon ane shorter space nor fiftene dayes at any tyme hereafter. And the horning to be used against any of the saids persons upon ane shorter space nor fiftene dayes, shall be null and of nane avail.

26. *Act against persons wha persewis others within ane myle of the Kings Majesties residence.*

THE Kings Majestie and Estaites of Parliament, considering the manyfald indignities from tyme to tyme done to his Majestie, by ane number of undewtiful and unreverent subjects, wha to the contempt and dishonour of his Majestie, make frequent tulyies, and seekes the commoditie to revenge their particular quarrells within the Burgh of *Edinburgh* and *Cannogate*, and others places neere to the place of his Heighnes residence; not spairing sometime at his Majesties awne back, to use their privat revenge, to the hazard and perelling of his Heighnes most Noble Person. Lyke as diverse persons, under pretence of their awne defence, repaires and resorts within his Majesties Palaces, armed with Jacks, Secreets or Corlets, under their doublets or coats. Where-throw it is to be feared, that certaine evill disposed persons, under cullour of their awne defence, may attempt some enterpryse against his Majestie or his domestiks.

For remeid whereof, and eschewing of the inconvenients that here-upon may ensue; It is statute and ordained, that whatsomever person of what estate, qualitie or degree he be of, shall presume to take upon hand at any tyme hereafter, to invade or persue any of his Majesties subjects, within any part of this Realme, within ane myle to the place of his Heighnes residence and remaining for the tyme; or wha shall resort and repaire within his Majesties Palaces, or any part of his residence, armed with Jacks, Secreets, or Corlets under their coats, doublets or otherwyse; that the saids persons, makers of the saids tulyies and combats, after due tryell that they were the first onsetsers. As also, the saids persons, repairing armed within his Majesties houses, as said is, shall be taken apprehended and warded for yeare and day, and far, her, ay and whill they fyn with his Majestie for their libetty, according to his Heighnes good pleasure.

27. *Anent the Court place of the Schirefdome of the Meirnes.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, understanding the great ptejudice susteined by the Leiges of this Realme, where the judgiment-saits of Schireffes, and others Judges are not sa commodious, neither in building nor in situation, as the Schireff, others Judges and their deputies may convenientlie sit, nor the parties may resort thereto. And speciallic that the Schireff of the *Meirnes*, alias, *Kincardin* and his deputies, hes bene in use these many yeares to sit at *Kincardin*, where there is neither ane Tolbuith, nor any house to parties to ludge into, for their interteinement; nor yet is the place in the middes of the Schite, whereby the Leiges within the said Schirefdome are greatlie dammified. For remeid whereof, it is statute and ordained, that the Schireff of the Schirefdome of *Kincardin* and his deputies, in all tyme coming, shall sit and hold their Courts at the *Stane-hyue*, as maist meet and convenient to them, & to the haill Leiges within the Shyre: & that precepts to be direct, shall be to warne all parties within their jurisdiction, to compeir, to persue & defend in their Courts at the *Stane-hyue* in all tyme hereafter.

28. *Anent the keeping of pledges.*

FORSAMEIKLE asin tymebygane, the onely meane for quyeting of the Borders was entering of pledges, and the keeping of them in surety that in case any enormitie or wrang were committed by any of the gang or surname, for the whilk they were entered pledges; then Justice should be execute against the saids pledges with all rigour. And because heretofore, ane great number of the Nobilitie and Barronnes, being burdened for keeping in suretie some of the saids pledges, hath made their excuse of the danger and inconvenient that might occur to them, in case of the escape of any of the saids pledges, delyvered to them in keeping; whilk being easie to be prevented be the mair imprisonment of them. OUR SOVERAIGNE LORD, and Estaites of Parliament, findes that nane of the Nobilitie and Barons, being burdened to receive any of the

said pledges shall refuse to accept them, upon excuse of any inconvenient whatsoever that may ensue; but shall receive them, and keepe and detene them, ay and whill the saids pledges be suited to be deliyvered by them; and shall be answerable for them, that they shall no wyfe escape, ilk pledge, under the paine of twa thousand pounds.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES and others, past in the xvj. Parliament, holden at Edinburgh, the fiftenth day of November, 1600. yeares not imprinted.

- 1 **T**He foresaithour of unwhyle John Earle of Gowrie and unwhyle Alexander Ruthven his Brother.
- 2 *Act anent the disheressing and inhabilitie of the brether and posteritie of the unwhyle Earle of Gowrie.*
- 3 *Act abolishing the surname of Ruthven.*
- 4 *Protestation for the Queenes Majestie.*
- 5 *Protestation for the Earle of Rothes.*
- 6 *Act in favours of Sir Thomas Erskine.*
- 7 *Ans other act in his favours.*
- 8 *Act in favours of Sir Hew Herries.*
- 9 *Act in favours of Sir John Ramsay, anent the Lands of East-barns.*
- 10 *Act in favours of Sir Hew Herries, anent the Lands of Cowsland.*
- 11 *Act in favours of James Lundie.*
- 12 *Anent the posteritie of Frances sometyme Earle Botbwell.*
- 13 *Protestation of the Burrowes anent the Bullion.*
- 14 *Ans other protestation made be them.*
- 15 *Act anent provision for Armour.*
- 16 *Act anent making of Redres.*
- 17 *Act in favours of Sir Patrik Murray anent the Abbacie of Fern.*
- 18 *Act in favours of John Marquis of Hammilton anent Arbroth.*
- 19 *Ratification of the Countes of Mar her infestment.*
- 20 *Discharge given to her anent the education of the Prince.*
- 21 *Act in favours of the Constable of Dondie, anent bearing of the Kings Banner.*
- 22 *Act in favours of the Lord Hooke, anent the thriddes of Coldinghame.*
- 23 *Ratification to Maister Peter Young.*
- 24 *Act in favours of the Laird of Bogie and Maister John Moncreif.*
- 25 *Act in favours of the Duke of Lennox.*
- 26 *Ratification of the erection of the Burgh of Greinlaw.*
- 27 *Act in favour of Patrik Leslie anent the Abbacie of Lundores.*
- 28 *The decision of the Monkes portions of Arbroth, betwix the Marquis of Hammilton and the Laird of Auldbar, remitted to the next Parliament.*
- 29 *Ratification of the infestment of the Lewes.*
- 30 *Act in favours of the Fewers of the Kings lands within Fyfe.*
- 31 *Ratification of the Bishop of Glasgows restitution.*
- 32 *Protestations of the Earles of Erroll and Marshall.*
- 33 *Act in favours of the Duke of Lennox anent the assignation of the thriddes of the Pryorie of Saint-Androes.*
- 34 *Act anent Registration of Seatings in the Secretars Register.*
- 35 *Commission for ranking of the Noble-men in their places.*
- 36 *Commission anent the wooll.*

F I N I S.

T H E S E V E N T E N T H
P A R L I A M E N T

Of the

*Most Excellent and Michtie King and Monarch, JAMES By the grace of GOD,
King of GREAT BRITAIN, FRANCE and IRELAND, De-
fender of the Faith: &c. Halden at Perth the eleventh day of Julie, the Yeare of God
1604. Yeares. By the Potent Earle and Lord, IOHNE Earle of Montrose,
Lord GRAHAM and MUGDOCK, his Majesties Commissi-
oner: and the Estates of this Reahne.*

1. *Commissioun anent the Union of the two Kingdomes.*



ORSAMEIKLE As it hath pleased his most Excellent Majestie, acknow-
ledging the un-speakable favour, where-with the divine Providence of the most
Heigh hath blessed him by the oft-wished, but hardlie expected conjunction of
two so auncient and lang discordant Kingdomes, maist earnestlie to desire an esta-
blished continuance of the same; that as by lawfull succession they are one in the
head, so in the body and every member thereof, they may be so inseparable con-
joynded, as all-after-coming ages should finde the sweetnesse of the peace, wealth
and felicitie, whilk by the perfite accomplishment thereof, may continue to the
worlds end. And his most Excellent Majestie, although absent in person (from
his most auncient and native Kingdom) yet present by his princelie power, Fa-
therlie care, and prudent commandements, daily directed to his most humble and obedient subjects of the
Kingdome, having laid before them the great blessing that ane constant and friendlie conjunction with their
neighbour Countrie of *England*, now united by alledgeance and loyall subjection in his Majesties most Roy-
all Person, wald bring to them and their Posteritie, and there-with out of his maist loving and accustomed
princely regarde, to their inestimable joy and comfort, voucha fang to assure them of his sincere disposition
and cleare meaning, no way by the foresaid union, to preiudge or hurt the fundamentall Lawes, auncient
priviledges, offices and liberties of this Kingdome. Whereby not onely the princely authoritie of his most
Royall discent, hath bene these many ages maintained, but also his peoples securitie of their lands and livings,
rights, liberties, offices and dignities preserved; whilks if they should be innovated, sik confusion should
ensue, as it could no more be a free Monarchie; and his Majesties gracious intention in establishing the fore-
said union, is onely to alter and reforme sik indifferent and temporall statutes, particular Customes, or spe-
ciall ordinaunces; whereby the bygane remembrance may be extinguished, and the future growth prevented
of many particular debates and unhappie accidents, whilk might here-after disturbe that constant love and
perfite amitie, betwix both Nations, so tenderlie wished by his maist Excellent Majestie; and sik steadfast
and asald grounds of uniforme societie, surrogat in their place; That as the present age is Ravished in admi-
ration with ane so fortunat beginning, sa that the posteritie may rejoyce in the fruition of sik ane effectuali
union of two so famous and auncient Kingdomes, miraculously accomplished in the Blude and Person of so
Rare ane Monarch.

Therefore, and for the mair perfite accomplishing of the wark foresaid, the Estates Spirituall and tempo-
rall of this present Parliament, assembled be vertue of his Majesties Commission, under the great seale of *Scot-
land*, Declares, statutes and ordeines, that the persons following they are to say, *JOHNE Earle of
Montrose*, Lord Chancellor of *Scotland*. *FRANCES Earle of Erroll*, heigh Constable of *Scotland*.
GEORGE Earle of Marshell, great Mairshell of *Scotland*. *JAMES Earle of Glenearne*. *ALEX-
ANDER Earle of Linlithgow*. *JOHNE Archbishop of Glasgow*. *DAVID Bishop of Ross*.
GEORGE Bishop of Caithnes. *WALTER Pryor of Blantyre*. *PATRIK Lord Glanes*. *A-
LEXANDER Lord Elphinstoun*. *ALEXANDER Lord Fyvie*, President of the Councell of *Scot-
land*. *ROBERT Lord Roxburgh*. *JAMES Lord Abercorne*. *JAMES Lord Balmirrinloch*
principall Secretar of *Scotland*. *DAVID Lord Scoone*. Sir *JAMES SCRYMGEOUR* of
Dundup Knight. Sir *JOHNE COCKBURNE* of *Ormeiston* Knight. Sir *JOHNE HOME* of
Coldonknowes Knight. Sir *DAVID CARNAGIE* of *Kinard* Knight. Sir *ROBERT MEL-
VEILL* elder of *Murdochcarvie* Knight. Sir *THOMAS HAMILTON* of *Binnie* Knight.
Sir *JOHNE LEIRMONTH* of *Balcomie* Knight. Sir *ALEXANDER STRATON* of
Lawreston Knight. Sir *JOHNE SKENE* of *Curribill* Knight. Maister *JOHNE SHARPE* of
Howston Lawer. Maister *THOMAS CRAIG* Lawer. *HENRY NEISBIT*. *GEORGE
BRUCE*. *ALEXANDER RUTHERFURD*. Maister *ALEXANDER WEDDER-
BURN*.

BURN, Merchants. Or any twentie of them, shall by vertue of this present Act, have full Power, Commission, Libertie and Authoritie, to assemble and conyene themselves, after the ending of this present Session of this Parliament; and before the next Session thereof, at sik tyme, and in sik place as it shall please his Majestic to appoint with certaine selected Commissioners, nominat and authorized by the Parliament of England, according to the rennour of their Commission in that behalfe, to confer, treat, and consult upon ane perfitte Union of the Realmes of Scotland and England, and concerning sik other matters, causes and things whatsomever, tending to his Majesties honour and contentment, and to the weall and tranquillitie of baith the Kingdomes, during his Majesties lyfe (whilk the ever-living God lang continew) and during his Royall Posteritie in blessed tranquillitie to the worlds end. As upon mature deliberation, the greatest part of the saids Commissioners, assembled, as is foresaid, with the Commissioners authorized by the Parliament of England, shall in their wisdomes think maist expedient and necessar; not derogating any wyse to any fundamentall Lawes, auncient Priviledges, Offices, Rights, Dignities and Liberties of this Kingdome, as is before said: And that the Commissioners of baith the saids Realmes, according to the tennour of their Commission in that behalfe, set downe their proceedings in thre severall wryttings, every ane of them to be subscribed and sealed by them; to the end that ane of them may be in all humilitie presented to his Majestic; the second to be presented to the consideration of the next Session of Parliament, for the Realme of Scotland; and the thrid to be offered to the consideration of the next Session of Parliament, for the Realme of England. That thereafter sik order may be taken therein, as baith the saids Parliaments shall think expedient for his Majesties satisfaction, and benefite of baith the saids Kingdomes.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES and others, past in the xvij. Parliament, holden at Perth, the elleventh day of Julie, 1604. yeares, not imprinted.

- 1 *ACT In favour of the liberties of the Kirk.*
- 2 *Forefaultour of William Borthwick of Sowtray.*
- 3 *Forefaultour of Thomas Kennedie Tuteur of Bargany.*
- 4 *The Summonds of Treason against Walter Moore of Cloncaird past fra by the Advocat.*
- 5 *Commission to the Lords of Session to decyde the action of Reduction of the forefaultour of James Wood appearand of Bonytoun.*
- 6 *Act anent the restitution of James Dowglas of Spot.*
- 7 *Protestation made be the Lord of Roxburgh.*
- 8 *Act anent the restitution of Maister Thomas Cranston.*
- 9 *Protestation made be the Earle of Angus anent his place of Prioritie, and of the Duke of Lennox and Marquies of Huntie in the contrare.*
- 10 *Protestation made be the Lord of Roxburgh.*

F I N I S.

T H E A U C H T E N T H
P A R L I A M E N T

Of the

Most Excellent and Mightie King and Monarch, JAMES by the Grace of GOD, King of great Britane, France and Ireland, defender of the Faith, &c. Halden at Perth the ninth day of Julie 1606. yeares, by the Potent Earle and Lord JOHNE Earle of Montroile, Lord Grahame and Muggdock, his Majesties Commissioner, with advise of the Estates of this Realme.

1. *Act anent the Kings Majesties Royall Prerogative.*



ORSAMEIKE As the Estaites and haill bodie of this present Parliament, considering that with the lawfull descent in the Person of Our most gracious Sovereigne, of the righteous inheritance of the famous and renowned Kingdomes of England, France and Ireland, whilk very farre surpasses the wealth, power and force of the Dominions of any of his Progenitours, Kings of Scotland. GOD hath also joynd ane wonderfull increse of care and burding. For discharge whereof he hath endued his Majestie with sa many extraordinary graces, and maist rare and excellent vertues, as he is not onely knowne by daily and manifest experiences, in matters of greatest difficultie and consequence, to the unspeakable comfort of all his faithfull subjects, to be capable of the happie governement of his saids Kingdomes. But by his most singular Judgement, fore-sight and princely wisdom, worthie to possesse, and habile to governe farre greater Dominions and numbers of people. And in respect whereof, the saids Estaites plainly perceiving that by this his Majesties exaltation, not onely in preeminence and power, but also in all Royall qualities requisite for the happy discharge thereof, GOD hes manifestlie expressed his heavenlie will to be, that his Majesties Imperiall power, whilk GOD hes sa gratiousslie enlarged, shall not by them in any sort be impaired, prejudged or diminished; but rather revered and augmented sa farre as possible they can. Therefore the saids Estaites, and haill bodie of this present Parliament, all in ane voluntar, humble, faithfull and united heart, minde and consent, truelie acknowledges his Majesties Sovereigne Authoritie, Princelie Power, Royall Prerogative, and Priviledge of his Crown over all Estaites, persons and causes whatsoever within his said Kingdome. And his Majestie with expresse advyce, consent and assent of the saids haill Estaites, Ratifies, approves, and perpetuallie confirms the samin; als absolutlie, ampie and freelie in all respects and considerations, as ever his Majestie or any of his Royall Progenitours Kings of Scotland, in any tyme bygane possessed, used and exercised the samin. And lykewyse, with consent foresaid, casses, annuls, abrogats, retreats and rescinds all and whatsoever things attempted, enacted, done or hereafter to be done or intended to the violation, hurt, derogation, imparing or prejudice of his Heighnes Sovereigne Authoritie, Royall Prerogative and Priviledge of his Crown, or any point or part thereof, in any tyme bygane or to come. And the saids haill Estaites for them and their Successours, faithfullie promits, perpetuallie to acknowledge, obey, maintein, defend and advance the lyfe, honour, saistie, dignitie, Sovereigne Authoritie, and Prerogative Royall, of his sacred Majestie, his Heires and Successours, and Priviledge of his Heighnes Crown, with their lyves, lands and goods to the uttermost of their power, constantlie and faithfullie to withstand all and whatsoever, persons, powers or estaites, wha shall presume, prease or intend any wyse to impugne, prejudice, hurt or impare the samin; and never to come in the contrare thereof, directlie nor indirectlie in any tyme coming.

2. *Act anent the Restitution of the estate of Bishops.*

OUR SOVERAIGNE LORD now in his absence forth of his Kingdome of Scotland earnestlie desiring sa to provyde for the just and politike governement of that Estate, as his faithfull subjects there daylie mair and mair cairfull of sik things as may tend maist to the honour, profite and perpetuall stabilitie and quyetnes of the said Kingdome; wherein understanding Religion and Justice to be sa necessar foundaments and pillers, as by them the authoritie of the Princes and quyetnesse of the people in all tymes by-past, hes cheeflie bene established and mainteined, whill of late in his Majesties yong yeares, and unsetled Estaitie, hes bene greatlie impaired, and almost subverted, speciallie by the indirect abolishing of the Estaitie of Bishops, by the act of annexation of the Temporallie of benefices to the Crown, made in his Heighnes Parliamēt,

ment, halden at *Edinburgh* in the Moneth of Julie, the year of God ane thousand, five hundred, fourescore seven years. Whereby albeit it was never meand by his Majestie, nor by his Estaites, thar the said Estait of Bishops consistin of Benefices of cure, and being ane necessare Estait of the Parliament, should on any wyse be suppressed; yet his Majestie by experience of the subsequent tyme, hath clearlie seene that the dismembring and abstracting from them of their livings, hes broght them in sik contempt and povertie, that they are not habile to furnishe necessaries to their privat families, meikle lesse to beare the charges of their wonted rank in Parliament and generall Counsaills, and alter the example of their Predicessours, to assit and supplie their Prince with their Counsell and goods, in tyme of peace and warre. The remeid whereof properlie pertains to his Majestie, whom the haill Estaites of their bounden duetie, with maist heartlie and faithfull affection humble and truelie acknowledge to be Sovereigne Monareh, absolute Prince, Judge and Governour over all persons, Estaites and causes both Spiritual! and Temporall within his said Realm.

THEREFORE his Majestie, with expresse advyce and consent of the saids haill Estaites of Parliament, being cairfull to repone, restore and re-integrat the said Estait of Bishops, to their aunceint and accustomed honour, dignities, prerogatives, priviledges, livings, lands, teyndes, rents, thriddes and estaites, as the samne was in the Reformed Kirk, maist ample and fre at any tyme before the act of annexation foresaid. By the tenor hereof, retreates, rescinds, reduces, casses, abrogats and annulles the foresaid act of annexation of the temporalitie of benefices to the Crown, made in the year of God ane thousand five hundred fourscore seven yeares, as said is, in as far as the samne may in any wyse comprehend or be extended to the authority, dignity, prerogative, priviledges, rowrs, castles, fortalices, lands, Kirks, teyndes, thriddes or rents of the saids Bishopricks, or any part thereof, with all others acts of Parliament, made in prejudice of the saids Bishops, in the premisses or any of them, with all that hes followed or may follow there-upon, and all acts of dismembring of particular Kirks, or commoun Kirks of the saids Bishopricks, from the samne, or for separating the thriddes of the saids Bishopricks from the bodie, tytle and twa part of the samne. To the effect, the persons presentlie provided to the Bishopricks of *Scotland*, or any of them, or that hereafter shall be provided to the samne, may freely, quyetlie and peaceablie enjoy, bruike and possesse the honours, dignities, priviledges and prerogatives, competent to them or their Estait since the Reformation of Religion; and all Towres, Fortalices, Lands, Kirks, Teyndes, Rents, Twpарт, Thriddes, Patronages and rights whatsoever, belanging to the Bishopricks or any of them, to use and exercise the samne, and frelie dispone upon the haill twa-part and thrid, Temporalitie and Spiritualitie of their saids Bishopricks, and all the premisses belanging to the saids Bishopricks, as the saids Acts of annexation and remaneir Acts, made in any wyse to their prejudice in the premisses, and everie one of them, and all that followed there-upon, had never bene made nor done. They alwyse entreteining the Ministers, serving at the cure of the Kirks of their saids Bishopricks, upon the readiest of their saids thriddes, according to the ordinar assignations made or reasonable to be made thereanent.

ATTOUR, Because his Majesties intention is onely to restore the Bishopricks, whilk are benefices of cure, and nowyse to alter any thing done in other benefices, whilk are not of cure. And for the better satisfaction of his Majesties subjects and faithfull servants, whom his Majestie in his princelie liberalitie, for diverse good respects and causes mooving him, hath benefited, rewarded and advanced with erections, fewes, Patronages, Teyndes, and others infestments, confirmations of lands, rents, Teyndes, Patronages and others rights of Abbacies, Pryories and others Benefices, not being Bishopricks.

And to the effect they be not prejudged, nor put in mistrust by this act, of their saids securities in the premisses, His Heighnes with the advyce of the haill Estaites of Parliament, Ratifies and approves, and for him and his Successours perpetuallie confirms, the haill erections, infestments, confirmations, Patronages, tacks and others securities of Lands, Teyndes, Patronages, rights and rents whatsoever, of the saids haill Benefices foresaid, or any part thereof (not being Bishopricks) given, disposed or confirmed by his Majestie, during the tyme of the said Parliament, halden in the Moneth of Julie, ane thousand, five hundred, fourescore seven yeares of before or sensyne, made agreeable to the Lawes and Acts of the said Parliament ane thousand, five hundred, fourescore seven, and others Lawes and Acts made sensyne. And faithfullie promits *in verbo Principis*, never to quarrell nor impugn the samne, directlie nor indirectlie in any tyme coming. As also for the well and securitie of the tenants of the Lands and Teyndes of the saids Bishopricks, wha since the Act of annexation, have debursed diverse summes of money to his Heighnes the Treasurer, for making and confirming to them of their infestments, tacks and securities of the saids Lands, Teyndes and rents of the Bishopricks posselt by them. And to the effect the annulling of the said Act of annexation, bereave them not altogether of the saids Lands, Teyndes and Rents of Bishopricks, acyured be them upon their large charges and expenses, according to the Law then standing. And that upon the other part, the saids Bishopricks be not altogether made unprofitable, by the unlawfull Dilapidation of the rents thereof, and hurtfull conversion of the victuall, caines, custumes, and others commodities of the samne, for unequall and unworthie pryces.

THEREFORE his Majestie with advyse of his Estaites foresaid, Ordeins the saids persons posseltours of the Lands or Teyndes of Bishopricks by vertue of Infestments, Confirmations or Tacks of the samne granted or sett since the said Act of annexation, and conforme to the samne, and Lawes of the Realm, at the tyme of the making thereof, shall have the securities, confirmations, tacks and rights

of the saids lands and teyndis of the Bishopricks foresaids, renewed and granted to them in sufficient, valde and perfite forme by the Bishops, possessours of the saids benefices. The saids Fewers, Tacksmen and Tenants, paying to the saids Bishops, for gressum, entresse and composition, for renewing of their saids fewes of all Lands, and others belonging to the saids Bishopricks; and als ratification of their saids tacks of all teyndes pertaining thereto; Of the whilkis at the day and date hereof, there are ten yeares crops of the famine to runne; The double of the yearlie silver duetie, contained in their saids fewes and tacks; and the single of the victual duetie, and of all others duties expressed therein, And that by and attour the yearlie duetie expressed in their saids fewes and racks: The whilkis duties, for gressum, entresse and composition, the hail Estaites of Parliament, declares, shall be payed by the saids Fewers, Tacksmen and Tenants, within yeare and day, after they be lawfullie cired to that effect, and for that famine cause; or after that intimation of the famine be made to them, by the Bishops in their awne Courts.

And in case of not thankfull payment, of the double of the said silver duetie, and of the single of the said victual, and others duties to be payed within yeare and day, after the said citation and intimation, as said is. THE saids Estaites of Parliament, findes and declares, that the saids Fewers and Tacksmen shall be astrikted to pay after the expyryng of the said yeare and day, thankfull payment not being made within that space of the foresaids gressums, entresse and composition, extending to the quantie above written; the quadruple of the silver duetie, and the double of the said victual, and others duties foresaids, to be payed to the saids Bishops, by and attour the yearlie duties contained in the saids fewes and racks, as is before said. And the saids Estaites, ordeines and declares, that if there be not ten yeares compleit to runne of the saids tacks of teyndes, pertaining to the Kirks of the saids Bishopricks, after the day and date hereof; in that case, the Tacksmen on nawyse shall be astrikted to pay any gressum, entresse or composition for the famine, to the saids Bishops, but they to be free thereof.

ATTOUR, the saids Estaites declares, that the said act and ordinance of Parliament, shall nowyse be extended, comprehend nor prejudice any fewes of Bishopricks, lawfullie sett and confirmed before the said act of annexation, whilk was in the said Moneth of Julie, ane thousand, five hundred, fourescore seven yeares. Excepting and reserving alwyse forth of this present act, all dispositions made of whatsoever patronages of Kirks pertaining to the saids Bishopricks, disposed by lawfull Titulares, and the Kings Majestie, and ratified in Parliament, in favours of whatsoever person or persons, and nane others. And findes and declares all dispositions whatsoever, made of the foresaids patronages of all Kirks pertaining to the Bishopricks disposed by the lawfull Titulares, and his Majestie, and not confirmed in Parliament to be of nane avall, although the famine patronages be graunted and disposed by the Kings Majestie and Titulares thereof. And lykwyse, excepting and reserving all common Kirks, pertaining of auld to the saids Bishoppes, and their chapter in communtie, whilkis are disposed by his Majestie, to whatsoever person at any tyme preceeding this present act. And the saids Estaites declares, that if there be any common Kirks, pertaining to the saids Bishopricks, and to their chapters of auld, that now perteynes and fallies to them be vertew of this present act. That thereby the Ministers, wha are lawfullie provyded to the saids common Kirks by presentation, collation and admission, and serving thereat, shall nowyse be prejudged during their lyftymes; but that the saids provisions shall be sufficient right and warrand to the saids Ministers, to bruke, joyce and possesse their common Kirks foresaids, according as they are provyded thereto, for all the dayes of their lyftymes. Notwithstanding whatsoever clause contained in this present act, or any other act of Parliament, that might make any derogation to the saids provisions. Excepting alwyse, and reserving the Castell of *Sant-Androes*, and Castell yardes of the famine, disposed to *George Earle of Dunbar*, upon the resignation of *George Archbischoppe of Sant-Androes*, dissolved and dismembred from the said Archbischoprick, by OUR SAID SOVERAIGNE LORD, and Estaites, with expresse consent and assent of the said Archbischop, personallie compareand in Parliament. Whom to OUR SAID SOVERAIGNE LORD in place and recompence of the said Castell, hes given and disposed the Provostrie of *Kirkhill*, Vicarage and Arch-Deinrie of *Sant-Androes*, to remaine with the said Arch-bishop and his Successours, by and attour ane yearlie penson of three hundred markes, given to the said Archbischop, so that the said Castell and Castell yardes, shall nowyse be comprehended in this present act, nor yet shall be compted nor esteemed in any tyme hereafter, any part or portion of the patrimonie of the said Archbischoprick, but shall remaine with the said *George Earle of Dunbar*, his Heires and Successours, as their proper heritage lawfullie disposed to them, and dissolved from the said Archbischoprick. And in lyke maner, the saids Estaites declares that the foresaid Act, graunted in favours of the saids Bishops, shall not be extended nor be prejudicall to the infestments, rights and tytles made to Sir *Robert Melville* of *Murdacarie* Knight, his Heires and Successours mentioned therein of the lands of *Monymail*, and *Lethame*, with the Maner-place, yardes and bigging of *Monymail* and Patronage of the Kirk of *Monymail* pertaining of auld to the Archbischoppe of *Sant-Androes*. And declaris the famine infestments to stand in the awne strength, notwithstanding this present Act. Provyding alwyse, that the said Sir *Robert Melville* and his heires, sustaine and entertaine the Ministers, serving at the said Kirk, upon the frutes of the famine Kirk. And notwithstanding this present act and hail clauses therein contained, OUR SAID SOVERAIGNE LORD, with advyce foresaid, having considered the Fewers of the Barronie of *Glasgow*, to be many in number and the povertie of the maist part of them, to be sik as they are not habile to furnilhe

furnishe the ordinarie charges for renewing their inestments, have dispensed, and by this present Act dispenses anent the foresaid clause of renewing of sewes, with sa many of the saids Fewers as have taken their sewes, without diminution of the rentall, and conversion of vidual, and other duties in silver. And what shall obtaine ane ratification from *John* now Archbishop of *Glasgow* of the saids sewes and rights, before the tcast of *Alballowmes* next to come. And declares the sewes lawfullie set, as said is, to the saids persons, valide and effectual, their heires, successours and assignayes, alwyse entering by the said Archbishoppe, as their immediat superiour; and by his successours to their saids lands, rowmes and possessions, by Brieves raised out of the said Archbishops Chancellarie, precepts of *clare constat*, resignations and confirmations, as use is, and the said Archbishops paying their few mailles, fermes, moulters, caines, and others duties, to the said Archbishop and his successours in all tyme hereafter; but prejudice to the letters of gift, and pension graunted to the Duke of *Lennox*, Sir *George*, Sir *James* and *Archibald Erskines* pensions, iorth of the frutes of the said Archbishoprick of *Glasgow*, to be bruikyd by the said Lord Duke during his lyf tyme allanerlie.

3. *Act anent the dilapidation of Bishoppicks.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, having consideration of the act made in the tenth Parliament, halden by his Heighnes in the yeaere of God, ane thousand, five hundred, fourscore five yeaeres, and in the eleveneth Act of the said Parliament, containing diverse cautions and provisions, tending to restraine beneficed persons, from away putting of any part of their benefice, whereby the saids benefices may be left in worse estate nor the samine was at their entrie thereto; as the said Act doeth at main length contain. Hes ratified and approven the said act in all the articles, heads and circumstances thereof; declairing the samine to remaine in full strength, and to have the effect and force of ane perpetual Law and statute of Parliament in all tyme comming, with thair additions. They are to say, that it shall no wyse be leasome to any person provided or to be provided to ane Bishoptik within this Realme; to dispone or give in pension any part of the patrimonie of the said Bishoptik, whilk shall indure and last langer space nor the giver of the said pension shall bruik the said Bishoptik. And if it shall happen the saids persons provided to the saids Bishoptiks now, or in any tyme to come, to dismember any part of their saids benefices or patrimonie thereof. OUR SOVERAIGNE LORD, and Estaites of Parliament, decernes and declares all sik facts and deeds to fall under the compasse, perrell and danger of dilapidation of benefices, and to be ane expresse spece and kynde of dilapidation. And be reason it hes ever bene found necessar in all tymes past, that the sewing of lands, setting of tackes, and doing of sik other lawful deids, be whatsoverer Bishope and Prelat within this Realme, of any part of the patrimonie of their saids benefices, should have the consent of the maist part of their Chapter, without whais consent, had and obtained to the saids deeds, in haill, or the maist part thereof, was no wyse leasome to the saids Prelats to doe any of the saids deeds. Therefore, the saids Estaites, according to the written Lawes made thereanent, and custume perpetuallie observed in sik cases of before; finds and declares, that na Bishop within this Realme, may set in few, tack, or otherwyse, nor doe any other deed in the disposing of any part of the patrimonie of their saids Bishoptiks, without the advyce, consent and assent of their chapters, or the greatest number of them, duellie procured and obtained thereto. In the purchasng of whais consent, it shall no wyse be requirit to have their saids chapters chapterlie convenied (but the saids deeds being otherwyse lawfullie done, and subscryvied by the maist part of the said chapter) the not meeing and conveying chapterlie at the tyme of the making of the saids rights, and subscryvying thereof, shall furnishe na ground where-upon the saids facts and deeds may be quarrelled, or the saids rights and tydes impugned or annulled, throw the cause or occasion foresaid. Whilk chapters decernes and declares, to remaine now and in all tyme comming, according to the foundation of the saids Bishoptiks, and as hes bene in tymes bygane, without any kynde of alteration to be made therein. Excepting alwyse, the chapter of the Archbishoprik of *Sant-Androes*, the alteration whereof (whilk is made in manet under-written) necessarlie proceeded in that the samine consisting of before of the Pryorie of *Sant-Androes*, is suppressed by the new erection of the said Pryorie, whereby the said chapter ceases. And therefore, the saids Estaites hes declared and declares that the said chapter of *Sant-Androes*, hereafter shall consist of the number of the persons following, *Viz.* of seven persons of the Ministrie, dwelling and having their charge within his Diocie of *Sant-Androes*, to be elected and nominat by the said Archbishop himselfe, to be the perpetual convent, and chapter of the said Archbishoprik in all tyme comming; and after the decease or removing of any one or maa of them, from their present places and function within the said Diocie, the Intraunt succeeding in that place and charge, to succeed also in the samine roume of the chapter and convent. Reserving alwyse to the said Archbishop and his successours their auncient privileges, that the common seal of the said chapter to be made of new by their awne advyce, shall serve for their consents without their subscriptions.

FARTHER, the saids Estaites findes and decernes, that the present common seal of the said chapter, being appended to the evidents or rights whatsoverer, alreddie made and graunted by the said Archbishoppe, hes bene and shall be in all tyme comming, ane sufficient and perfite consent of the chapter, and als effectual for securing of the vassals and tenants, receivers of the saids rights, as the samine hes bene in any tymes of before; and sa to indure in force hereafter, for consent of the said chapter, ay and whill the election of the said new chapter, and making of the said new common seal.

Attour, OUR SAID SOVERAIGNE LORD, and Estaies of Parliament, findes and declares, that it is and shall belesome to the saids Archbishops, Bishops, and their Successours, to set als many tacks of the frutes and duties pertaining to their saids benefices, either short or lang tacks, as they please; and for als many yeares as they shall thinke meet and expedient, whilk may subsist of the Law. In doing whereof the saids Estaies will make na restraint or limitation of any tyme to the saids Bishops. And be reason that the due tie of the saids tacks to be set be the persons provyded to the saids Bishopricks, are to be applied, and converted for satisfaction, and entreteining the Ministers serving the cure of the Kirks of the saids Bishopricks, and for supplie of ane part of their stipends to be given to them. Therefore the Estaies ordeins the saids Bishops to have ane cairfull regarde that the saids tacks be set for ane competent due tie, whilk may in some reasonable proportion answering to thar whilk is sett in tack, bee mair meet to supplie ane part of the saids Ministers stipends, whilk duties of the saids tacks and als the stipends whilk shall be provyded to the Ministers, serving at the Kirks of every Bishoprick, shall be in all tyme comming reput as ane part of the rentall of the saids Bishopricks: whilk rentall shall nowyse be hurt, viciat or diminished by the titulare of the said Bishoprick in any tyme to come. And to the effect that the Ministers of the saids Kirks may be the mair certainlie provyded, and the rentall of the Bishopricks may be made (whilk shall not be altered, as said is) Ordeins all Archbishops and Bishops, wha are already provyded, or shall be provyded in tyme to come, to make ane sufficient rentall of the patrimonie of ilk Bishoprick, and to give in the same to the Clerk of Register and his deputies, to remaine in his Register, *ad futuram rei memoriam*; and that within the space of ane yeare, after the date of this present act, under the paine of ane thousand markes, to be payed be the person wha shall faile in giving of the said rentall within the space foresaid, to OUR SOVERAIGNE LORDS Collector generall. Of the whilk summe, the said Collector shall be halden to make compt and reckning to the auditours of his Heighnes Checker. Lyke as it is provyded, that it shall nowyse belesome to the saids Archbishops or Bishops, to hurt or diminishe any point or part of the said rentall, to be given in be them, as said is, whilk will consist cheeflie of the quantie of victuall and silver, whilk fall be provided to the saids Ministers for their steipends for serving the cures of the Kirks of the saids Bishopricks. as said is, but the said rentall shall remaine in the awnc integritie in all tyme comming. To the effect that the saids Ministers and their Successours serving the Kirks of the saids Bishopricks, as said is, may be assured of certaine local steipends, for their said service; not to be subject to the many changes and alterations, whereby frequentlie they have bene troubled in tymes preceeding. And last of all, becaus that the rentall to be given in of the saids Bishopricks, will consist and be made up, partlie of the duties of the saids tacks to be set, as said is, and that the certaintie of the saids local steipends stands in the up-giving of the saids rentals, whilk OUR SAID SOVERAIGNE LORD and Estaies, ordeins to be done with all goodlie diligence within the tyme prescryved thereto; that the Ministers serving the Kirks be not frustrat or disapoynted of due satisfaction and recompence for their travels tane in the service foresaid: And that they may be put in certaintie thereof in tyme to come, wherein the evident well and profite of the Kirk does appeare, and manifest the selfe. And for that cause order is given and forme prescryved for setting of tacks, as the preceeding Articles of this act porports. Where throw whatsover acts and constitutions made by any, either Civill or Ecclesiastik Judge, tending to the prohibition and restraint of setting of lawfull tacks by any beneficed person, aught to be annulled; feing the saids acts and constitutions, whilk wer made upon any preconceived feare of any laik or want of maintenance for entreteining of the Kirk, Or upon any other ground, are now clearly satisfied, by the cairfull regarde whilk his Majestie, and Estaies of this Parliament hes alwayes had, to the advancement of the Kirk, and to the certain provision of the Ministrie thereof, with constant steipends. Ane worke very necessaire, and to be forthered and expd by the present Bishops, and to whais cares and travels, OUR said SOVERAIGNE LORD and Estaies, hes recommended and commits to give over in the certaine provision of the Ministrie, serving at the Kirks of their Bishopricks, with competent and reasonable stipends, answerable and agreeable for their travels and sustentation. And therefore OUR SOVERAIGNE LORD, and Estaies foresaid, Statutes, decrees and declares, all and whatsoever actes, lawes, Statutes, ordinances and constitutions Ecclesiastikall or Civill, whilk are already made in tyme bygane, or shall happen to be made in tyme to come, whereby any beneficed person within this Realme, are prohibit and discharged to set any tacks of teynds, (whilk tacks may subsist of the law, and whilk acts and ordinances may directlie or indirectlie seime to infringe and annull the saids tacks lawfullie set, as said is, or to inflict any paine or punishment upon the setters thereof) to be altogether null and of nane avall, and to have na strength, force nor effect now and in all tyme comming, sik-lyke as if the same had never bene made; whilk all and others acts, ordinances and constitutions to be made anent the premises, and whilk may tend to the lyke end in any tyme to come, OUR SOVERAIGNE LORD and Estaies simpliciter discharges for now and ever.

4. *Anent forsaulted persons and their restitution be way of Grace.*

OUR SOVERAIGNE LORD persetlie understanding that the due punishment inflicted on traitours and rebels, and the rewardes rightlie distributed to faithfull and well deserving subjects, encourages the better sort in well doing, and is ane terrour to the evill disposed to give wighgate to their inclination. In consideration thereof, with advyce and consent of the Estaies of his Heighnes Parliament,

Ratifies,

Ratifies, approves and perpetuallie confirms the processes, sentences and domes of forfaitours, led, deduced and pronounced against *Frances* sometyme Earle of *Bothwell*, unwhile *John* sometyme Earle of *Gowrie*, and unwhile Maister *Alexander Ruthven* his brother their memorie; together with the acts made anent the inhabilitie of the posteritie of the saids traitours. And decernes, declares, statutes and ordeinis, that the gracious restitution to be given by his Majestie, or any of his successours, to any person or persons already forfaitured since his Majesties perfite age; or wha in any tyme comming shall happen lawfullie to be forfaitured by his Majestie, or any of his successours, or to their heires or their successours, shall nowyse hurt or prejudge any of his Heighnes subjects in the right and securitie obtained or to be obtained by them or any of them, of the lands, possessions, tacks, rights, goods or geare pertaining to the saids forfaitured persons rebels and fallen to OUR SAID SOVERAIGNE LORD, or his successours by their rebellion and forfaitour: but that the same lands, possessions, tacks, rights, goods and geare whatsoever, fallen to his Majestie in maner foresaid, and lawfullie disposed by his Heighnes, or hereafter to be disposed by him, or his successours, to any of his or their lawfull subjects, shall perpetuallie remaine with, and appertene to the receivers of the securitie and disposition thereof. Notwithstanding the said gracious restitution, to be obtained by the saids forfaitured persons or their heires or successours, whilk shall be na farther extended; nor have na farther force nor effect, but for the rehabilitation of their persons aliance; and nowyse to be extended to the lands, possessions, tacks, rights, goods or geare pertaining to them before their forfaitour, and lawfullie disposed to any of his Heighnes obedient subjects, at sik tyme as the undoubted right thereof stude in his Heighnes person, fallen and becommen in his Majesties hands, be vertue of the said forfaitour. And because the persons forfaitured, their children and friends, in prejudice of his Heighnes donatours, and others his Majesties obedient and duerfull subjects, abstracts and absents the evidents, tacks and securities of the lands, rowmes and possessions of the saids forfaitured persons. IT is therefore statute and ordeined, that notwithstanding the abstracting and absenting by any persons of the evidents, tacks and securities of the lands and possessions whilkis pertained to any forfaitured persons, and whereof the rights being either disposed or confirmed by his Majestie, the saids dispositions or confirmations are extant in his Heighnes Register; that the extract thereof forth of the Register shall be als goode, and sufficient tyme and right to his Majesties donatours, and others his obedient and duerfull subjects, having right thereto; for bruiking and joyfing of the saids lands and possessions, as if the principal and original evidents, tacks and securities were yet extant. And that the saids evidents and securities shall not be decerned to make na faith or to be improven, for not production of the original and principal, the saids extracts or confirmations being produced by his Majestie, or his donatours and others foresaid. And they being content to abyde at the veritie of the deed, and tryel not onely of the truth of the confirmation, but also at the trueth of the writ whilk is insert in the confirmation, whereof the principal is abstracted.

5. *Act anent the rivers of Tweid and Annand.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, understanding that in the act made in his Heighnes Parliament, in the yeare of God, ane thousand, sex hundreth yeares, whereby the slaying of Salmond fishe in forbidden tyme, or of Kipper, Smolts or black fishe, at any tyme was declared to be thift; and the committers thereof were ordeined to be punished for the same as for thift. The Rivers of *Tweed* and *Annand* were then excepted, because the saids Rivers at that tyme devyded at many parts, the bounds of *Scotland* and *England* adjacent to them, whereby the forbearance upon the Scots part of the slaughter of Salmond, in forbidden tyme. and of Kipper, Smolts and black fishe, at all tymes: wald not have made Salmond any mair to abound in these waters, if the lyke order had not bene then observed upon the English side. Whilk impediment, through the infinite mercy of GOD, being now removed, by the most happie uniting of baith the Kingdomes in ane Empyre, in the Royal person of his most excellent Majestie, undoubted and righteous Monarch of the same. Whereby the Inhabitants of this hault Isle, are equalle subject to his sacred Person and Lawes; and the remeed of their harmes, and the redresse of their abuses; punishment of their transgressions, and establishment of their universal well belongs to his charge.

Therefore OUR SOVERAIGNE LORD and Estaites of his Heighnes Parliament, clearlie understanding that the cause of the said exception is now removed, Ratifies and approves the said act of Parliament, anent the forbidding the slaughter of Salmond, Kipper, Smolts and black fish, in maner above written, and paines of thift and death, decerned against the contraveiners thereof. And retreats, perpetuallie annulles and abrogats the said exception of the saids waters of *Tweed* or *Annand*. And decernes and declares, that in all tyme comming, the contraveiners of the said act, or any part thereof, in the waters of *Tweed* or *Annand*, or any part of the same, shall underly the paines foresaid of thift and death, according to the qualitie, rank and estate of the committers thereof, and as if the first act had bene generall, and the said exception had never bene contained therein.

6. *Anent the custumes betwene Scotland and England.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, statutes and ordeines that the Feumers of the custumes in *Scotland* doe keepe ane original buike of all the goods that are entred

entred and shipped for *England*, the ships name, place and maisters name, and to what port the ship is bound, and to keepe the entreffe of every port by themselves. And also ane other original buike of the goods brought from *England*, the ships name, maisters name, of what port, and from what port the ship comes, to keepe the entreffe of every port by themselves; and every half yeare the Fermers of *Scotland*, to send ane true copie of the samine buikes to the Fermers of *England*; and the Fermers of *England* to doe the lyke to the Fermers of *Scotland*: and anes yearlie, lykwyfe to send the ane to the other, all the returnes, whilk come from either Kingdome, for discharge of their bands, to examine if they be not falsified, whilk being examined, shall be returned back againe.

SIKLYKE, It is statute and ordeined, that the Cocquet doe passe in the names of the principall awners of the goods laiden in every ship, and not in poore mens names, scarfelie knawne in *England*.

ITEM, That order may be taken that na geare nor marchandice be suffered to passe by land from *Scotland* into *England*, nor from *England* into *Scotland* by the waste grounds and wastes.

IT Is statute and ordeined, that goods caried by land from *Scotland* to *England*, or broght from *England* to *Scotland*, may passe onely by the wayes of *Berwick* and *Carleill*, and by no other way to prevent all fraud. And that all Merchants doe bring ane certificat from the Fermers deputies of *Edinburgh* to the Fermers deputies of *Berwick* and *Carleill*; and also the Fermers deputies of *Berwick* and *Carleill*, to give the lyke certificat for all goods passing these wayes, for *Edinburgh* or any other Cittie or Towne in *Scotland*, and to keepe original buikes thereof, under the paine of warding of the persons of them wha shall contravein this present act, or any poynt thereof, and escheating and confiscation of the haill goodes, geare and merchandice, whilk any person or persons shall transport betwixt *Scotland* and *England* orherwyfe nor is prescryed in this present act.

7. *Anent Gleibs in Pasturage and sowmes grasse.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, understanding that be act of Parliament, anent the designation of Manfles and Gleibs to Ministers. It is ordeined, that there shall be foure aikers of land designed to ilk Minister for his Gleib next adjacent to the Kirk. And seeing that by the iniquitie of tyme and disorder of the Borders and Hielands of this Realme in tyme bygane. There are fundrie Kirks within the samine whilk hes na arrable land adjacent thereto, but onely pasturage; so that by the foresaid act of Parliament, made anent the designation of foure aikers of land onely for the Gleib of ilk Minister, and na farther. The Ministers serving the cure at sik Kirks as hes na arrable lands adjacent thereto, but onely pasturage, are greatlie hurt and defrauded. For remeid whereof, It is statute and ordeined that in all tyme comming, there be designed to the Minister serving at the cure of sik Kirks where there is na arrable land adjacent thereto, foure sowmes grasse for ilk aiker of the saids foure aiker of Gleib land, extending in the haill to sextene sowmes, for the saids foure aikers, and that of the maist commodious and best pasturage of ony Kirk lands, lyand next adjacent and maist nearest to the saids Kirks. And ordeins letters to be direct against the possessours thereof for removing therefra, in the samine forme, as is appoynted by the foresaid act of Parliament, made anent designation of Manfles and Gleibs of before.

8. *Anent teynding of cornes.*

IT Is statute and ordeined by **OUR SOVERAIGNE LORD**, and Estaites in Parliament, that in tyme comming in all teynding of cornes, that the samine be teynded at three severall tymes every yeare, if the awners of the cornes shall thinke it expedient: To wit, the croft in field corne at ane tyme, the beere at ane other tyme, and the out-field corne at the thrid tyme. And declares that fiftene dayes after the compleit shearing of ilk sort of cornes being out run, that it shall be leasome to the awners at the said fiftene dayes end, to make requisition upon seven dayes to make them thankfull teynding; and if the awners get not thankfull teynding at the expyring of the saids seven dayes, the saids Estaites declares, that it shall be lawfull to the awners of the saids cornes, to teynd and stack the samine themselves, conforme to the act of Parliament made of before, anent the teynding of corns in all poynts, and shall incurre na danger therethrow.

9. *Anent auld decreits of ejection and spailie in the Borders.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, being cairfull that the fered and peaceable estare, happelie begun in these parts of this Countrie, whilk were the late Borders, fore-anent *England*, may be sa mainreined, as all occasions of disturbances thereof may be providentlie foresene, and convenientlie remeided. And understanding, that na thing is mair habile to bring diverse of the inhabitants of the saids Borders to desperat courses and turbulent enterpryses, then the rigorous execution of auld decreits, obtained against them or their predicessours, twentie yeares before his Majesties happie succession to his Crown of *England*, speciallie where the saids decreits of their awne nature, may bring the danger of the yearlie violent profits upon the persons against whom the saids decreits were obtained; and thereby surmounting often-tymes their haill valiant, if they be put to extreame execution, will give the partie occasion of sik dispare, as may induce them to attempt sa dangerous remedies, as may disturbe the general

general quyetnesse, to renew and beginne hot and bloudie feeds amongst parties. For remed whereof, and to the effect sk auld decreits of ejection or removing, as were obteined twentie yeares before his Majesties comming to the Crowne of *England*, and na execution fought nor obtained there-upon, during the said space of twentie yeares preeceding his Majesties obtaining of the Crown of *England*, may not urge and dryve them to dispare and miserie, sk as have three yeares bygane contined themselves in all ductifull obedience to his Majesties authoritie and Lawes.

THEREFORE His Majestie and Estaites foresaids, statute and ordaine, that all sk decreits of ejection and removing, and all effect and execution that any way may follow there-upon, shall cease, and in all tyme comming be voyd. Except for obtaining of possession, to the parties in whais favours the saids decreits were pronounced, of the lands therein contined; and payment to them of the ordinarie profitess, whilkss the saids lands have payed, to the persons against whom the saids decreits were given, of the yeares since his Majesties going into *England* allanerie, and of na others yeares preeceding the famine. With special provision, that in case the persons against whom the foresaids decreits of removing or ejection were given, shall happen hereafter to be lawfullie denounced rebels, and put to the horne, for not obedience of the foresaids decreits; they being first charged after the day and date hereof, by all the charges contined in the letters raised or to be raised upon the saids decreits to obey the famine. In that case, the saids Estaites of Parliament, declares that the persons obteiners of the foresaids decreits, shall have sufficient action against the persons defenders, specified in the saids decreits for the violent profitess of the lands mentioned therein, continuallie since the obtaining of the foresaids decreits, as accords of the law, notwithstanding of this present act.

10. *Act anent directting letters of Horning on Schirefs, Stewarts and Baillies decreits.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, ordeins for the greater furtherance and better execution of Justice to all his Majesties Leiges, and eschewing of the superfluous and unnecessar charges, whilkss they sustein by poynding on decreits, obtained before Schirefs, Stewarts and Baillies, alsweil of Royaltie as Regalitie, that the lyke letters and execution of Horning be direct and graunted by the Lords of Session, upon all acts, decreits and sentences of Schirefs, Stewarts and Baillies alsweil of Royaltie as Regalitie, as are graunted and direct upon decreits, acts and sentences of Provests and Baillies within Burgh, conforme to the act of Parliament made there-anent, and after the forme and tennour of the famine in all poynts.

11. *Anent Coaliers and Salters.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, statutes and ordeins, that na person within this Realme hereafter shall hyre or conduce any Salters, Coaliers or Coal-bearers, without ane sufficient testimonial of their Maister whom they last served, subscryved with his hand, or at least sufficient attestation of ane reasonable cause of their removing, made in presence of ane Baillie, or ane Magistrat of the part where they came fra. And in case any receave, fee, hyre, supplie or intertaine any of the saids Coaliers, Salters or Coal-bearers, without ane sufficient testimonie, as said is. The maisters whom fra they came, challenging their servants within yeare and day, that the partie whom fra they are challenged, shall delyver them back againe within twentie foure houres, under the paine of ane hundred pounds, to be payed to the persons whom fra they passed, and that for ilk person; and ilk tyme that they or any of them shall happen to be challenged, and not delyvered, as said is. And the saids Coaliers, Coal-bearers and Salters, to be esteemed, reput and halden as theives, and punished in their bodies, *Viz.* Sa many of them as shall receave forweges and fees. And the saids Estaites of this present Parliament, gives power and commission to all maisters and awnets of Coal-heughs and Pannes, to apprehend all vagabounds and sturdie beggers to be put to labour.

12. *Act anent setting of Fewes be subvassels of ward lands.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, having consideration of the act and statute, made by his Heighnes prediceffour, King JAMES the Second of worthie memorie, in the fourtene Parliament, halden by his Majestie, and threscore twelve chaptour of the said Parliament, anent the setting of lands in Few-serme, as the act it selfe at lenth contienes. Under the pretext and coulour, whereof divers persons halden their lands of others Superiours, for service of warde and releif, have set the saids lands halden by them, as said is, in Few-serme, to others their subvassels, for payment of ane Few-serme ductie; whereby they doe manifest prejudice to their saids Superiours, in altering of the said first halding, expresse repugnant to the meaning of the said first act. Whereas the said halding can nawyse be altered by the vassels, without some direct deed done by their superiours, tending to approve the said disposition, and whilk may alter the nature and condition of the said first halding. For remed whereof OUR SOVERAIGNE LORD, and Estaites of Parliament presentlie conceived, lies statute and ordained, and by the

the tennour of this present, statutes and ordeins in all tyme comming, that it shal nawyse be lease to the vassals of any Earle, Lord, Prelat, Barron, or any other Free-halder within this Realme wha holds their lands of their faids Superiours, by service of warde and releif, to set their faids lands whilks are halden by them, as said is, to any other person in few, for payment of ane Few-ferme duetic, in prejudice of their faids Over-lords, whom of they hald the faids lands, by service of warde and releif, as said is, without the special advyce and consent of their faids Superiours, had and obtained to the setting of the faids lands in Few-ferme, or purchasing of the faids Superiours confirmation to the said disposition, if any shall happen to be made, as said is. And in case any sik alienation shall happen to be made in any tyme to come, without consent of the faids Superiours, or their confirmation obtained to the same, OUR said SOVERAIGNE LORD, and Estaites of Parliament, finds, decernes and declares, all sik dispositions to be null and of nane avail, force nor effect, either by way of action or exception.

13. *Act anent laying of Lint in Lochs.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, finding that the laying of Lint in Lochs and burnes, is not onely hurtfull to all fishes bred within the same, and bestial that drinks thereof; but also the hail waters of the faids Lochs and burnes, thereby being infected, is made altogether unprofitable for the use of man, and very noysome to all the people dwelling there-about. Therefore statutes and ordeins, that na person nor persons in tyme comming, lay in Lochs and running burnes, any grein Lint, under the paine of fourtie shillings, *toties quoties*, for ilk tyme they shall contravein; and als confiscation of the Lint to be applied to the poore of the Parochin, within the whilks the faids Lochs and burnes lyes. And by the tennour hereof, gives power to the Session of the Kirk of ilk Parochin, to try, cognosce, and put this present act to execution, and to uplift the unlawes, and confiscat and dispoone upon the said Lint, to the weall of the poore of the Parochin, as said is.

14. *Act in favours of his Majesties Vassals for payment of their blench duties.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, remembring the great favour shawne and borne by his Heighnes and his prediceffours, to the Noble-men, Barrons, and others subjects of this Realme, and their prediceffours, for their notable and memorable facts and services done to his Majestie and his prediceffours, in defence and wealfair of the Realme; in making and granting to them of heritable infestments of their Lands, Barronies, Lordships, Castels, Towres, Fortalices, Woods, Mylnes, Salmond, Fishings, offices and others therein contained, halden of OUR said SOVERAIGNE LORD, and his prediceffours, in free blench-ferme, for payment of certaine blench-ferme duties, expressed in their infestments; not as any burding or yearlie duetic, but by way of acknowledgement & recognofcence, if the same duties shall be requyred allanerlie. And that notwithstanding thereof, within this late and few yeares, the faids Noble-men, Barrons, and others OUR SOVERAIGNE LORDS Leiges and subjects, wha holds their lands and others foresaids of OUR said SOVERAIGNE LORD in free blench, are yearlie without any just cause burdened, urged and compelled by charges to make payment in his Heighnes Checker of certaine summes of money, as for the pryses and valour of the faids blench duties; there being na sik summes of money nor pryces contained in their faids infestments. For remede whercof, OUR SOVERAIGNE LORD, with advyce of the faids Estaites, finds, decernes and declares, that the Noble-men, Barrons, and others Leiges and subjects, wha holds their lands and others foresaids of his Majestie in blench-ferme, are onely justlie aderted in payment of the blench duties expressed and fet downe in their infestments, if the same be required allanerlie. And that they aught nowyse to be burdened, troubled or charged for summes of money, as pryces for the faids blench duties. And that notwithstanding whatfomever act or ordinance made by the Lords of his Heighnes Checker, or others acts or ordinances whatfomever, of whatfomever yeares bygane or to come, to the whilks this present act shall make and makes full derogation. And therefore Sir Thomas Hamilton of Monkland Knight, Advocat to OUR SOVERAIGNE LORD, in presence of the faids Estaites, protested in his Heighnes Name, that the blench duties and species thereof contained in the foresaids infestments, be conforme to the Kings Majestie and his Succesfours, Estate and dignitie. And there-upon the said Lord Advocat asked instruments.

15. *Act anent seafings to be given on precepts of the Chancellarie.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, ratifies and approves the act made of before by King JAMES the Fifth of good memorie, whereby it was statute and ordeined, that all Seafings given by vertue of any precepts direct forth of the Chancellarie, should be given by the Schireffes of the Schyre, Baillies or Stewarts, where the lands lyes, their deputies and Clerk, as in the said act of the date the tenth day of December the yeare of God, ane thousand, five hundredth, and fourtie years at mair length is contained, in all and fundrie poynts, heads, articles, clauses and conditions of the same, sa farre as the same extends or may be extended to Seafings past upon precepts direct forth of the Chan-

Chancellarie upon Retours allanerlie. And the saids Estaites of Parliament, decernes and declares the same act made by King JAMES the Fifth of the date above written, to have bene onely made for sik Seafin gase as given by vertue of precepts, that passis upon Retours, and to nane others Seafings direct upon any other precept, direct forth of the Chancellarie.

16. *Act in favours of the Burrows Regal.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, ratifies, approves and confirms all acts of Parliament and Lawes, with all Freedomes, Priviledges, Immunities and Liberties, granted to the Burghs Regall within this Realme by OUR SOVERAIGNE LORD or any of his Heighnes predecessours, at any tyme of before. And decernis and declares the saids Burrows, and every one of them to have good right to bruike their saids priviledges and liberties, as they were wont to do before.

17. *Act for staying of unlawfull conventions within Burgh, and for assisting of the Magistrats in execution of their offices.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, ratifies and approves all and whatsoever acts made heretofore by his Majestie, and his Heighnes progenitours, and the Estaites of the Realme, for staying of all tumults, and unlawfull meetings and conventions within Burgh. And ordains the same to have effect, and to be put to due execution against the contraveiners thereof in all poynts. With this addition, That na person nor persons within Burgh, of whatsoever rank, qualitie or condition they be of, presume nor take upon hand from this forth, under whatsoever coulour or pretext, to convocat or assemble themselves together at any occasion, except they make due intimation of the lawfull causes of their meetings to the Provost and Baillies of that Burgh, and obreine their licence thereto; and that na thing be done nor attempted by them in their saids meetings, whilk may tend to the derogation or violation of the acts of Parliament, lawes and constitutions made for the well and quyetnesse of the saids Burghs. Declaring by thir presents, the saids unlawfull meetings, and the persons present thereat to be factious and seditious, and all proceedings therein to be null and of nane avail. And the saids persons to be punished in their bodies, goods and geare, with all rigour, conforme to the Lawes of this Realme.

AND to the effect the saids unlawfull meetings with all others tumults, turbulances and pleyces that shall happen to fall out within the saids Burrows, may be substantially suppressed, Ordains the hail inhabitants of the saids Burrows, at all occasions to readilie assist and concur with the Magistrats and Officers thereof, for setting of the saids tumults and turbulances, and punishing of the saids authors and movers thereof. And sik as shall not concur and assist with the saids Magistrats readilie, or their Officers, for redding and setting of the saids tumults and turbulances, as said is, shall be reput and halden as fosterers and maintainers of the saids tumults, and punished therefore in their persons, and unlaued in their goods at the arbitrement of the Magistrats and Councell of the said burgh, and ordains publication to be made hereof at the market Crosses of the saids Burrows, that nane pretend ignorance thereof.

18. *Dissolution of Huntingtoun and Strathbrane.*

OUR SOVERAIGNE LORD, and Estaites of Parliament presentlie convened, considering that the setting of the lands of the annexed proprietie in Few-ferme, for payment of the auld rentall, with augmentation, is greitlie to his Majesties benefite and profite, his Heighnes rentall thereby, being made sure, unchangable, unalterable, and nowyse hable to be disposed and annalied. Hes therefore dissolved, and by the tenor of this present act of Parliament, dissolves from the act of annexation of the lands of the Earledome of Gowrie, and Lordship of Huntingtoun, alias, *Ruthven*, the hail lands pertaining or belonging to the said Earledome of Gowrie and Lordship of Ruthven, and inspeciall the Lands and Lordship of Huntingtoun, and the lands of Strathbrane; and that to the effect that the same hail lands (except sik as are hereafter particularlie enumerated) may be in Few-setme laten and heritable disposed, for payment of the auld duety with augmentation of the rentall. And that the said act be extended in ample forme with all clauses needfull.

IT is alwyse declared, that the lands underwritten, they are to say, The lands of Cow-gask, with the troynd-sheives thereof, with mylnes, moulters, fishings, paitis, pendickies and pertinents of the same. The lands of Peill, Lethame, Easter-Heichame, Guldiburne, hoill of Huntingtoun, the lands of Halieand, few and Wester-Heichame, with the pertinents of the same, being all of the said Lordship of Huntingtoun, shall be dissolved. To the effect the same may be set in blanch-ferme (for payment of ane pennie) to John Earle of Montrose, &c. And that for many great, reasonable and soene causes, mentioned in ane particular warrant made for dissolution of the saids lands.

19. *Act of dissolution of the Loxmonds.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, convened and halden within his Majesties Realme of Scotland. Understanding that it is necessare that the hail lands lyand
H h h waffe

waste of his Majesties propertie, whereof his Majestie receaves na yearlie profite, be set in Few-ferme heritable, to sik persons as will maist therefore; for the augmentation of his Majesties proper rent within this Realme. Hes with ane advyce and consent by their decret in Parliament, dissolved, and by the tenor of this present act dissolves from his Majesties Crown and Patrimony of the famine, all and hail the hilles of the *Lowmonds* and Moores of *Falkland*, with the proper parts and pertinents thereof, annexed of before to his Heighnes Crown and parrimonie thereof, now and in all tyme hereafter, to remaine separate and dissolved from all former annexations thereof. To the effect the famine may be set in Few-ferme heritable, in hail or in part, to sik person or persons as will give maist therefore, in augmentation of his Majesties proper rent.

20. *Act anent Salvo Jure Cujuslibet.*

FORSAMEIKLE as in this present Session of Parliament, there are many Ratifications past, where- in divers and new clausies are insert, whilk may be prejudicial to particular parties rights and derogative to many and divers lawes, lawfullie made and established of before. Albeit the meaning of the Estaites be at this tyme as it was ever in all praeceiding Parliaments, that by na act of Ratification any other partie should be hurt or prejudged. For remeid whereof, It is statute and ordeined, that na Ratification past in this Session of Parliament, shall be prejudiciall to any privat parties right, but that the saids Ratifications be alwyse understode whither the famine be general or special, to be *Salvo Jure cujuslibet*.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTS and others, past in the xviii. Parliament, holden at Perth, the ninth day of Julie, 1606. not imprinted.

- 1 **A** NENT the keeping of the Kings houses.
- 2 *Act anent the Taxation and collecting thereof.*
- 3 *Act anent the granting of the Taxation.*
- 4 *Ratification to the Earle of Dumbar of the Earledome of Dumbar and other lands.*
- 5 *An acquittance and discharge to the Earle of Dumbar of the Kings Jewels and gaderob.*
- 6 *Act anent the Chappel-Royall, and exceptions therefra.*
- 7 *Commission anent the erections.*
- 8 *Act in favours of the Tenants of Casche.*
- 9 *Act in favours of the Archbishop of Sanct-Androes in satisfaction for Monimail.*
- 10 *Act anent the erection of the Kirk of Leith be north the bridge in a Paroch Kirk.*
- 11 *Act anent the dismembring of certaine Towns from the Kirk of Ellem, and incorporating the same to the Kirk of Slanes.*
- 12 *Erection of the Kirk of Preston.*
- 13 *Erection of the Kirk of Portincraig.*
- 14 *Act in favour of the Burgh of Edinburgh.*
- 15 *Act in favour of the Burgh of Perth.*
- 16 *Act in favour of the Burgh of Dondie.*
- 17 *Act in favour of the Burgh of Aberdein.*
- 18 *Ane other in favour thereof.*
- 19 *Act in favour of the Burgh of Irving.*
- 20 *Act in favour of the Burgh of Bamf.*
- 21 *Ratification of the Kirk of Nether-Airlie to Sir Thomas Lyon of Auldbar K.*
- 22 *Act in favour of Williame Commendator of Tungland.*
- 23 *Act in favour of Maister John Preston of Pennieuke, Collector generall.*
- 24 *Act in favour of James Hay of Fingask.*
- 25 *Act in favour of Patrik Kinnard of that Ilk.*
- 26 *Act in favour of M. Alexander Hay anent the lands of Dron, &c.*
- 27 *Act in favour of Marjorie Marjoribanks the Relict of John Durie Minister.*
- 28 *Ratification in favour of the Marqueis of Hammilton and Marqueis of Huntlie of their dignities.*

- 29 Ratification to the Earle of Angus and his sonne of their infestment.
- 30 Act in favour of the Earle of Caithnes.
- 31 Ratification in favour of the Lord Lyndesay.
- 32 Act in favour of Sir John Moncreif.
- 33 Ratification in favour of William Learmonth of the Hill.
- 34 Act in favour of the Bishop and Town of Dunkeld.
- 35 Ratification of the Schoole of Dunkeld.
- 36 Act in favour of the Captaine and keepers of the Castell of Dumbartane.
- 37 Act in favour of George and Maister Peter Hayes.
- 38 Ratification to the young Laird of Calderwod of ane tack of teyndis.
- 39 Ratification to Bernard Lyndesay of the Kings wark in Leith.
- 40 Ratification to Sir Alexander Straton of Lowtenston of his pension.
- 41 Ratification in favours of the Laird of Balmaghie.
- 42 Act in favour of the Laird of Burlic.
- 43 Act in favour of the Earle of Erroll anent Blanks.
- 44 Act in favour of the Maister of Murray of Tullibardin.
- 45 Ratification in favour of Sir John Arnot anent certaine tunnes of Wyne.
- 46 Ratification to the said Sir John of his infestment of the lands of Orkney.
- 47 Ratification to the Laird of Moncreif of his pension.
- 48 Ratification to Maister John Drummond of his office of Clerkship.
- 49 Certaine and divers acts anent the erections.
- 50 Act in favours of Maister Archibald Moncreif of his pension.
- 51 Forfaultour of Grahame of Reidkirk.
- 52 Annexation of the parsonage of Glasgow to the Bishoprick thereof.
- 53 Ratification to the Bishop of Galloway of the Pryorie of Whithorne.
- 54 Dissolution of Elcho.
- 55 Ratification of the Kirk of Borthwick.
- 56 Ratification to the Earle of Linlithgow.
- 57 Ratification of the Barrennie of Segie to the Lord of Scoone.
- 58 Ratification to the Lord of Abercome.
- 59 Ratification to the Lord Ochiltrie.
- 60 Ratification to the Lord Chancellor.
- 61 Ratification to the Lord Secretar.
- 62 Ratification to the Lord Roxburgh.
- 63 Ratification to the Lairds of Balvaird and Creich.
- 64 Ratification to James Maxwell and Robert Dowglas.
- 65 Ratification to Karnagie of Kynard.
- 66 Ratification in favours of the Laird of Balnagoun.
- 67 Ratification in favours of the Laird of Barganie.
- 68 Ratification to George Bruce of Carnock.
- 69 Ratification of the Lord of Scoone his pension.
- 70 Ratification of the Laird of Kilsyth.
- 71 Act anent the deserting of Sir David Woods summons.

F I N I S.

THE NEINTEINT H
P A R L I A M E N T

Of the

Most Excellent and Mightie King and Monarch, JAMES by the Grace of GOD, King of great Britane, France and Ireland, defender of the Faith, &c. Halden at Edinburgh, the eleventh day of August, 1607. by LODOVICK Duke of Lennox, &c. by vertue of his Majesties Commission granted to him, under the great Seale of this Realme at Theobalds, the thrid day of Julie 1607. with the advice of the Estates of this Realme.

1. *Anent Sayers and wilfull bearers of Messes.*



OUR SOVERAIGNE LORD, and Estates of this 'present Parliament, Ratifies, approves and confirms the two acts of Parliament made by his Heighnes, with consent of the Estates of this Realme. The one thereof made in his Heighnes twelfth Parliament 120. Act, against the sayers of Messe, Jesuites, Seminarie Priests, trafficking Papiists and refetters of any of them. And the other act made in his Heighnes fourtene Parliament in the 193. Act, against wilfull hearers of Messe, in the hail heads, articles and clauses thereof. And decernes and ordeins the samine two acts to have effect, and to be put to execution against the contraveiners thereof in all tyme comming; with this addition, that all wilfull refetters of excommunicat Papiists, and wha are at the Horne for that samine cause, after that publication be made by the Minister, the tyme of the preaching or prayers at the Paroch Kirk, where the refetters of the saids Papiists shall dwell for the tyme. Shall pay to OUR said SOVERAIGNE LORD, and to his Heighnes Thesaurer, the penalties contained in the act of Parliament, made anent non communicants. That is to say, Every Earle as he shall contravein the premisses, one thousand pounds. Every Lord, one thousand markes. Every Barron, five hundreth pounds. Every Free-holder, three hundreth markes. Every Yeoman, fourtie pounds. And to every Burges according to the modification of the Kings Majestie and Lords of Secret Councell. Whilks paines, ordeins OUR SOVERAIGNE LORDS Thesaurer to intromet there-with, and exact the samine to his Heighnes use.

2. *Anent weights and measures.*

OUR SOVERAIGNE LORD, and Estates of this present Parliament, having consideration of the great hurt and skaith that his Heighnes Leiges hes susteined and daily susteins, by the great diversitie and disconformitie of the weights, metts and measures within this Realme. Norwithstanding of divers and sundrie acts of Parliament made in the contrare, by his Heighnes most worthie Progenitours, and by his Majesties selfe, in the Parliament halden at *Edinburgh* the 29 day of Julie, one thousand, five hundreth, fourefcore seven. And that the negligence of the putting of the acts of Parliament to due execution, is greatest occasion thereof.

IT Is therefore statute and ordained, that all Schirefs, Stewarts of Royalties and Regalities, Proveit, Baillies and Aldermen of Burrowes, ilk one of them within their awne bounds and jurisdiction, put the saids acts of Parliament anent weights, metts and measures to due execution, betwix the date hereof and the first day of Januar next to come, under all heighest paine. Where-throw that there may be ane universall conformitie of weights, metts and measures throughout the hail Realme. With power also to the foresaid Judges to take tryel of false metts, weghrs and measures. And the users of the saids false weights and measures to amit and tyne their hail goods and gear, and the samine to be intrometted with to OUR SOVERAIGNE LORDS use.

3. *Anent destroyers of Parks, Wods, Plantings, Dowcats, Bees, Lochs and Stankes.*

OUR SOVERAIGNE LORD, and Estates of this present Parliament, considdering how Woods, Parks and all sort of Planting and haning decays within this Realme; and how Dowcats are broken, Bees stollen, mens proper Lochs and Stankes herried, to the great hurt and prejudice of the Countre and decay of Policie. Therefore, Ratifies and approves all acts of Parliament made of before, for conservation of planting and policie; and against breakers of Dowcats, stealing of Bees, and of filthes forth of mens Stankes and

and proper Lochs, in the hail poynts, articles and claufes thereof. And ordeins the fame to be put to execution againft the contraveiners thereof. And farther, the Eftaites forefaids, ftatutes and ordeins, that whafsoever fhall be found hereafter to break down his neighbours woods and park-dykes, fences, ftankes or clofours, to paffour within the faids fences, cut trees, broome, or fhearé graffe within the fame, or yet breaks Dowcats, ftals Bees and Fifhes in proper ftankes and lochs, fhall be conveyed and called therefore as ane breaker of the Law; either before the privie Councell, or any other ordinaire Magiftrat within this Realme, at the option of the partie compleiner; and the penalty to be impofed and taken of the contraveiners, before the faids ordinaire inferiour Judges, not to exceed the fumme of fourtie pundis money of this Realme. And the Secret Councell to impofe fike penalties againft the contraveiners of this prefent act, as after tryell taken in the caufe, they fhall finde the offence to merite and deferve. But prejudice alwyfe of putting of all former Acts of Parliament made thereanent to execution, after the tennour thereof in all poynts; to the whilk this prefent act fhall make na derogation.

4. *Anent Crafts-men.*

OUR SOVERAIGNE LORD, and Eftaites of this Parliament, Ratifies, approves and confirms the Act of Parliament made by King JAMES the Fifth of worthie memorie, Intituled, Act anent the conduction of Crafts-men, whilk is the hundreth and eleventh Act, in the hail poynts, Articles and Claufes thereof. And ordeins the fame to have effect, and be put to execution in tyme comming after the tennour thereof. Notwithftanding whatfomever act or ftatute made in the contrare thereof fenfyne.

5. *Ratification in favours of the Burrowes.*

OUR SOVERAIGNE LORD, and Eftaites of this prefent Parliament, Ratifies, approves and confirms all and whatfomever acts of Parliament and Lawes, made in favours of the free Burrowes of this Realme, at any tyme of before; with all auncient liberties, privilegedges and immunities granted to them by OUR faid SOVERAIGNE LORD, or by any of his Heighnes Prediceffours at any tyme by-gane.

6. *Act againft unfreemen.*

OUR SOVERAIGNE LORD, and Eftaites of this prefent Parliament, Ratifies, approves and confirms all Acts, Lawes, Decrets and Privilegedges granted or given in favours of his Heighnes free Royall Burrowes. And confidering the great hurt and skaith, daily fufained by the Burgefles inhabitants of his Majesties Royall Burrowes, wha underlyes and beares all burdings impofed upon the Eftait of Burrowes, in all his Majesties services, throw the continvall enteresse of unfree traffickers, dwelling in divers parts of this Realme, not being Burgefles of the faids Royall Burrowes. And nevertheleffe, keepes and holds open burthls, buyes and felles Marchandice, and otherwyfe ufes the liberties and privilegedges of free Burgefles, as it they were Burgefles and actuall residents within the faids Royall Burrowes, in manifold defraud of OUR SOVERAIGNE LORDS Customes, and to the prejudice of the liberties of the faids free Royall Burrowes. And therefore, ftatutes and ordeins, that all unfree perfons not being actuall Burgefles of the faids free Royall Burrowes, wha beares not burding and payes not taxt and ftent to his Majestie, fhall defift and ceafe from ufing of any Trade of Matchandice, or of the Liberties and Privilegedges forefaids of the faids free Royall Burrowes, under the paines contained in the Acts of Parliament, made anent unfree traffickers of before. And that letters of horning be direct hereupon charging whatfomever unfreemen, and ufurpers of the Privilege of the faids Burrowes, to finde fufficient caution for obedience of this Act. And als that letters of Horning be direct upon all Acts and Decrets of Burrowes, given at their conventions bewix Burgh and Burgh, and Burgefles of free-Burrowes, upon ane fimple charge of ten dayes without calling of the partie.

7. *Anent the Stain-beven within the Meirnes.*

OUR SOVERAIGNE LORD, and Eftaites of this prefent Parliament, Ratifies and approves the Act made of before in his Heighnes Parliament holden at *Edinburgh*, the xv. day of November, 1600. yeares, whereof the tennour followes. OUR SOVERAIGNE LORD, and Eftaites of this prefent Parliament, understanding the great prejudice fufteined by the Leiges of this Realme, where the Judgment feares of Schirefs and others Judges are not fo commodious, neither in building nor ftuation, as the Schiref, other Judges and their depütes may convenientlie fit, nor the parties may refort thereto. And fpeciallie that the Schiref of the *Meirnes*, alias, *Kincardin*, and his depütes have bene in ufe thir many yeares to fit at *Kincardin*, where there is neither ane Tolbuith nor any houfe to parties to ludge into for their entertainment. Nor yet is the place in the midft of the Shyre, whereby the Leiges of the faid Schirefdome are greatlie damnified. For remeid whereof, IT Is ftatute and ordeined, that the Schiref of the Schirefdome

dome of *Kincardin* in all tyme to come, shall sit and hald their Courts at *Stain-byve*, as place maist meet and convenient to them and to the haill Leiges within the said Shyre. And that all precepts to be direct shall be to warne all the parties within their jurisdiction, to compeir to persew and defend in their Courts at the said Burgh of *Stain-byve* in all tyme hereafter.

AND Farther, his Majestie and Estaites foresaids, decernes, statutes and ordeins the said Burgh of *Stain-byve*, and market crosse thereof, to be in all tyme comming the head Burgh of the said Schirefdome of *Kincardin*, and the marker crosse thereof to be the place at the whilk all citations, charges, denunciations of hornings and others whatsoever, comprysings, by vertue of whatsoever decreits, publications of inhibitions, interdictions, and of all other charges and executions whatsoever whilkis properlie belangs and appertains to be done, used and execute at the market Crosse of the head Burghs of any Schirefdomes within this Realme, to be used and done within the said Schirefdome of the *Meirnes*, alias, *Kincardin*, shall be used and execute in all tyme comming. And declares all citations, denunciations, publications, comprysings, and others excutions of the lyke nature, to be used at any other place within the said Schirefdome of the *Meirnes*, nor at the said market Crosse of *Stain-byve*, to be null and of nane avail, force nor effect in all tyme comming.

8. Act anent the Chapter of Sanct-Androes.

FORSAMEIKLE As the conventuall Brethren and Channons of the Monastrie of *Sanct-Androes* were the auncient Chapter and Counsaill of the Arch-bishop thereof, wha now are decaying, and few of them being on lyve. Lyke as the Pryorie and frutes thereof are to be erected in ane Temporall Lordship, and necessare it is that the said Arch-bishop shall have ane constant Chapter, according to the auncient Policie of the Kirk, and Foundamentall Lawes of this Kingdome. Therefore OUR SOVERAIGNE LORD, with the advyce of the Estaites of this present Parliament, Gives, grants and commits full power and commission to *George* Arch-bishop of *Sanct-Androes*, to elect and nominar seven qualified persons of the Clergie at the least, dwelling and having charge and administration within his Diocie, to be the perpetuall convent, Counsaill and Chapter of the said Arch-bishoprick in all tyme comming; and after the decease or removing of any one or more of them from their present place, the intrant succeeding to the said charge or place, to succeed also in that rowme of the Chapter or convent, and yet nevertheles reserves to the said Arch-bishop and his Successours their auncient Priviledge. To witt, that the common Seall of the said Chapter to be made of new by their awn advyce, shall serve for their consents without their subscriptions. Attour, it is founden and decerned, that the present common Seall of the said Chapter being appended to the evidents and rights already made and granted by the said Arch-bishop, hes bene and shall be in all tyme comming ane sufficient and persite consent of the Chapter, and als effectuall for securing of the Vassals and Teneurs receivers of the saids rights, as the same hes bene in any tyme of before; and so to indure in force for consent of the said Chapter, ay and whill the election of the said Chapter, and making of the said new common Seall.

9. Act Salvo Jure Cujuslibet.

THE Kings Majestie and Estaites of this present Parliament, decernes and declares, that the Ratification of any particular Rights, Infeftments, Tacks, Pensions or others writs and evidents, granted to whatsoever Persons in this present Parliament, shall nawayse prejudice, hurt, nor derogate to the particular Rights of other parties, notwithstanding they be not ratified nor confirmed at this tyme by his Heighnes and his saids Estaites.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES and others, past in the xix. Parliament, holden at Edinburgh, the eleventh day of August, 1607. not imprinted.

- 1 *ACT Of ratification of the Queenes infeftment of Dumfermling.*
- 2 *Act anent the Union of the two Realmes.*
- 3 *Act anent the Ministers stipends, and the Kings Blanches in Erections.*
- 4 *Act anent the Chapter of Sanct-Androes.*
- 5 *Act of the annexation of the Kirk of Megle to the Bishoprick of Dunkeld.*
- 6 *Act anent the Bridge of Crawmond.*
- 7 *Commission anent Grammer Schooles.*
- 8 *Act in favours of the Earle of Murray.*
- 9 *Act in favours of the Earle of Argyle for xx. chal. forth of Kintyre.*
- 10 *Act anent the erection of Kelso in favours of the Lord of Roxburgh.*
- 11 *Act in favour of the Earle of Erroll.*
- 12 *Ratification in favours of the Lord Salton.*
- 13 *Ratification in favour of Sir William Seyton and his Sonnes.*
- 14 *Ratification of the Lord Advocats infeftment of Binning.*
- 15 *Ratification to the Laird of Ormeston Justice Clerk to his infeftment.*
- 16 *Erection of Bewlic in favours of James Hay.*
- 17 *Ratification to the Laird of Balvaird and his infeftment.*
- 18 *Act in favour of John Murray of the Kirk of Annand.*
- 19 *Ratification to the Laird of Balcarhouse of his infeftment.*
- 20 *Ratification to the Constable of Dondie of his infeftment.*
- 21 *Act in favour of Maister James Durhame of ane bie-gate.*
- 22 *Act in favour of Maister Alexander Craig of his pension.*
- 23 *Act in favour of John Strang of his infeftment of Kilrinnie.*
- 24 *Act in favour of Thomas Perion of his infeftment in Arbroth.*
- 25 *Act in favour of the Laird of Ruthvens.*
- 26 *Act in favour of the Earle of Orknay.*
- 27 *Act in favour of the Universitie of Sanct-Androes.*
- 28 *Act in favour of Maister George Young and James Primrose of their pensions.*
- 29 *Act in favour of James Hammilton Servitor to the Advocat.*
- 30 *Act in favour of Adam Cowper of his infeftment of Gogar.*
- 31 *Act in favour of the Clerk of Register for imprinting of the Lawes of Regiam Majestatem and others Lawes.*
- 32 *Act in favour of the Towne of Dumbartane.*
- 33 *Act in favour of the Towne of Craill anent their market.*
- 34 *Ratification of the Priviledge of the Lords of Counsaill and Session.*

F I N I S.

T H E X X.

P A R L I A M E N T

Of the

Most Excellent and Mightie King and Monarch, JAMES By the grace of GOD, King of Great Britane, France and Ireland, Defender of the Faith, &c. Halden at Edinburgh, the twentieth fourth day of June, 1609. By ane Potent Lord, GEORGE Earle Marfchell, Lord Keith and Altrie, &c. Be vertue of his Majesties Commission graunted to him, under the great Seale of this Realme, with advyce of the Estaites of this Kingdome.

1. *Act anent Chusing of Pedagogues to Children passing forth of Scotland to Schooles.*

ORSAMEIKLE AS OUR SOVERAIGNE LORD and Estaites of this present Parliament, Considering that ane of the great causes whilk hes procured the growth and increafe of Papists within this Kingdome, hes proceeded from the small care and regarde that hes bene had of the education and upbringing of the youth, wha being sent forth of the Realme to places of contrarie profession, and not being first well grounded in Religion, and accompanied with Pedagogues scarce well affected to Religion, they doe oft returne back so possest with superstition and hereticall errors, as they may be justlie suspected for dangerous subjects in the Estaite. For preventing of whilk growth and increafe of defection from the true faith by the occasion foresaid, OUR SAID SOVERAIGNE LORD and Estaites foresaid, Ordeines that all sik Noble-men and others wha hereafter shall direct any Pedagogues with their Sones out of the Countrie, shall be halden by vertue of this present Act, to have ane sufficient Testimoniall of the Bishop of the Diocie where the said Pedagogue for the maist part latelie before made his residence: Testifying and approving the said Pedagogue to be godlie and of good Religion, learned and instructed in the same. And if any Noble-man or other shall happen to send any Pedagogue with their Sones out of the Countrie without the Testimoniall and approbation of the Bishop in manner above-written. In that case OUR SAID SOVERAIGNE LORD and Estaites foresaid, declares, statutes and ordaines that every sik Noble-man and others according to their severall degrees and rankes shall incur the paines particularlie under-written. *Viz.* Every Earle, five thousand pounds. Every Lord, five thousand markes. Every Barron, three thousand markes; whilks summes shall be intromitted with and uplifted of them by his Majesties Thesaurer and his Depute to his Heighnes use. Provying in-case it shall happen the Bishop of that Diocie to refuse to grant Testimoniall to the Pedagogue upon the premises, the said Bishop thereafter being Lawfullie summoned to compare before the Lords of his Heighnes Secrer Councell to answer to that complaint, and shaw not a reasonable cause of that his refusall. Then in that case, it shall be lawfull to the Lords of Secreteer Councell to give their Testimoniall to the foresaid Pedagogue to the effect above-written.

2. *Act against Children that becomes Papists when they are out of Scotland.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, Ordeines the Noble-men, Barrons and others to have a speciall care, and to give ordour and direction that the remaining of their Sones forth of the Countrie; shall be in places where Religion is professed, or at the least where there is na restraint of the same by the crueltie of Inquisition: and that during the tyme of their absence they shall not haunt any Idolatrous exercise of Religion. And that sik persons as hes not the moyen to intertaine with their Sones ane Pedagogue, shall send them to sik places where Religion is professed. And in-case their Sones after their departure out of the Countrie shall haunt the exercises of contrarie Religion, OUR SAID SOVERAIGNE LORD and Estaites foresaid, ordeins that their parents, or sik others as hes the charge of them shall be straited to finde caution, acted in the buikes of Secreteer Councell, under sik paines as shall be modified, that they shall not supplie, intertaine nor furnishe them with any thing necessary or comfortable unto them after that it be known that their Sones are become Papists and haunts Idolatrie, contrarie to the Religion presentlie professed within Scotland, except their resonable expenses in recalling and bringing them to this Realme of Scotland.

3. *Act anent excommunicat Persons not to enjoy their lands, rowmes and possessions.*

OUR SOVERAIGNE LORD, and Estaits of this present Parliament, considering that where-as there is divers persons wha are Excommunicat for not conforming themselves to the true Religion presentlie professed, and doe notwithstanding still enjoy the possessions of their lands, rents and livings, either directlie in their awne persons, or covertlie in the persons of their friends and wel-willers to their use and behove, to the incouraging of them to persist in their pernicious and erroneous opinions, and to the frustrating of the execution of the acts and constitutions made against excommunicars heretofore. Therefore OUR said SOVERAIGNE LORD, and Estaits foresaids, declares, statutes and ordeins, that na persons whatsoever, wha are alreadie or hereafter shall happen to be Excommunicat for not conforming themselves to the Religion presentlie professed within this Kingdome, shall be suffered either directlie in their awne persons, or covertlie and indirectlie by any others in their names and to their behove, to enjoy the possession of their lands, rents and revenues; but that the same shall be medled with, intrometted with and uplifted to his Majesties use.

4. *Act giving command to Bishops to send the names of excommunicat persons to the Thesaurer and to the Director of the Chancellarie.*

OUR SOVERAIGNE LORD, and Estaits of this present Parliament, considdering that to the effect every mans affection and disposition in his Religion may be clearlie and sufficientlie knawne. Therefore OUR said SOVERAIGNE LORD, and Estaits foresaids, statutes and ordeins that every Archbishop and Bishop within the bounds of his awne Diocie shall anes everie yeare give up to the Thesaurer, Comptroller, Collector and their deputies, and to the Director of OUR SOVERAIGNE LORDS Chancellarie, aue Roll subscribed with his hand containing the names of all sik persons within his Diocie wha are excommunicat for Religion. And ordeins the said Thesaurer and his deputies, that they receive na resignations, nor grant confirmations nor intestments to nor in favours of any of the persons whais names shall be contained in the said Roll. And that the Director of the Chancellarie & his deputies give out na Brieves, receive na Retours, nor direct na precept upon retours, nor upon comprisings in favours of any of the saids persons whais names shall be insert in the said Roll at na tyme thereafter, whill the said person or persons produce unto the said Thesaurer, Comptroller, Director of the Chancellarie and their deputies a sufficient Testimoniall subscribed by the said Archbishop or Bishop, testifying their relaxaion from the said excommunication & their obedience and satisfaction to the Kirk, as the said Thesaurer, Director of the Chancellarie and their deputies will be answerable to his Majestie upon the duetie of their office. And lykwyse OUR SAID SOVERAIGNE LORD, and Estaits foresaids, declares that it shall be lawfull to all Lords of Regalities, and to all Superiours wharsoever within this Kingdome, to refuse Breives and precepts of *Clare constat* in favours of any person or persons, whais names shall be insert in the said Roll. As also to refuse the entrie of Tenents upon comprysing, whais names are insert in the said Roll.

5. *Act against Jesuites, Seminarie Preists, sayers or bearers of Messe, Papists, and refetters of them.*

OUR SOVERAIGNE LORD, and Estaits of this present Parliament, considering the impunitie of Jesuites, Seminarie Preists and others Papists, adversaries to the true Religion proessed in this Realme, and their refetters in tymes bygane, hes bene the cause as well of their increase as of their insolence in all the parts of this Realme. And that the same hes proceeded partlie upon the negligent execution of the Actes of Parliament made against the saids Papists, Jesuites, and Seminarie Preists and their refetters, and partlie upon some obscuritie of words in the saids Acts. Therefore, OUR said SOVERAIGNE LORD, and Estaits foresaids maist willing to have the saids Acts put to due execution in all poynts, and Papistrie and superstition utterlie suppressed according to the intention of the same, hes ratified, approved and confirmed, and by the tennour of this present Act Ratifies, approves and confirms all and wharsoomever Acts of Parliament, either made in his Heighnes minoritie and lesse age, or else since his acceptation of the government in his awne person, against Jesuites, Seminarie Preists, Papists, sayers and hearers of Messe, and refetters of the saids persons or any of them; And decernes and ordeins the samine to have full strength, force and effect, and to be put to due execution in all tyme comming, with these explanations after following. That the saids acts made against hearers and sayers of Messe shall be put to due execution, and be extended to all hearers and sayers of Messe, without any exception or restriction. As likewise that all acts made of before against the refetters of the saids persons have their full force, strength and effect, and be put to due execution against the saids refetters; after lawfull intimation and denunciation be made of the saids persons. Whilk denunciation and intimation his Heighnes and the Estaits foresaids declares to be sufficient to cause the saids refetters of the saids Papists, Jesuits, Seminarie Preists, and others contained in the saids acts, incur the paines therein contained, if the same be made at the head burgh of the shyre where the saids persons ternaimes, and at the market crosse of *Edinburgh*, without any farther intimation to be made there-anent. After the whilk

denunciation and intimation to be made, as said is, OUR said SOVERAIGNE LORD, and Estates foresaid, declares that whatsoever thereafter shall wittinglie and willinglie reset any of the saids persons, either privatlie or publicklye, that the saids resetters shall incurre the paines contayned in the saids Acts, they being lawfullie convict thereof. And that the act made in his Heighnes first Parliament, bearing that none that professe not the true Religion presentlie professed within this Realme may be Judge, Procurator or member of court, be extended to all and whatsoever offices, without any exception or restriction in all time coming. And for the better execution of the saids acts, OUR said SOVERAIGNE LORD, and Estates foresaid, commands and ordeins all Archbishops; Bishops & Presbyteries to call before them the saids Papists, Jesuites, Seminarie Priests and their resetters, every one within their awn bounds; and to take tryell and cognition if they have contraveined the saids acts or any part thereof. And according as they finde after due tryell and probation, that they report the same to his Heighnes Advocat and Secrer Councell; to the effect they may be called and conveyed before them, and punished according to the saids acts in all poynts.

6. *Act of the Commissariates and jurisdiction given to Archbishops and Bishops.*

OUR SOVERAIGNE LORD, Understanding that in all well governed Republicks, the jurisdiction Civill and Ecclesiastick are severall, distinct and divers jurisdictions, whilk ought to be administrat by the persons to whom the same propriety belangs; and according to his Heighnes most loving and princelie affection borne alwyse to the Christian Reformed Kirk within this Realme, being maist willing that the said Kirk should bruike and joyse their liberties, priviledges, fredome and jurisdiction granted to them by his Majestie (from whom onely their temporall jurisdiction doth flow) and in that regarde belonging to them as being one of the Estates of Parliament maist necessary to be maintained for giving of their advyce, Counsell and assistance in all his Majesties great and waightie affaires, hes with expresse advyce and consent of the Estates of Parliament, restored and redintegrate the Archbishops and Bishops of this Realme to their former authoritie, dignitie, prerogative, priviledges and jurisdictions lawfullie pertaining, and shall be knownto pertaine to them (alwyse flowing from his Majestie, als well as any other ordinarie jurisdiction doth) and speciallie to the jurisdiction of Commissariates, and administration of Justice by their commissiouners and deputies in all Spirituall and Ecclesiasticall causes contraverbed betwene any persons dwelling within the bounds and diocies of their prelacies and Bishopricks; With full power to the saids Archbishops, Bishops and their Successours in all tyme hereafter, to nominat and create sufficient, wise, discreit and learned men, best acquainted with the Law and practick of this Realme, to serve and administrat Justice in the saids places of Judicatorie, to constitute Clerks and all other under officers sa oft as the same shall vaik by dimission, decease, deprivation or otherwyse, and to provide others in their places, with as great fredome and libertie as any Archbishops or Bishops in this Realme formerlie hes done. Whilks Commissaires to be nominat and create by them, shall Judge and decyde in all causes belonging to their judicatorie. And wherein the Commissaires presentlie in office are in use to decyde, keeping the same style and forme whilk is presentlie observed, and that manner of proceeding whilk shall be preseryved and injoynted to them by speciall injunctions without any alteration of the present Lawes, or introduction of new and uncouth practicks upon the subjects and leiges, and shall have power of confirmation of Testaments every one of them within their awn bounds. The Quotes thereof to be payed to the Archbishops, Bishops, their Chamberlanes, Factors and under-receavers appointed by them. For the better effectuating whereof, his Majestie and Estates of Parliament, ordeins letters of Horning to be given and granted by the Lords of Session in that same very-fort that the Commissaires present hes it, for execution of all their sentences and decreits whilk shall happen to be pronounced by them, and compelling of persons to enter and confirme the Testaments of their defuncts in the very same maner that formerlie hes bene done. And for maintaining all things in better order, and the restraining of unlawfull Divorcements, over frequentlie practised within this Realme, to the heigh dishonour of God and slander of true Religion. His Majestie with advyce and consent foresaid hes statute and ordeined, that in the Burgh of Edinburgh there shall be resident alwyse foure Commissaires, twa to be nominat and appoynted by the Archbishop of *Sanct-Andrewes*, and twa by the Archbishop of *Glasgow*, wha shall have the onely power to decide in all causes of divorcement. Aslykwyse shall have power of reduction of all decreits pronounced by any other Commissaires, to the hurt and prejudice of any of the leiges; before whom it shall be onely lawfull to intend and perfew reductions of inferior Commissaires their sentences and decreits in *prima instantia*. And in case the saids Commissaires to be appoynted by the Archbishops of *Sanct-Andrewes* and *Glasgow*, as said is, performe not their ductie, the Lords of Session shall have power to try, cognosce and determine in the same; and shall Judge upon all decreits and sentences alledged to be wrangouslie pronounced by them. And that because they are his Majesties great Consistorie, to whom his Heighnes with advyce of the saids Estates, gives and grants a heigh supreme Commission for all sik causes, to Judge and determine of them in sik causes. And declares that it shall be lawfull to the saids Lords of Councell and Session, to Advocat causes to themselves from any of the Commissaires, upon just and lawfull complaints made to them by any of the subjects, and not otherwyse. Provying alwyse, that the said Session shall ever be readie to give an accompt to his Majestie, that their Advocations have bene grounded upon probable and lawfull grounds for the well of the subjects. And that this foresaid Act may be put in present effect, his Majestie with advyce foresaid, declares all former erections of Commissariates to be suppressed and extinct from this forth and for ever, all constitutions that

All Judges
members of
Court and
Officers
whatsoever
should
professe the
Religion.

Deputies or
Commissaires.

Clerks and
Officers.

Confirmati-
on of Testa-
ments.

Quotes of
Testaments.

Letters of
Horning.

Divorce-
ment.

Commissaires
in Edinburgh.

Reduction
of decreits.

Advocati-
on of former
Commissaires.

Discharge
of former
Commissaires.

that have bene in former tyme of the same in whatsoever part of the Realme the same hath bene crested, and by whatsoever manner the same hes proceeded, Act of Parliament, Secreet Councell, and others made there-aneant. And in lyke manner, discharges and annulles all presentations, gifts or dispositions made by his Heighnes to the Commisaires present, or to any other concerning the said Commisariates, and all rights acquired by them by decease, dimission, or howsoever the same hes vaicked, and all gifts and dispositions made in favours of their Clerks and members of Court, by whatsoever manner of order the same hes proceeded. With this provision alwyse, that the Commisaires presentlie in office, their Clerks and others members of Court, who shall be authorized with testimoniall from the Lords of Session of their sufficiency & qualification to their severall places and offices, shall bruike and joyse the same, they alwyse receaving new presentation and gift of their offices from the Archbishops and Bishops of their Diocies where they serve, betwene and the first day of December next to come. Otherwise, if in case the saids Commisaires and others members of Court do not produce the foresaid Testimoniall from the Lords of Session, as said is, it shall be lawful to the Archbishops and Bishops to provide other sufficient persons to the saids places. The restitution of the said jurisdiction alwyse to be with expresse reservation of his Heighnes and his Successours their prerogatives and supremacie in all causes Ecclesiasticall and Civill within this Realme. Provying alwyse that this present act shall na wyse be hurtfull nor prejudiciall to the heritable right of the Commisariate within the bounds of *Argyle*, pertaining to *Archbold* now Earle of *Argyle*, but the same to stand in the same force, strength and effect as it was before this present act, and notwithstanding thereof or any clause therein contained *Prout de jure*.

Testimoni-
als to be
given.

The Kings
preroga-
tive.

Commisair
of Argyle.

7. *Act anent the Commissioners and Justices of Peace.*

FORSAMEIKLE As among the infinite monuments and testimonies of his Majesties true pietie, singulare wisdom, sincere zeale to Justice and fatherlie care of his people, the Estaits of this Kingdome have not found any bringing mair deserved commendation and permanent renoune to his Majestie, or greater profite, quyetnesse and comfort to his subjects, nor his constant perseverance in his maist Religious and prudent resolution to extirpat the ungodlie, Barbarous and brutall custome of deadlie feads, whilk by the inveterate abuse of many bypast ages was become sa frequent in this Realme, as the subjects of greatest ranke and qualitie upon every naughtie occasion of base and unworthie contraverfies of neighbourhed, for turves, fold-dykes, fures or marches of lands, foolish words or drunken discords betwene their meanest servants and dependers, and any other in the Countrie, did so readilie embrace the protection of their unjust and unnecessary quarrels, as did many tymes involve themselves and their haill friendship in maist bloodie and mortall troubles, whilk they did prosecute with sik malice and cruelte, as to the extreme perrell of their faules, infamie of their memoriall, and overthrow of their awne and their adversaries houses, did distract the Kingdome in opposite factions, and many tymes furnished matter of maist pernicious, seditious and Civill warres. The inconveniences whereof being manifestlie sene and sensible felt, baith by the Princes & people of this Realme in many bypast ages and earnestlie focht to have bene removed, yet the corruption was sa universall, that the greatest part prevailling against the best, that cruell Barbaritie hath both continuance and daily increase, untill his Majestie bending the excellent wisdom and rare graces of his Royall minde (where-with God hes endowed him mair abundantly then any King that ever did raigne in this land) against that godlies, unnaturall and beastlie Custome, did devise and establish a maist godlie, just and prudent Law and Ordinance for the courte to be observed, for removing upon equitable and just conditions the deadlie feads, whilk then stude in great number betwene the maist powerfull subjects in this Kingdome and their kinsmen, assisters and partakers: In the execution whereof, God having miraculousslie assisted his Majesties maist haillie and just intention after exceeding great care and paines taine by his Majestie in tryall of the originall causes of the saids discords, the true circumstances of the injuries and losses sustained by either partie, and in prescrying due satisfaction to be indifferentlie made for redres of all by past harmes and wrangs. His Majesties admirable constancie hes sa overcome all difficulties, that the haill knawne feuds within the Kingdome being now removed by perfite reconciliation, and just contentment of all parties having interest therein, his Majesties haill subjects finds sik joy and happines in the sweet frutes of his wisdom and providence exprest in that case; that they earnestlie wish that his Majestie wha hes sa cairfullie exterminate that abhominable pest of deadlie feads, may in his singulare wisdom finde meanes for ever to prevent the reviving of that monster. Wherein his Majestie considering that nothing gave sa great growth and strength to that by past Barbaritie, as the slouth of Magistrates in not suppressing the first seeds of these diffentions, whilk being small and weak in the beginning, for Peers, Turves, Devits, Fold-dykes, poynding, neighbourlie marches, injurious words or light brawles were then easilie to be settled, if diligence and authoritie had bene joyned for repressing thereof, whilk being neglected by these to whom it appertained; these light jarres and insolencies did very oft kinde sik flames of disorder, diffention, rankor and feed, as in many yeares with great streames of blood, desolation and ruine of great and auncient houses and races could hardlie be quenched. For remeed whereof his Majestie and Estates foresaid, Ratifies and approves the former Act made by his Heighnes, for abolishing deadlie feodes in every head, clause and Artickle theteof. And farther, statutes and ordeines, that in every Schyre within this Kingdome there shall be yearlie appoynted by his Majestie some godlie, wyse and vertuous Gentlemen of good qualitie, moeyen and report, making residence within the same, in sik number as the bounds of the Schyre shall requyre, to be Commissioners for keeping his Majesties peace, to whom his

Majestie

Majestie with advyce of the Lords of his privie Councell shall give power and commission to oversee, try and prevent all sik occasions as may breed trouble and violence amongst his Majesties subjects, or forceable contempt of his Majesties authoritie and breach of his peace. And to command all persons in whom they shall see manifest intencion to make trouble or disorder, either by gathering together of ydle and disorderlie persons, or by publick bearing or wearing of Pistols or other forbidden weapons, and sik other ryotous and swaggering behaviour; to binde themselves and finde caution under competent paines to observe his Majesties peace, and for their compareance before his Majesties Justice or Lords of his privie Councell, to underly sik order as shall be found convenient for punishing their transgressions or staying of troubles and enormities. And if need shall be, to requyre the duetifull and obedient subjects of the Shyre to concurre with them in preventing all sik contempts and violences, or for taking or warding of the wilfull and disobedient authors, committers and fosterers of these crymes and disorders under sik competent arbitrarie paines as his Majestie and Lords of his privie Councell shall appoynt for the offenders, and sik of the Countrie as being requyred shall not give their readie and asaid concurrence to his Majesties Commissioners in the premises, whereby the ordinarie Magistrats and Officiares within the Shyres, may be the better assisted, and their absence, imployments or other impediments mair commodiously supplied, without derogation of their jurisdiction or want of readie comfort and Justice to the obedient subjects within the bounds thereof. Ordaining also the saids Commissioners to give true advertisement and information to the Lords of his Majesties privie Councell, Justice generall and his deputies, his Majesties Thesaurer and other Magistrats and officers whom it effects, of the names of sik faithfull and unsuspect witnesses and assysers to be summoned in all crymes and disorders whilk shall happen or fall forth within the saids Shyres, as shall be known to be maist meet and able for tryell and probation of the same, and for eschewing that sik as are either aged, feiklie or unable to travell, or ignorant of the facts to be tryed, be not unjustlie vexed or unnescessarie drawne from their awne houses and affaires, for matters wherein they are not able to give any light.

8. *Act of the apparel of Judges, Magistrats and Kirk-men.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, finding by daylie experience that the greannes of his Majesties Empyre, magnificence of his Court, fame of his Wisdome and Justice, and of the civilitie of his subjects, hes already begun to allure divers foraine Princes, and other strangers of all Estaites to make mair frequent repair to this Countrie, nor ever they did in any preceeding age. Whilk resort of strangers will by all appearance baith continue, and daylie mair and mair increase; and by rhem na doubt, report will go through all the world of the Estait and governement of the Kingdome, according to the order whilk they shall see observed within the same. Whereof the rules and good exemple flowing from the Estaites of Parliament and Magistrats, to the haill remanent subjects of the Realme, it is maist necessary that sik gravitie and comelines be used by the Lords and Commissioners of Parliament, and others Magistrats in their apparell and behaviour, as may best deserve the good report and true commendation of all Princes, Noble-men and others strangers, wha shall have occasion to see and relate the same. The respect whereof, having induced his Majestic to preserve to the Nobilitie apparell for the Parliament becoming their honourable Estait. And understanding that the remanent members of that heigh Court have not reformed themselves to the like convenience, neither yet that the course intended by his Majestic for discharging Noblemen and Gentle-men to be elected Provosts and Magistrats of Burrowes (whereof nane should be capable but Burgesse, actual traffickers and inhabitants of the said burrowes) hes nae sik effect as is maist necessary for preservation of the liberties and good estate of the saids Burrowes, and hindering the dissipation of their common good and perverting of their privilegedges. For remed whereof, his Majestic with advyse of the Estaites of his Heighnes Parliament, statuts and ordains that na man shall in any time coming be capable of Provell or other Magistracie within any Burgh of this Realme, nor to be elected to any of the saids offices within a Burgh, but Marchants and actual traffickers inhabiting within the saids Burghs allanerlie, and na others. And that the saids Magistrats of Burrowes to be hereafter elected, and their Commissioners of Parliament, shall have and weare at Parliament, Conventions and other solemne tymes and meetings when the dignitie shall requyre it, sik comlie and decent apparell as his Majestic shall preservey convenient for their rank and estate, whereby they may be discerned from other common Burgesse, and be mair revered by the people subject to their charge. And because a comlie, decent and orderlie habite and apparell in the Judges of the land, is not onely ane ornament to themselves (being a badge and marke for distinguishing them from the vulgar sort) but the same also breads in common people that reverence and regarde that is due and proper for men in these places. And this being a custome universallie observed almost through all Europe, the want whereof is greatly censured by strangers resorting in these parts. The saids Estaites therefore upon infinite proves they have of his Majesties maist singulare wisdome in all his directions, & of his gracious love & affection to this his native Kingdome, have in all humilitie referred to his Heighnes awne appoyntment the assigning of any sik severall sort of habite and vestiment as shall be in his Majesties Judgment maist meet and proper, as well for Lords of Session being the supreme Judges in Civill actions, as for all other inferior Judges of thelyke causes. As also for the Criminal & Ecclesiasticall Judges, & for Advocats, Lawyers & all others living by Law and practise thereof; that sa every one of these people may be known and dignosed in their place, calling and function, & may be accordinglie regarded and respected. Attour, his Majestic & Estaites forsaids, considering

The Estates
in Parli-
ament.

Magistrats
within Bur-
rowes.

Their ap-
parell.

Apparell of
Judges is
referred to
the King.
Lords of
the Session.
Inferior
Judges.
Lawyers.

what

what slander and contempt hes arisen to the Ecclesiastical Estate of this Kingdome by the occasion of the light and undecent apparell used by some of that profession, and cheeflie these having vote in Parliament. It is therefore statute that every Preacher of Gods word shall hereafter weare black, grave and comelie apparrell befitting men of their estate and profession. As lykwyse that all Priors, Abbots and Prelats having vot in Parliament, and speciallie Bishops, shall weare grave and decent apparell agreeable to their function, and as appertaines to men of their rank, dignitie and place. And because the haill Estaites humble and thankfulie acknowledges that GOD of his great mercy hes made the people and subjects of this Countrie fahappie as to have a King raigne over us, wha is maist godlie, wyse and religious; hating all erroneous and yaine superstition, just in government, and of lang experience therein, knowing better then any King living what appertains and is convenient for every estate in their behaviour and duetie. Therefore it is agreed and consented to by the saids Estaites, that what order sa ever his Majestie in his great wisedome shall thinke meet to prescribe for the apparell of Kirk-men agreeable to their estate and moeyen; the same being sent in writ by his Majestie to his Clerk of Register, shall be a sufficient warrant to him for inserting thereof in the Buikes of Parliament to have the strength and effect of ane act thereof, with executorialis of horning to be direct there-upon, against sik persons as within the space of fourtie dayes after the publication or intimation to them of the said act or charges used against them there-upon, shall not provyde themselves of the apparrell to be appointed by his Majestie for men of their vocation and estate, to be used and worne by them and their successors at the tymes, and in maner to be expressed in the said act to be made by his Heighnes there-anent.

Ministers.

Prelats.

Apparrell
of Kirk-
men refer-
red to the
King.

9. *Act against skandalous speeches and lybels.*

OUR SOVERAIGNE LORD foreseeing that there is nothing sa necessare for the perpetual well and quyetnesse of all his subjects of this Monarchie as the furtherance and accomplishment of the union of his two famous and maist auncient Kingdomes of *Scotland* and *England*, whereof his Majestie out of his fatherlie care of the peace and happines of his good and faithfull people, having maist instantlie and earnestlie solicited the perfection, and by the assistance of the worthiest members of bauch Kingdomes, sa effectually advanced the same, as he hopes (God willing) in his Reigne to see the wished end of that great work, while in his royal person hes received sa miraculous and happy a beginning: And nevertheles finding therein sik malicious lets, as the devill and his supposts do usually suggestt, to the hindrance of all just and godlie inter-privies, specially by the false and calumnious brutes, speeches and writs, craftelie uttered and dispersed by some lawles and faulces people of this Realme, aswell in privat conferences as in their meetings at tavernes, ail-houses and playes, and by their pasquils, lybels, rymes, cockalans, comedies and siklike occasions whereby they slander, maligne and revile the people, estate and countrie of *England*, and divers his Majesties honorable Counsellors, Magistrats and worthie subjects of that his Majesties Kingdome. The continuance wherof being able to incense the people of *England* to just grief and discontentment, may not only hinder the intended union of all the good subjects of this Monarchie, but stir up in them sik irreconcilable evill will, as with time might bring forth maist dangerous and harmfulfull effects. For remedie and preventing whereof, his Majestie remembreing how strait and severe punishment lies by the Lawes and acts of his maist Royall Progenitors Kings of this Realme heretofore bene ordained to be inflicted upon sik as should devise or utter false and slanderous speeches and writtes to make dissensions betwene the Prince and his subjects, or raise sedition in the Realme; and considering that all sik purposes and writtes as may breed dysliking betwene the inhabitants of the saids Kingdomes of *Scotland* and *England*, being now all become his Majesties Leige-people, equallie subject and equallie beloved of his Heighnes; tends to maist dangerous dissention and sedition amangs his subjects. Therefore his Majestie with advyce and consent of the haill Estaites of this Parliament, statutes and ordeins, that whatsoever shall hereafter by word or write, devise, utter or publish any false, slanderous or reprochfull speeches or writtes of the Estate, People or Countrie of *England*, or of any Counsellor thereof, tending to the remembrance of the auncient grudges borne in tyme of by-past troubles, (the occasion wherof is now happilie abolished by the blessed conjunction of the saids Kingdomes under his Majesties Sovereignitie and obedience) or to the hindrance of the wished accomplishment of the perfect union of the saids Kingdomes, or to the slander or reproch of the Estate, people or Countrie of *England*, or dishonour or prejudice of any Counsellor of the said Kingdome, whereby hatred may be softed and entertained, or misliking raised betwene his Majesties faithfull subjects of this Isle. The authors of sik seditious, slanderous and injurious speeches or writtes, or dispersers thereof, after tryell taken of their offence, either before his Majesties Justice, or the Lords of his Heighnes privie Councell, shall be severelie punished in their persons and goods, by imprisonment, banishment, fynyng or mair rigorous corporall paine, as the qualitie of the offence shall be found to merite at his Majesties pleasure. And all sik as hearing or getting knowledge of any sik speeches or writtes, shall conceal the same, and nor reveale them to his Majesties ordinarie officers, Magistrats or Counsellors, whereby the authors and dispersers thereof may be punished, shall underly the lyke tryell and paine.

10. *Act anent fugitive persons of the Borders to the in-Countrie.*

FORSAMEIKLE As the Kings Majestie is resolved to purge the middle-shayres of this Isle, heretofore called the Borders of *Scotland* and *England* of that barbarous crueltie, wickednes and incivillie

whilk

whilk be inveterat custome was almaiſt become naturall to many of the inhabitants thereof, and to reduce them to the knowledge, love and feare of God, reverence of his Majesties authoritie, obedience of his lawes and due tie to their Neighbors; for accomplishing of that maiſt Royal designe, made chuse of one to be Commissioner in these bounds, whom by many assured proofes in former employments of greatest consequence, his Majestie knew to be indued with all qualites necessarie for ſa weigite a charge; wha following preceitlie the rules of his Majesties maiſt prudent directions, and using all poſſible diligence and dexteritie in prosecution thereof, made ſa happeie progresſe in that good courſe, as juſtlie puniſhing the maiſt perverſed and rebellious ring-leaders (whais amendment was desperate) and transporting others of them forth of this Ile, the rest were brought to very ſetled quyernes and obedience of his Majesties lawes, a very few number of out-lawes onely excepted, wha being ſa earnestlie ſearched and perſued in these bounds, as all hope of eſcaping and langer impunitie was taken from them; they have by maiſt ſubtle and craftie means by changing their names, and diſſembling the place of their nativitie, convoyed themſelves in the in-countries of this Realme, and inſinuated themſelves in ſervice with Noble-men and others of good qualitie, not only therby eſchewing their deſerved puniſhment, but alſo abuſing and harming his Majesties good ſubjects by their darned ſtoutis in the in-country transported, reſet and quyetlie ſold in the bounds of the late Borders. And again ſtealing geir forth thereof and out of the bounds of these middle-ſhyres, and outting and ſelling the ſame in the in-countries. Beſides that, others of the ſaids out-lawes have bene allured and had reſet and overſight in the in-countries by ſome men of rank and power to be instruments and executors of ſik revenge and miſchief againſt theſe to whom they beare malice, grudge or quarrell; whilk for fear of his Majesties lawes and authority they durſt not attempt by themſelves. For remed whereof, his Majestie with advyce and conſent of the Eſtates of Parliament, ſtatutes and ordains that na man ſhall hereafter either receave or retene any man borne or lang habituate in the late Borders in his ſervice or company, or upon his lands unleſſe he have certaine knowledge or a true and authentick teſtimonial of his Majesties great Commissioner of the late Borders or his deputies, of the ſaid Border-mans true name and ſurname, place of his nativitie and report of his trueth and lawtie, and that he is no knowne malefactor, but reput a dueſtull and obedient ſubject, under the paine to incur the danger, and to be made anſwerable civile and eriminalle to his Majestie and all his lawfull ſubjects for all actions and crimes whilk might be any wyſe laid to the charge of the ſaids broken-men, for any cauſe or occaſion either preceding or during the tyme of their receaving or retaining them in their ſervice, companie or upon their lands, as if the reſetter had committed the ſaids faults himſelfe. As lykwyſe, becauſe ſome wha are not known to have committed any haynous offence in their awne perſon obteining teſtimonial of their name, birth and good report, may give the ſame to broken-men to be uſed by them in places where they are not known. It is ſtatute and ordained that whaſoever ſhall either give his teſtimonial to any man, whereby it may be abuſed by another nor him to whom it was truelie granted; or wha ſhall falſlie uſe another mans teſtimonial, or wha ſhall forge to himſelfe or uſe a falſe teſtimonial in the premiſſes, ſhall be puniſhed to the death. And to the effect his Majesties faithfull and obedient ſubjects may have the better knowledge of the ſaids fugitives and broken men, and that ſik as reſet them may want all pretext and excuſe of ignorance, It is ſtatute and ordained that a Roll ſhall be made by his Majesties great Commissioner of the middle ſhyres, containing the names of the ſaids rebels, fugitives, out-lawes and broken men, with the maiſt notor and evident marks and deſcription of their age, ſtature, colour and other tokens whereby they may be maiſt eaſily and readily known. And being imprinted ſhall be ſent to the Schirefs and Magiſtrates of the in-countries, and proclaimed at the market Croſſes of the head Burrowes of the ſhyres, and other places needfull. And thereafter be publickly affixed upon the ſaids Croſſes or Tolbuiths of the ſaids Burrowes. After whilk publication, It is ſtatute that the contraveiners of this Act or any head or article of the ſame ſhall be rigorouſly puniſhed in their perſons and goods in maner foreſaid.

*Teſtimonial
uſed
falſlie.*

*An Roll
of fugitives.*

II. *Act in favours of the Lords of Seſſion of ten thouſand pounds to be given to them yearly.*

OUR SOVERAIGNE LORD, and Eſtates of Parliament, having for juſt and neceſſaire reſpects concerning the preſervation of this Eſtate and cheefe members thereof, reſtored the Biſhops, being now the onely remanent of the Kirk Eſtate having vote in Parliament, to their livings, jurisdictions and place. And finding by experience that they will be altogether unhablie wothelie to diſcharge their duties in that honourable ranke, unleſſe they be provided of ſufficient maintenance, not onely for bearing the privat charges of their families, but alſo to ſuſtein the great burdings of their waightie employments at Parliaments, conventions, and other publick affairs concerning his Majesties ſervice and general weall of the Countrie; heſ earnestlie delt with the Lords of his Majesties Councell and Seſſion, to conſent that the Quotes of the haill Teſtaments within this Kingdome, whilkis did juſtlie pertain to the ſaids Seſſion be lawfull gifts and diſpoſitions thereof, granted to them by his Majestie and his predeceſſours, and ratified in Parliament, might be diſpoſed to the ſaids Biſhops, every one of them within their awne Dioceſes, and be poſſeſſed by them in tyme coming. Wherein the ſaids Lords of Seſſion preferring their affection and zeale every way to grant ſatisfaction to his Majestie, to their awne profite and preſent ſuretie, heſ maiſt humble yielded. And his Majestie being alwyſe of minde and intention to remunerat his ſaids faithfull, truſtie and obedient Counſellers and their ſuccceſſours for their willing obedience to this his Majesties deſire, in diſmiſſion and renunciation of the ſaid

said Quore silver, they being the onely ordinarie supreme Judges of this Realme, for administration of Justice, and interteinement of policie and peace within the same, whilk necessarie requyrs their dayly and continual presence and attendance, preferring the publick good and weall of the Realme, in the administration of Justice indifferently to his Majesties Leiges, to their awne privat and domestical affaires; and in the meane tyme are forced to spend their awne patrimonie and rent in the said publick weall of the Realme. And his Majestie having now by special instructions proponed to the saids Estaites of Parliament, the saids great and faithfull services done to his Heighnes, and for the common weall of the Realme of *Scotland* in particular, by his saids right trustie and familiare Counsellers, the saids Lords and Senators of his Heighnes Colledge of Justice, in yeelding and granting to his Heighnes special desire, to furrander and over give from them the said Quore silver of the Testaments, being the maist and best part of their patrimonie, to and in favours of the saids Archbishops and Bishops of this Realme, for the helpe and supplie of their Estate, as is before said. And the saids Estaites of this present Parliament having there-upon, taken full tryell and verification, they have found, tried, censured and judged; lyke as they presentlie finde, censure and judges the same to be, and to have bene great, seene, reasonable and profitable causes for the weall of his Majestie, and of the said Realme of *Scotland*. As also, his Heighnes and Estaites foresaid, findes, decernes and declares, that his Majestie with their advyce and consent may for the saids seene, profitable and reasonable causes, whilks they have knowne and tried to be for the seene weall of his Majestie and Realme, as said is, give, assigne or dispose any part of the patrimonie of his Majesties annexed proprietie of the Crowne to the saids ordinarie Lords and Senators of the Colledge of Justice and their Successors, Senators of the Colledge of Justice in recompence to them of the saids Quores of testaments, furrandered by them and over-given at his Majesties desire and command; to and in favours of the saids Estaites of Bishops, and that in sik manner, forme and sure conditions as his Majestie best pleases for their securitie. And to that effect that the annexation of these parts of the said patrimonie of the Crown, that ar to be assigned and disposed to the saids Lords and ordinarie Senators of the said Colledge of Justice and their successours Senators, shall be simpliciter dissolved from the Crowne, so that they may be given, assigned and disposed to the saids ordinarie Lords and Senators of the said Colledge of Justice and their successours Senators perpetuallie in all tyme coming. And the saids Estaites being typlic and gravelie advysed what his Majestie may give and dispose to the saids Lords and Senators and their successours with the least detriment to his Heighnes Crowne and yearlie rent. The saids Estaites all in ane voyce, have found and declared, and by the tenor hereof findes and declares, that the customes of this his Heighnes Realme of *Scotland*, annexed to the Crown, may with the least detriment to his Majestie, or hurt to the rent or revenew of the Crowne, for the seene causes above expressed, be given, assigned and disposed by his Majestie to the saids ordinarie Lords and Senators of his Heighnes Colledge of Justice and their successours Senators in maist ample forme. And to that effect, his Majestie and Estaites foresaid of Parliament, dissolves, annulles and infringes the annexation of the customes of this Realme of *Scotland* to the Crowne, from the said Crowne and patrimonie thereof; in so far as the same may be extended to the summe of ten thousand pounds, of the first, readiest, maist sure and best payment of the saids customes allanerlie. And now after the said dissolution, his Majestie and Estaites foresaid of this present Parliament, hes given, granted, assigned and disposed, and by the rennor hereof, for the seene causes foresaid, gives, grants, assigns and disposes to the saids ordinarie Lords and Senators of his Heighnes Colledge of Justice; and their successours possessing the ordinarie places of the said Judicatorie and Colledge of Justice perpetuallie in all tyme coming. All and hail the summe of ten thousand pounds, usall money of *Scotland*, in recompence to them of the said Quore silver of Testaments, over-given by them at his Majesties desire, for the support of the said estate of Bishops, to be uptaken, uplifted and received by them, and their collectors to be appointed by them in their names yearlie at twa termes in the year, Whit-fonday and Martin-mes in Winter by even portions, forth of the readiest and best payment of his Majesties customes of the said Realme of *Scotland*, or any part thereof from his Majesties Comptrollers, tack-men, possessours and intrometers with the saids customes, and others addetted in payment thereof, now present and that shall happen to be for the tyme, to be distributed amongst them in sik forme as heretofore they were accustomed in devyding of the said Quore silver. Beginning the first termes payment therof at the said feast and terme of Martin-mes next to come in this instant year of God, one thousand, sex hundreth, and nyne yeares, and so forth yearlie and termlic thereafter, at the termes foresaid perpetuallie in all tyme coming. Charging herefore the said Comptroller and tack-men, possessours and intrometers with the saids customes of the said Realme of *Scotland* or any part thereof, and others addetted in payment of the same now present, and that shall happen to be for the tyme; to readilie answer, content, obey and make thankfull payment of the foresaid yearlie summe of ten thousand pounds yearlie money foresaid, to the saids ordinarie Lords and Senators of the said Colledge of Justice and their successours, and their collectors in their names; forth of the readiest and best payment of the saids customes; and that they be preferred in payment thereof to all and whatsover other person or persons pretending right to the saids customes, or any part thereof by pension, assignation, gift or other right or disposition whatomever. Beginning the first termes payment of the same, at the said feast and terme of Martin-mes next to come, and so forth yearlie and termlic thereafter at the termes foresaid, perpetuallie in all tyme coming; whilk shall be thankfullie allowed to the payers, they taking the saids Lords and Senators or collectors acquirances and discharges to shaw upon compt for their warrant in the

the Checker. And likwyse commanding the Lords Auditors of the Checker present and to come, to allow to the payers, the foresaid summe of ten thousand pounds yearlie and termlic, in the first end of their compt upon the sight of the saids Lords and Senators, or their saids collectors acquittance upon the payment thereof, this presents being alwyse shawne and produced in Checker. And als his Majestie and Estaites foresaids of this present Parliament, decernes and ordeins his Majesties Comptroller present and his successours, Comptrollers for the tyme; as likwyse the tacksmen of the saids customes present and to come, and intrometters there-with, and addetted in payment thereof to become acted themselves, and to finde sufficient caution and sovertie acted in the Buikes of Councell and Session, for thankfull payment of the foresaid summe of ten thousand pounds, to the saids ordinarie Lords and Senators of the said Colledge of Justice and their successours, yearlie and termlic, at the termes forsaids in all tyme comming. And at the decease or demission of the saids Comptroller or tacksmen, that the new intrants shall become acted to the effect foresaid of new, and that caution be founden by the said Comptroller and tacksmen at the setting of the saids tacks to the effect foresaid; otherwyse the saids tacks to be null, and the nullitie thereof to be decyded by way of exception or action at their pleasure. And that letters and executiorials of horning simpliciter, may be direct upon ane simple charge of ten dayes against them, be deleriance of the saids Lords and Senators of the Colledge of Justice, for payment of the foresaid summe of ten thousand pounds yearlie and termlic, at the termes forsaids. And his Majestie and Estaites foresaids, decernes and ordeins, that na suspension shall be granted for suspending of the saids letters, at the instance of whatsomever partie or person addetted in payment of the foresaid summe in any tyme comming, for whatsomever cause or reason by the Lords of Parliament, nor by the Lords of Checker, or other Judges whatsomever, except upon consignation of the summes, or upon production of sufficient acquittances of payment of the summes where-with they are charged. And that the saids ordinarie Lords and Senators of the said Colledge of Justice, are and shall be onely judges ordinarie for discussing of the saids suspensions; discharging all others Judges whatsomever of all granting of suspensions in any cause concerning the premisses and discussing of the famine by any manner of way, and of their offices in that part for ever. And to the foresaid disposition and assignation of the foresaid summe of ten thousand pounds, to be payed yearlie and termlic forth of his Heighnes customes forsaids, first, readiest and best payment of the famine, to the saids ordinarie Lords and Senators of the said Colledge of Justice and their successours forsaids perpetuallie in all tyme comming as is above expreffed; His Majestie and Estaites forsaids of Parliament, hes interponed and interpones their consent and autoritie, as that deed whilk shall be now and in all tymes hereafter esteemed and judged for the weall of **OUR SOVERAIGNE LORD**, and for the common weall and estate of the Realme of *Scotland*. And his Majestie for his Heighnes and his successours promits *in verbo Principis*, never to impugne nor quarrell the famine, nor come in the contrare hereof directlie nor indirectlie in any tyme comming.

12. *Act anent Patronages of forfaitured persons.*

OUR SOVERAIGNE LORD being maist desirous that all the vaiking Kirks within his Kingdom may be planted with qualified and worthie men, and that these who are already provyded to benefices lawfullie vaickand at the tyme of their provision, and wha hes obtained decreit conforme thereto, with lawfull and peaceable possession following there-upon, may be maintained therein. And speciallic that the restitution of forfaitured persons, pretending themselves Patrons of benefices, either by his Majesties gracious favour, pardon or rehabilitation, or by reduction of their forfaitours shall not be ane occasion to subvert the estate of these wha obtained lawfull provision of any of the saids benefices by presentation, or gift of the Kings Majestie, or others to whom his Heighnes disponed the right of Patronage thereof, during the forfaitour standing of the other pretended patron, whais cryme could neither be any reason to make the vaickand benefice not to be disponed; neither should his restitution or reduction be ane occasion to trouble the titulaire thereof, seeing the sleuth or negligence of ane lawfull Patron and faithfull subject, not presenting within sex moneths to the benefice vaickand whereof he is Patron, makes him for that tyme to amitt his right of Patronage; whilk *Jure devoluto* falling to the Kirk, the person provyded by them, hes undoubted right thereto during his lifyme. And therefore his Majestie with the advyce and consent of the Estaites of Parliament, statutes and ordeins, that all these wha are either already provyded, or shall hereafter be provyded by his Majestie to any of the saids benefices, whereof the Patronage is fallen to his Heighnes, by forfaitour, or by any other to whom his Majestie hes disponed the right of Patronage of any sik benefices, and by vertue thereof have obtained letters conforme to their provision, with lawfull and peaceable possession of the frutes thereof by the space of divers yeares, that all sik persons shall be maintained in their said right and possession of the saids benefices and frutes thereof, during their lifyme. And shall nowyse be quarrelled, troubled nor molested by the saids forfaitured persons, or their heires, successours or posteritie, being rehabilitated, restored, or their forfaitours reduced, nor by na other persons having right disposition or presentation from them; but that the saids beneficed persons during the said forfaitour, and by vertue thereof become in possession of the saids benefices in manner above written; shall peaceablie enjoy, bruike and possesse the famine benefices, haill frutes, rents, rights, commodities and priviledges thereof, as freelie, peaceablie and righteously as if the saids Patrons had never bene forfaitured, and had lawfullie presented, themselves, but prejudice to the saids Patrons being restored, and their heires and successours to recover their right of patronage

Patronage of the saids benefices, and to use and exerce the same by due and tymous presentation of habile and qualified persons to the saids benefices whereof they are patrons, whensoever they shall vaik by demission or decaise of the present titulars and na otherwyse.

13. *Act anent the Egyptians.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, Ratifies, approves and perpetual-
lie confirms the Act of Seecret Councell made in the Moneth of June or therby, 1603. years, and Pro-
clamation following there-upon. Commanding the vagabounds, forners and common thiebes commonlie cal-
led Egyptians, to passe forth of this Kingdome, and remaine perpetuallie forth thereof, and never to retorne
within the same, under the paine of death, and that the same have force and execution after the first day of
August next to come. After the whilk tyme if any of the saids vagabounds, called Egyptians, als well wemen as
men, shall be found within this Kingdome or any part thereof; It shall be lesome to all his Majesties goods sub-
jects, or any one of them, to cause take, apprehend, imprisson and execute to death the saids Egyptians, either
men or wemen, as common, notorious & condemned thiebes, by ane assise onely to be tryed, that they are cal-
led, knawn, reput and halden Egyptians. In the whilk cause, whatsoever of the assyse happins to clenge any of
the foresaid persons Egyptians pannelled, as said is, shall be perfected, handled and censured as committers of
willfull error. And whatsoever shall at any tyme thereafter refer, receave, supplie or intertein any of the saids
Egyptians either men or wemen shall tyme their escheat, & be warded at the Judges will. And that the Schirefs
and Magistrate in whais bounds they shall publiclie and avowedlie resort and remaine, be called before the
Lords of his Heighnes Seecrer Councell, and severely censured and punished for their negligence in execution
of this Act. Discharging all letters, protectionis and warrants whatsoever purchased by the saids Egyptians
or any of them from his Majestie or Lords of Seecret Councell, for their remaining within this Realme as sur-
reptionis and deceitfullie obtained by their knowledge. Annulling also all warrants purchased or hereafter to
be purchased by any subject of whatsoever ranke within this Kingdome for their refer, interteining or doing
any manner of favour to the saids Egyptians at any tyme after the said first day of August next to come for now
and ever.

14. *Ratification given be the King to the Seecret Councell to receive Resignations.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, Ratifies and approves
the commission given by his Majestie upon the fourth day of Apryle, 1603. yeares, to the Lords of his
Majesties Seecret Councell, to receive resignations of lands halden of his Majestie, and give investments there-
upon. And decernes and ordeins all and whatsoever Resignations made sen the date of the said commission
conforme thereto in the hands of the Lords of his Heighnes privie Councell, and all investments proceeding
there-upon, orderlie past his Heighnes Cascher, Register and ordinar seales, together with all confirmations
grauted by his Majesties ordinar officers of Investments of any lands pertaining to his Majesties faithfull sub-
jects; whiks confirmations are lykwyse orderlie past his Majesties Cascher and remanent seales and ordinar
registers; together with all and fundrie investments and confirmations to be hereafter past and exped upon the
lyke resignations in the hands of the Lords of his Majesties Seecret Councell, and orderlie exped throw his
Majesties seales and registers, to have bene and to be now and in all tyme coming, als lawfull, valedid and
sufficient in Judgment and out-with, as if the saids resignations had bene made in his Heighnes awne hands, and
had bene received by his Heighnes, and as if the signatours of the investments following there-upon, and of
the saids confirmations had bene signed and subscriyved with his awne Royall hand.

15. *Act ordaining Letters of Horning to be direct upon Admirals decreits.*

FORSAMEIKLE As be Act of Parliament made at Perth in the Moneth of Julie 1606. It was then
statute and ordeined in all tyme coming, that all decreits given be Schirefs, Commissars, Baillies of
Regalities, Baillies of Baileries and Stewartries, should passe and have execution of horning upon ten dayes
warning, as at mair length is contained in the said act, wherein there was the tyme of the passing thereof omit-
ted and not expressed therein; the decreits to be given by the great Admirall of this Realme and his deputies,
whiks being a Sovereigne Judicatorie in it selfe, and of its own nature importing summare execution. OUR
SOVERAIGNE LORD, and Estaites presentlie convened; in consideration that the insufficiencie,
corruption and defects whilk wer in the deputs and members of these Courts in former tymes, and whereby
these Judicatories were thought not worthe of that favour, is now helped and well amended by the planting of
habile, worthie and sufficient men in their places, hes inacted, statute and ordeined, that sik-lyke execution of
horning passe upon all decreits to be given before the said great Admirall and his deputies in tyme coming, as
upon any the saids Schirefs, Commissars, or other interior Judges decreits, conforme to the said Act of Parlia-
ment made there-anent of before.

¶ Collected, visied and extractied forth of the Buikes and Register of the Actes of Parliament, Be me
Sir JOHN SKENE of Curte-hil Knight. Clerk of his Majesties Councell, Register and
Rolls, under my signe and subscription manuall.

JOANNES SKENE

Clerk Register.

F I N I S.
K k k

A N E

A N E T A B L E

Of the

PARTICULAR ACTES and others, past in the xx. Parliament, holden at Edinburgh, the 24. day of June, 1609. not imprinted.

- 1 **T**He Forefaltour of the Lord Maxwell.
- 2 The forefaltour of the Laird of Restalrig.
- 3 Act for uniting certaine Kirks in Annandaill.
- 4 Act anent the Castell of Annand.
- 5 Act anent the Kirk of Leith.
- 6 Act anent the Kirk of Carmylie.
- 7 Act in favours of the Unversitie of Sanct-Androes.
- 8 Ratification of the infestment of Broxmouth to the Earle of Dumbar.
- 9 Act in favours of the Lord Scoone of the intromission with the Kings rents.
- 10 Ratification in favours of James Maxwell anent the lands balden be him of the Lord Maxwell.
- 11 Act in favours of James Maxwell anent the debaitable lands.
- 12 Ratification in favours of John Murray of Dumdranane.
- 13 Act in favours of the Laird of Lugton anent Sanct-Leonards Hospitall.
- 14 Ratification of ane pension to the Lord Whittinghame.
- 15 Ratification of ane pension to William Elphinstons Bairns.
- 16 Annexation of the Abbacie of Ferne to the Bishoprick of Rossie.
- 17 Ratification of Kintor to the Earle Marshell.
- 18 Act in favours of the Earle of Argyle anent Balrynnes.
- 19 Act in favours of Maister John Laing anent the Signet.
- 20 Discharge of the Few-dewties of Murdocarnie to Sir Robert Malveill.
- 21 Act in favours of Archibald Johnstoun, Sir John Arnot and Andro Logan.
- 22 Erection of Kilwinning.
- 23 Erection of Melros.
- 24 Act in favours of the Earle of Morton.
- 25 Act in favours of the Lord Lowdon anent Killismure.
- 26 Erection of Cauldstene to Sir John Ker.
- 27 Erection of Eckles to Sir George Home.
- 28 Erection of Halie-wood to Clossburne.
- 29 Erection of Sanct-Colme to the Lord Sanct-Colme.
- 30 Ratification of the infestment of the Byres to the Lord Advocat.
- 31 Ratification of Cock-pules infestment.
- 32 Ratification of North-Berwick infestment.
- 33 Ratification of the Lord Kinlos his infestment.
- 34 Ratification to Gawen Hammilton of lands within Kilwinning.
- 35 Ratification to James Liddell of his infestment.
- 36 Ratification in favours of the Lord Sanquhare.
- 37 Ane act anent the abolishing of the Secretars Register.
- 38 Act anent the restitution of David Hammilton of Bothwel-haugh.
- 39 Act in favours of the Lord Maxwels vassels.
- 40 Ane submission betwix the Bishop of Sanct-Androes and the Lord Advocat in the Kings name.
- 41 Ratification of the Laird of Spot his infestment.
- 42 Act in favours of the town of Perth for bigging of their Bridge.
- 43 Restitution of the Laird of Nudrie.
- 44 Commission for ravishing of women.

F I N I S.

T H E X X I.

P A R L I A M E N T

Of Our

Most High and Dread Sovereigne, JAMES By the grace of GOD, King of Scotland, England, France and Ireland, Defender of the Faith, &c. Halden at Edinburgh, the xxij. day of October, 1612. By the Noble and potent Lord ALEXANDER Earle of Dunfermeling, Lord Fyvie and Urquhart, great Chancellor of Scotland, &c. Commissioner appointed for halding of the said Parliament, by vertue of his Majesties Commission graunted to him, under the great Seale of this Kingdome: With the speciall adyce, consent and assent of the Estaites of this Realme.

A Ratification of the acts and conclusions, set down and agreed upon; in the general Assemblie of the Kirk, keeped in Glasgow in the moneth of June, 1610. Together with ane explanation made by the Estaites of some of the articles of the same.



FORSAMEIKLE as in the Parliament halden at *Edinburgh*, in the year of **GOD, 1597.** The Estaites of this Kingdome remitted to his Majestie to consult and agree with the generall Assemblie of the Kirk, upon the auctoritie and power whilk the Archbishops and Bishops should have in the Policie and discipline of the Kirk: Where-aneant after that his Majestie and his Commissioners had many tymes most seriouselie conferred and advysed with the Ministrie. At last conclusion was taken, in the general Assemblie halden at *Glasgow*, in the moneth of June, 1610. years. Determining all the doubtfull and contrayerted points concerning the jurisdiction, policie, and discipline foresaid, with full and uniforme consent of ane verie frequent numbrer of godlie Ministers, assisted be the Counsell and concurrence of ane great manie of the best affected Nobilitie, Barons, & Commissioners of Burrowes of this Kingdome, in maner, substance and effect following: with the explanation made be the Estaites of Parliament presentlie convened, of some of these articles resolved upon in the foresaid assemblie of *Glasgow*.

IN THE FIRST the foresaid assemblie acknowledgeth the Indiction of the general Assemblie of the Kirk to appertein to his Majestie, by the prerogative of his Royal Crowne.

AND ORDER Ordeineth that the Bishops shall be Moderators in everie Diocesian Synode. And the Synode shall hald twyse in the year of the Kirks of everie Diocie. *Viz.* in Aprile, and October: And where the Dioces is large that there be two or three Synodes in convenient places for ease of the Ministrie. And in case the Bishop of the Diocie be absent upon any necessar occasion, in that case his place shall be supplied be sik ane worthie Minister (bearing charge within the bounds) as the Arch-bishop or Bishop shall appoint.

THAT NO SENTENCE of excommunication or absolution thereof be pronounced against or in favours of any person, without the knowlege and approbation of the Bishop of the Diocie, who most be answerable to **GOD**, and his Majestie for all formall and impartial proceeding therein: And the processe beeing found formall, the sentence to be pronounced at the direction of the Bishop, be the Minister of the Paroche where the offender dwelles, and the processe began.

THAT ALL PRESENTATIONS to benefices bee directed hereafter to the Archbishop or Bishop of the Diocie, within the which the benefice vacant be dimission, deprivation, decease, or other-ways lyeth. With power also to the Archbishop or Bishop to dispone and confer sik benefices as fallies in his Diocie (*Jure devoluto*). Provying alwayes in case any Archbishop or Bishop, should refuse to admit any qualified Minister, (accepting the praesentation granted to him and who hath bene once received and admitted to the function of the Ministrie, being then still undeprived) presented to them be the Patron. In the case of any sik refuse. IT shall be lawfull to the Patron to reneine the whole fructs of the said benefice in his awn hands. And ather hee or the Paroche wanting a Pastor, be reason of the not planting of the Kirk. (In case the refusal thereof come be the Bishop) may complaine thereof to his Arch-bishop, and if ather the Arch-bishop be the refuser, or els doeth not give due redresse being complained unto, In that case the Lords of his Majesties privie Counsell upon the parties complaint of the refuse, and no sufficient reason being given for the same, Shall direct letters of horning charging the Ordinarie to doe his duerie in the receaving and admitting of sik a persone as the said Patrone hath praesented. IT is alwayes declared that if any Arch-bishop or Bishop shall deprehend any sik person as is praesented to him to have come within compasse of a Simoniackal praetion with his Patrone, in so far as he hath ather alreddie hurt, or promised and bound himselfe to praesjudge and hurt

the state of his benefice in not reserving a sufficient maintenance for him and his Successors answerable to the Estate of his benefice : And that the Bishop or Archbishop shall understand the same rather by the parties oath, or other clear proof and evidence. In that case they may lawfully refuse any fit person presented unto them. But if the partie who is presented hath reserved to himself and his Successors a sufficient maintenance, the setting of tacks or promise to doe the same or doing of any thing els to his Patron (being not prejudicial to that aforesaid maintenance) shall no wayes be ascribed to any Simoniack pactiō, nor shall not serve for any reason to the Archbishop or Bishop to refuse him. And in case any fit contraverſie or question shall occur between the Patron, the person presented and the Arch-bishop or Bishop. IT is declared, that the Lords of Counsell and Session shall be Judges thereunto, to decide upon the said Simoniack pactiō and qualitie of the same, if any fit thing shall be objected against the partie presented.

IN DEPOSITION of the Ministers, the Bishop associating to himselfe the Ministrie of these bounds where the delinquent served, he is there to take tryell of the fact, and upon just cause found to deprive: And the lyk ordour to be observed in suspension of Ministers from the exercise of the function.

THAT EVERIE MINISTER in his admission shall swear obedience to his Majestie, and to his Ordinar, according to this forme following, *I A. B.* now nominat and admitted to the Kirk of *D.* Testifie & declare in my conscience, That the RIGHT EXCELLENT, RIGHT HICH, and MIGHTIE PRINCE, JAMES the Sext by the grace of GOD, King of *Scotland, England, France,* and *Ireland: defender of the Faith,* &c. is the only lawfull Supreme Governour of this Realme, Alswell in matters Spiritual and Ecclesiastical, As in things Temporal: And that no foreine Prince, State nor Potentate, hes or ought to have any jurisdiction, power, superioritie, pre-eminence, or authoritie, Ecclesiastical or Spiritual, within this Realme. And thesifor I utterlie renunce and foresaie all foreine jurisdiction, power, superiorities & authorities. And promeis that from this furth I shall and will bear faith, and true alledgeance to his Highnes, his heires and lawfull successors: And to my power shall assist and defend all jurisdictions, privileges, pre-eminences, and authorities granted and belonging to his Highnes, his heires, and lawfull Successors. Or united and annexed to his Royall Crown. And forder I acknowledge and confesse to have and to hold the said *C.* and possession of the same under GOD, of his Majestie, and his Crowne Royall of this Realme: and for the saids possessions, I doe Homage presentlie to his Highnes in your presence, and to his Majestie his heires and lawfull Successors shall be true. *So help me GOD.* And als that everie Minister in his admission shall sweare obedience to his Ordinar, according to this forme following, *I A. B.* now admitted to the Kirk of *C.* promeis and swears, to *E. F.* Bishop of that Diocie, obedience, and to his Successors in all lawfull things. *So helpe me God.*

AND IF THE SAID BENEFICE Be at the presentation of ane laik Patron, the person presented shall give his oath as followes, *I, G. H.* now admitted to the toresaid benefice, Testifie and declare in my conscience, That the RIGHT EXCELLENT, RIGHT HICH, and MIGHTIE PRINCE: JAMES the Sext, be the grace of GOD, King of *Scotland, England, France,* and *Ireland: defender of the Faith,* &c. is the onlie lawfull Supreme Governour of this Realme, alswell in matters Spiritual and Ecclesiastick, as in things Temporal. And that na foreine Prince, State, nor Potentate, hes or ought to have any jurisdiction, power, superioritie, pre-eminence, or authoritie Ecclesiastical or Spiritual, within this Realme. And thesifor I utterlie renunce and foresaie all foreine jurisdiction, power, superiorities and authorities. And promeis that from this furth I shall and will bear faith and true alledgeance to his Highnes, his heires and lawfull Successors. And to my power shall assist and defend all jurisdictions, privileges, pre-eminences, and authorities granted and belonging to his Highnes, his heires, or lawfull Successors, or united and annexed to his Royall Crowne. And I doe acknowledge and confesse to have and hauld the said benefice and possessions of the same, under GOD be his Majestie, of *E. F.* lawfull Patron of the same.

THAT THE VISITATION of ilk Diocie be doone be the Bishop himself and if the bounds be greater then he can overtak. That then hee make speciall choise of some worthy man of the Ministrie within the Diocie, to visit in his place: And what ever Minister without just cause or lawfull excuse made fall absent himselfe from the visitation or the Dioceſan assemble, He shall be suspended from his office and benefice: and if he amend not, he shall be deprived.

THAT THE CONVENTIONS Of Ministers for exercise, shall be moderated by the Bishop being present, and in his absence, by any uther Minister whome he shall appoynt at the Synode.

Whilks Acts, Ordinances, declarations, and determinations above written, his Majestie finding to be verie agreeable to the true Religion professed within this Kingdom, and to the godlie and decent government of the Kirk, Ministrie, and whole members thereof. Therefore, his Highnes with advyse and consent of the Estates of Parliament, Ratifies, approves, and confirms all and fundrie the premises, and Ordeins them and everie one of them, to be obeyed and observed, be all his Highnes subjects as inviolable Lawes in all tyme coming. Annulling and reſcinding the 114. Act, of his Majesties Parliament, halden in anno 1592. And all and whatsoever uthers Acts of Parliament, Lawes, Ordinances, Constitutions, Sentences and Customes, in so farre as they or any of them, or any part of the same are contrare or derogatorie, to any of the Articles above written: als essentiallie, and effectually in all respects, as if the saids Acts and consuetudes heirby abrogate, were at lenth herein exprest.

2. *An Act for remanding back to his Majesties officers of Justice in England of offenders in some particular crimes in the Act mentioned, who after the committing the offence in England, shall be thereupon fugitive, and remane in this Kingdom.*

OUR SOVERAIGNE LORD, and Estates of Parliament, considering that albeit the gude effects of his Majesties cairfull Providence, to repress the innumerable disorders, crimes, and offences, whilk befor his happie attaining to the Crowne of England, were not only frequent bot almost ordinarie in these bounds of the Kingdoms of Scotland, and England, (which then being the borders of the two Kingdoms, are now become the middle-shyres thereof.) Hes reduced these pairtes to so gude progresse of peace and obedience, as in so short tyme could hardlie have beine expected. Nevertheles it is founden be experience that alsweel in these Shyres, as in divers uthers partes of both Kingdoms some evill disposed persons are imboldned to attempt and perpetrat many heynous crimes and offences, upon hope of impunitie. If after the committing of the same in one Countrie they may flee and escaipe to the uthir, and not be sent back to the place of their offense. The praetize whereof hes made many odious cryms and transgressions heitsofor to remaine unpunished to the great contempt of his Majesties authoritie, and univerfall greife of all gude subjects of both Kingdoms.

FOR REMEDE whereof OUR SOVERAIGNE LORD, with advise and consent of the Estates of Parliaments, Staturs & ordeins, that if at any tyme after the end of this present Session of Parliament, any persone or persons shall commit any crime or offence, within the Realme of England, whilk be the Lawes of the Kingdome of Scotland, are or shall be declared or ordeined to be pettie treason, murder, man-slauchter, felonious burning of houses and Come, burglarie, robbing of houses by day, robberie, thift, or rapt, and shall flee or escaipe into this Realme of Scotland, and be taken and apprehended within any part of the said Kingdome of Scotland, boundes and dominions thereof. That then it may and shall be lawfull to and for the Justice generall and his ordinar Depute, the Shirefs, Stuards, Lords, and Balleyes of Regalities, the Commissioners of borders or any two of them, in their ordinar Courts, or the Justices of Peace in their generall and quarter Sessions, or any foure of them: upon due and mature examination of the said offence or offences in open Courts or Sessions and pregnant pruiifs of the sam, by warrand under their hands and seales. To remand and send all such offenders into the Realme of England, there to receive their tryell for any of the foirsaid offences, committed be them within the said Realme of England, in maner above mentioned: Notwithstanding any Law, Act, or Constitution, made at any tyme heitsofor to the contrare.

Providing nevertheles that this Act or any clause therein contained, shall not take effect, force nor execution in any sort. Except an Law and Act of Parliament be made and established within the Realme of England, in the first Session of the next Parliament thereof: For Remanding and sending out of the said Realme of England into the Realme of Scotland all persons who shall at any tyme heirafter commit any of the crimes or offences foresaid, within the Realme of Scotland, and thereafter flee into England, or any part of the dominions of the said Kingdome, to receive their tryell and due examination and punishment within the Realme of Scotland, for everie one of the saids offences committed be them within the said Realme of Scotland in maner before mentioned.

3. *An Act declaring that in all tyme heirafter, the objecting of Horning for a Civile cause of the partie at her slaine or mutilat, shall be no liberation of the offender from the punishment due of the Law.*

OUR SOVERAIGNE LORD, with advise and consent of the Estates of Parliament: Staturs that if any of his subjects be mutilat or slaine being at the horne onlie for Civile causes the Slayer being persued, or sick as are airt or part of the saids crimes of Slauchter or Mutilation, befor the Justice generall his deputs or any uthir ordinar Judge: No alledgeance founded upon the partie slaine or mutilat, their being at the horne for any civile cause shall aller their stay procefs or be ane defence to delay procefs or procure impunitie to any of the offenders guiltie of the crimes foresaid. And this Act to have force, effect and execution, for all sick crimes above specified as shall be heirafter committed allancerie.

4. *An Act against Ravishers of Weemen,*

OUR SOVERAIGNE LORD, with advise and consent of the Estates of Parliament, Staturs and ordeins that if any being airt or part of Ravishing of Weemen, be persued for that heynous offence and defend themselves be the subsequent consent of the woman Ravished, or be her declaration that shee went With them of her awne frie-will and consent (albeit in that case the womans declaration of her consent may exime them from Capitall punishment.) That if the womans Parents or neirest kins-folk, or his Majesties Advocat be able to verifie be determination of the allice, that the fact wes at first violentie and forceable done against the parties will and without their consent. The subsequent consent or declaration of the partie shall not exime the offenders from his Majesties arbitrall punishment of warding their persons, confiscation of their goods, or imposing upon them pecuniall penalties at his Maiesties pleasure.

5. *An Act anent more tymous teynding, for the ease of the labourers of the ground.*

IT Is statute and ordeined by OUR SOVERAIGNE LORD, and Estaites in Parliament: That in tyme comming in all teynding of Cornes, that the same be teynded at three severall tymes everie yeare it the awners of the Cornes shall think it expedient: To wit the croft in feild corne at ane tyme, the beere at ane uther tyme, and the out-feild corne at the thrid tyme.

And declares that eight dayes after the compleit shearing of ilk sort of cornes being out-run, that it shall be leasum to the awners at the saids eight dayes end, to mak requisition upon uther eight dayes to mak them thankfull teynding, and if the awners get not thankfull teynding at the expyryng of the saids laist eight dayes.

The saids Estaites declares that it shall be lawfull to the awners of the saids cornes to teynd and stak the famine themselves conforme to the Act of Parliament made of befor anent the teynding of cornes in all poynts, and shall incurre na danger their-through.

6. *An Act for discharge of all persute against any within the bounds of the late Borders for causes preceeding his Majesties going to England, with exception not-theles of all decreits already recovered: and with reservation of the criminal persute at the instance of his Majesties officers.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament having due consideration that through the occasion of unquyetnes of the Borders of this Realme, and of the deadlie seads their of, there fell out divers blood-sheds, slaughters, mutilations, fyre-raisinges, stowths, and uthers crymes inflicting death: As also fundries spulies, hearships, depredations, and reifts of uthers goods and geare within the saids Borders. And understanding that through his Highnes happie preferment to the Crowne of England, the saids Borders of both the Realmes are become peaceable and civile, albeit that the inhabitants thereof are not able to satisfie the bygane dammages of parties.

Therefore OUR said SOVERAIGNE LORD, and Estaites foresaids findes, declares, decernes, statutes, and ordeins, that all and fundrie inhabitants within the bounds of the saids Borders of Scotland: and specialie within the bounds of the Schirefdome of Berwick, Roxborough, Drumfreis, and Stuardrie of Annandail, their heires, successors, and executors, are and shall be fred, exonered, and discharged be virtue of thir presents of all actions of spoliation and wrangous intromission with whatsumever goods and geire, spulied and intrometted with be them or their prediceffors, before his Majesties preferment to the said Crowne of England. With ane expresse reservation nottheles of all decreits and sentences alreddy gotten and obtained, be any person whatsumever before the date of thir presents: Whilk are declared heirby to be nowaye comprehended within the compas of this present Discharge.

And also his MAJESTIE and Estaites foresaids, declares, statutes, and ordeins, that the saids inhabitants of the saids Borders, and specialie within the Schirefdomes and Stuardries respective above writton: Are and shall be frie, fred and discharged, be thir presents of all Criminal persuits and actions, intended or to be intended or persued against any of them, be any partie or persons whatsumever: (except allainerlie be his Majesties Advocat, Justices and Commissioners, deput and to be deput for that effect.) for whatsumever fyre-raisinges, slaughters, mutilations, thefts, stowths, or uthers criminall actions whatsumever committed be them, importing or that may import the taking away of their lyves, the famin being committed before his Highnes preferment to the said Crowne of England allainerlie. But prejudice alwayes to his Highnes Advocat, Justices and Commissioners, to persue the saids criminall actions as accords of the Law. And with expresse declaration that this present Act shall no wayes be extended to any crymes, wranges, factes and deeds, done since his Highnes preferment to the said Crowne of England.

7. *An Act allowing Horning upon ane simple charge of fyveteene dayes to be directt upon Commissars decreits.*

OUR SOVERAIGNE LORD, be advyse of the three Estaites of Parliament, Ordeins and statutes, that the decreits and sentences of all Commissars within this Kingdome, receave siklyk execution be Horning as the decreits of Schireffs, Admiralls, Stuards, and Baillys of brough: And that the Lords of Session upon the sight of the acts and decreits of the saids Commissars or their precepts lawfullie execute be their officers, bear and the partie to have beine charged upon fyvetein dayes: Direct letters of Horning upon the simple charge of fyvetein dayes as in the cases aforesaids, and conforme to the Act of Parliament made in their favours.

8. *An Act anent repairing of Bishops Manfes.*

OUR SOVERAIGNE LORD, with advyse of the three Estaites, Ordeins all Arch-bishops, Bishops, and uthers Ecclesiasticall persons, to build, repaire and mainteine their houses and manfes in sik case as may serve for their dwelling and the dwelling of their Successors, and if they or any of them suffer the saids houses or manfes to ruyne and decay in their default. The Succesor shall have action against their executors

executors for the same: As als where the saids houses ar fallen in decay, and shall be built and repaired be any of the beneficed persons upon their awne expences, the next Succesor shall be obliged to give satisfaction therfore to the Heires or Executors of the defunct at the sight of two or three of the Bilshops within the Province. Provyding that the said satisfaction exceed not the foume of ane thousand pounds, if they be Pralates, and fyve hundreth markes, if they be uthier inferior Ministers.

9. *An Act pardoning the bypass escaips of some pœnall Statuts therein mentioned.*

THE whilk day the Commission after specified signed be his Majestie wes presented before the Lords of articles of this present Parliament of the Estates of this present Kingdome, and was then heard, read and allowed of be them, and the saids Commissioners wer desyred and requyred according to his Majesties gracious pleasure and will signified therein to proceed in doing what unto them by the said Commission wes directed: of the whilk Commission the tenor followes.

OUR SOVERAIGNE LORD, understanding that many Lawes, and Acts of Parliament wyslie institut for preventing and punishing abuses by pecuniall paines have beine so lang neglected without any research, tryall or punishment of the contraveiners, or exacting of the fynes and penalties appoynted for these transgressours that the most part of the people wer led by erroneous opinion to think that the negligence of his Majesties officers in discoverie and persure of the offenders against these Lawes, had procedit of his Majesties allowance that the saids Lawes and penalties therein contened should goe in deswetude and no way be put in execution, whereby the abuse hes had so lang toleration and the people so constant perswasion that they wald not be persued nor troubled for the same, that the number of the guiltie is become so grear and the penalties of their contraventions so many, that the rigorous exaction of the same micht turne to the overchraw of a multitude of his Majesties subjects.

FOR Remeid whereof his MAJESTIE with advyse and consent of the Estates of Parliament gives and grants full power and commission, expresse command, bidding and charge to *George* Archbishop of Sanct-Andrewes, *John* Arch-bishop of Glasgou, *Alexander* Bishop of Dunkeld, *John* Earle of Marre, *Patrik* Earle of Kinghorne, *David* Lord Scoone, *Sir David Carnegie* of Kinnaird Knight, *John Scrymgeour* of Dudop Constable of Dundie, *Sir Gedon Murray* of Elibank Knight, *James Nisbet*, Maister *Alexander Wedderburn*, *Alexander Rutherford* Provost of Aberdein, *Sir Thomas Hammill* Secreter to Our Sovereigne Lord, *Sir William Oliphant* his Highnes Advocat, or any eight of them: to convein in whatsoever dayes and places neidfull and convenient, be appoyntment of the said *George* Arch-bishop of Sanct-Andrewes.

There to trye and consider which of the saids pœnall Lawes, and Acts of Parliament have heirtofore beine left in sik deswetude without any controlment or persuite as micht have induced the subjects to expect impunity of contraveining the same: as also which of the Acts & statuts foresaids meritis Pardon for bygan contravention, & which of them are fit to be authorised in tyme coming, so that after the said Publication the transgressor shal be severlie punished without any farder oversight or favour. And wharever the saids Commissioners or any eight of them shal determin, conclude & set down in form of Act subscribed with their hands, shal have the form strength, force and effect of ane sure, persyte and absolut Pardon and remission to all whome it may concerne, for bypass transgression of the foresaids Lawes, als valiable in all respects as if everie one of them had obtained a lawfull, formall and particular remission orderly exped under his Majesties hand and seals, with content of the ordinar officers, and with all necessar substance and formalitie requisite in the lyke cases. With certification to all those who shall transgresse the Laws and Acts of Parliament heirafter to be published and ordeined to have force & execution in tym coming, they shall be persued & punished therfore with all extremite. Ordeining also this Commission with the Acts to be made be virtue thereof to be insert and registrar in the buikes of Parliament, and have the force and execution of ane act of the same. According whereunto the afore-named Commissioners have had sundrie meetings and taking holde allswell of the necesserie of the punishment of sick as have contraveined the Lawe, as of his Majesties most gracious inclination to mercie and compassion have concluded, decreed and determined, as after followes.

IN THE FIRST the saids Commissioners having consideration of the Act and statut of Parliament made in the Moneth of December, fourescore seventeine yeeres, whereby all lieges were inhibit to take any further annuell, interest, or profite, then according to the rate and proportion of Ten for ilk hundreth in the yeere. Determinis and ordeins that the same in all tyme hereafter shall stand in full force, strength and effect, and that the contraveiners and breakers of the same shall be with all rigour and extremite punished according to the appoyntment of the foresaid Act of Parliament in all points. And as for sik as are come within the compas of the breaking and violating of the said Act in tyme past since the making thereof: IT is declared that if sik person as in tyme past since the date thereof hath exceedit the proportion of twelve for ilk hundreth, by taking grater profite or annuell for their monye lent out shall be in lyke sort without any mitigation severlie punished, conforme to the tenor of the said Act of Parliament. And in lyke sort, It is declared that all sick persons who since the terme of Merctimes 1611. yeeres, (at whilk tyme by his Majesties direction and appointment the offenders in that case, and violators of the foresaid Act of Parliament wer persued) have given out their money and taken more profite and annuell then Ten for ilk hundreth, shall in lyke sort be punished as breakers and contraveiners of the foresaid Act. But as for sik persons who since the date

o the foresaid Act, and before the said terme of Mertinmes 1611. yeeres, have not exceedit the proportion of twelve for ilk hundreth. His Majesties aforesaid Commissioners upon the knowledge of his Majesties pleasure therein whose superabounding love and mercie to his subjects wes never wanting, and the securitie of the offenders in this case, who finding no prosecution of any punishment upon the breakers of the statute for sick a continuance of tyme, did there-upon presume to themselves Impunitie, being sum argument of his Majesties compassion towards them. IT is therefore be the saids Commissioners decreed and determined that all and everie person who hath come within the compas of violating of the said Act, and that fra the date thereof to the said terme of Mertinmes 1611. yeeres, did never exceed nor transcend in taking of profite or annuell for monye lent out be them the proportion of twelve for ilk hundreth, shall be freelie discharged, exonered, and pardoned of all paine, unlaw, and punishment, which the said Act of Parliament doeth appoynt ro be inflicted upon the contraveiners and breakers of the same. Bot it is no waye herebye meant that this shall be a liberation to these who have in any sort since the date of the Act of Parliament exceeded the proportion of twelve, or that have taken more then Ten since the said terme of Mertinmes 1611. yeeres: Bot the offenders in any of these cases to be punished as the Law hath appoynted.

AND slyklye the saids Commissioners upon the reasons and considerations before rehearsed, have discharged simpliciter the whole subjects and leiges of this Realme, of all sik bygaine pœnalities, unlaws, and punishments which they or any of them have incurred through the breaking and violating of any of the Acts and statutes of Parliament heirafter expressed in tymes bypast allanerlie and no otherwayes. They are to say.

The Acts of Parliament made anent apparrell.

The Acts of Parliament made anent Taverners.

The Acts of Parliament made anent transporting of Gold and Silver.

The Acts of Parliament made anent Malt-men.

The Acts of Parliament made anent whiffiling of Gold and Silver, and taking thereof above the Kings pryce.

The Acts of Parliament made anent eating of Fleth in Lent, and forebiddin dayes.

The Acts of Parliament made anent the using of Confections beyond sea.

The Acts of Parliament made anent the transporting of forebiddin goods.

The Acts of Parliament made anent the transporting of Skinnes.

And the Acts of Parliament made anent the packing and transporting of Hetring before Michael-mes.

And ordeins the same whole Acts of Parliament and everie ane of them to stand in their awne strength, force, and effect in all tyme comming, after the forme and tennor thereof, and ordeins the same to be put ro due execution and the transgressours thereof to be unlaved and punished conforme to the unlaues and punishments mentioned therein.

10. Ratification to the Queenes Majesties of her infestment of Dunfermeling.

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, Ratifies and approves and for his Majestie and his Successors perpetualle confirms, the infestment made and granted be his Majestie to his Highnes dearest Spouse ANNA be the grace of GOD now Queene of Greate Britaine, France, and Ireland: and to the Heires lawfullie gotten or to be gotten betwix his Majestie and his Highnes dearest Spouse foresaid, Whilk sailyeing (as God forbid) to his Highnes Heires and Successors whatsumever to the Crowne of the Kingdome of Scotland: of all and whole the Monastrie and Abbacie of Dunfermling lyand on both sydes of the water of Forth, containing all and fundrie the Lands, Lordships, Baronies, Milnes, Woods, Fishinges, Manfions, Manor-places, Kirks, Teynds, Kirk-lands, Tenents, Tenendries, Service of Free-tenents, Yairds, Orchards, Few-milles, Fermes, Kaines, Customes, Annual-rents, and others partieularlie and generallie contained in the said infestment proceeding upon the resignation of *Henrie Pitcarne* of that ilk, as Commendator of the said Abbacie of Dunfermling for the tym with consent of the Convent thereof in manner and to the effect mentioned in the same infestment, whilks are thereby united, crected, and incorporat, in ane whole and frie Temporall Lordship, to be called in tyme comming the Lordship of Dunfermling. To be halden of OUR SOVERAIGNE LORD, and his Successors in frie blench frie heretage and frie Lordship for ever for the yeerlie payment of Sex shillings, eight pennies monye of this Realm of Scotland yearly at the Feest of Whitfunday in name of blench-ferme if it beis asked allanerlie, lyke as at more length is contained in the said infestment under his Highnes great Seale, of the date at *Lunithgow* the seventh day of March 1593. yeeres, and of his Highnes reigne the xxvij. yeere. With the precept and instrument of Seafine following thereupon, togidder with all and fundrie infestments ather past be resignations or confirmations, precepts upon retours or be precepts of *Clare constat*, gifts of offices, tacks of Teynds of Lands or others reyns whatsumever, dispositions be forme of indentour, contract or assignation of any yeerlie duties, rents or commodities pertaining and belanging to the said Lordship of Dunfermling and Patrimonie thereof of whatsumever date or dates, tennor or contents the famin be of, ather already made, given, and granted, or that hereafter shall happen to be made given and granted to whatsumever

ever person or persons, their Heirs & assignayes by our Sovereigne Lady, as Lady of *Dunfermling* with consent assent and authoritie of our said SOVERAIGNE LORD, her Majesties dearest bedfellow for his Highnes entres and with advyce, consent and assent of ALEXANDER Earle of *Dunfermling* Chancellor, WALTER Lord of *Blentyre*, umquhyle Maister JOHN LYNDSEAY of *Balcarras*, umquhyle Maister JAMES ELPHINSTOUN of *Invernochtye*, Sir THOMAS HAMILTON of *Byres* Knight, Secretare, umquhyle ALEXANDER HAY of *Easter Kennet* Clerk of Register for the tyme, and Maister PETER YOUNG of *Seatoun* Elymosinar to his Majestie, or any foure of them her Majesties Counsellors nominat be OUR said SOVERAIGNE LORD, with advyce of the Estates of his Highnes Parliament holden at *Edinburgh* in the Moneth of Julij, 1593. yeares. Or with consent of sik uther persone or persons nominat & placed as Counsellors to her Majestie since the decess of any of the persons particularly above-named, or with consent of any others her Majesties Counsellors, who shall happen at any time hereafter to be nominate in place of the persons above-named, either already decessed, or that hereafter shall happen to decess, in manner and forme as is prescrued in the said Act of Parliament, made in the said Moneth of Julij, 1593. yeares: In all and sundry points, passages, heads, articles, clauses, circumstances and conditions whatsoever therein contained after the formes and tenours thereof respective in all points. And OUR said SOVERAIGNE LORD and Estates foresaids, wills and grants, declares, decernes, and ordeins, that this present Confirmation is and shall be als valable, effectual and sufficient in all respects, as if the foresaids Insestments, Charters, Precepts and Instruments of Seafine granted to our said Sovereigne Lady of the said whole Lordship of *Dunfermling*, together with the other Insestments, Precepts, gifts of Offices, Tacks, Indentures, Contracts, Assignations, and others above-written, either already made, given and granted, or that hereafter shall happen to be made given and granted by her Majestie, with consent, assent, authoritie and advice foresaid, to any person or persons, containing disposition, tack, gift, or other right of the said Lordship and Patrimonie of *Dunfermling*, or any part of the samin were at length word by word ingrossed hereintil.

II. *An Act declaring that all Ratifications past in this Parliament are no other-wayses exped, but Salvo jure Cujuslibet.*

FOR-sameikle as in this present Session of Parliament, there are many Ratifications past, wherè in divers and new clauses are insert, whilkis may be prejudicial to particular parties Rights, and derogative to many and sundry Laws lawfully made and established of before: albeit the meaning of the Estates be at this time as it was ever in all preceeding Parliaments, that by na Act of Ratification any other party should be hurt and prejudged.

FOR Remeed whereof, It is statute and ordeined, that no Ratification past in this present Session of Parliament, should be prejudicial to any private parties Right, but that the saids Ratifications be alwayes understode, whidder they be general or special, to be *Salvo jure Cujuslibet*.

F I N I S.

M I N U T E

Of the Particulare Acts unprinted, which were expd and past in the aforesaid Parliament.

- 1 **A** *Act concerning the voluntar offer of ane Taxation made by the Estates of Parliament to his Majesty.*
- 2 *Act anent the forme and order of the uplifting thereof.*
- 3 *Ratification of the contract betwixt his Majesty, and Sir John Arnot, anent Orkney.*
- 4 *Annexation of the Lands of Orkney to the Crown.*
- 5 *Commission for dealing betwixt his Majesty and the Bishop of Orkney for the Bishop lands in Orkney.*
- 6 *Ratification of John Auchmouties renunciation of his right of the Castel of Sanct-Andrewes.*
- 7 *Ratification of the Bishoprick of Galloway in favours of Master William Cowper, with some reservations in favours of some particular persons fra the same Act.*
- 8 *Ratification in favours of Sanct-Leonards Colledge of the lands belonging to the patrimony thereof.*
- 9 *Dissolution of the Arch-deanrie of Sanct-Andrewes, and annexation of the same to the Bishoprick thereof.*
- 10 *Ratification of the contract betwixt the Archbishop of Sanct-Andrewes and the Citie of S. Andrewes, with a reservation in favours of the Lord Lindefay.*
- 11 *Ratification to the Duke of Lennox of the Dukedom of Lennox, and Regalie thereof.*
- 12 *Ratification to the Duke of Lennox of the office of Admiraltie, and priviledges of the same.*
- 13 *Ratification to the Duke of Lennox of his pension forth of the propertie.*
- 14 *Exoneration to the Earle of Argyll of his Commission to Ilay.*
- 15 *Ratification of the patronage of the Kirk of Kinghorne, to the Earle of Kinghorne.*
- 16 *Act for changing the market-day of Glammes.*
- 17 *Ratification of the Lord Fenton his infestment of the Lordship of Dirletoun.*
- 18 *Act for translating of the Kirk of Gullane to Dirletoun.*
- 19 *Ratification in favours of the Lord Lindefay anent his infestment of the lands of Cairny, and others.*
- 20 *Ratification to the Lord Hay of Sala of his erection of Beaulie.*
- 21 *Ratification to the Lord Scoone of his infestment of Scoone, and of the said Lord Scoone, and Sir Mungo Murray their pensions forth of his Majesties rents.*
- 22 *Ratification to the Lord Keith of his infestment of the Lordship of Dunnoter and Innerrugie.*
- 23 *Ratification to the Lord of Buckleuch of his infestment of Halls and Branhholme.*
- 24 *Ratification to the Master of Tullibardin of the lands of the Earledome of Athole.*
- 25 *Ratification in favours of the Lord of Garleis of his infestment of Garleis, and patronage of the Kirk of Pennynhame.*
- 26 *Ratification to the Lord Burle of his erection of Kilwinning.*
- 27 *Ratification to Sir Thomas Hamiltoun of Byres Knight Secretary, of his infestment of Byres.*
- 28 *Ratification in favours of Master John Preston President of his pension of 1000. p.*
- 29 *Ratification in favours of Sir Richard Cockburne of Clerkingtoun Lord Privie Seal, of his infestment of Clerkingtoun.*
- 30 *Ratification to Sir William Oliphant of Newtoun Advocat to his Highnes, of the gift of the said office, and of his pension.*
- 31 *Ratification to Sir Gideon Murray of Elibank Knight, of his pension.*
- 32 *Ratification to Patrick Douglas of his infestment of the lands of Killspindie and Aberlady with the teinds of the same.*
- 33 *Ratification in favours of John Murray of his infestment of the lands of Dundrenan and Lochmaben.*
- 34 *Ratification to the Laird of Panmure of his infestment of the lands of Panmure, and of the Band given by the Marques of Hamilton anent his teinds.*
- 35 *Ratification to Sir George Hay of his gift of the priviledge of making of Iron and Glasse-works, with reservation of Archibald Primrose his particular gift of ane part of the same.*
- 36 *Ratification to Sir George Hay of his infestment of the lands of Kincael.*
- 37 *Ratification to the Officers of the Cunye-house of their priviledges.*
- 38 *Ratification to Sir James Sempel of his infestment of the lands of Stuarton.*
- 39 *Act making the town of Monimusk to be the head Burgh of that part of the Regalie of the Baronies of Keig and Monimusk.*
- 40 *Ratification to the Laird of Balmuto of his infestment of the lands of Balmuto, and patronage of the Kirk of Auchtertoule.*

- 41 Ratification to the Laird of Dundas of the Patronage of the Kirk of Levingston.
 42 Ratification to Master Thomas Hope of his infeftment of the Lands of Edmilton.
 43 Ratification to Sir James Dundas of a Burial place in the Reveftrie of the Kirk of Borthuik.
 44 Ratification to Henry Wardlaw of the heritable Chamberlainrie of Dunfer.
 45 Ratification to the Laird of Lie of his infeftment of the Baronie of Lie.
 46 Ratification in favours of William Nisbet of his infeftment of the Deane, and pultrie-land.
 47 Ratification to Alexander Moncreif of his infeftment of the lands of Fawfide.
 48 Act in favours of the heires of unquibile William Nisbet of Newtoun-leyes againft the executors of the Laird of Reftalrig.
 49 Ratification in favours of the Laird of Spot, of his infeftment of Spot, and Chamberlainrie of Dunbar.
 50 Act anent the Kirk of Crcling, declaring the fame to be ane Paroch Kirk.
 51 General ratification of the Borrowes Liberties.
 52 Ratification in favours of the town of Glasgow of their infeftment.
 53 Ratification in favours of the town of Dumbarton of their infeftment.
 54 Ratification in favours of the Burgh of Tayne of their infeftment.
 55 Ratification in favours of Master Iofua Durie of his penfion.
 56 Ratification to the Laird of Auldbar of his infeftment of the patronage of the Kirk of Rolcobie.
 57 Act anent the common Kirk of Caithnes.
 58 The fupplications of the Fewers of Selkirk and Sheriff of Roxburgh, referred to the Lords of Seffion to grant Commiffion conforme to the defire thereof.
 59 Commiffion to the next Parliament anent prefcription of heritable Rights, and als anent Procuratories and instruments of refignation.
 60 Declaration of the Eftates that fike Commiffioners for the Kings duties of Erections that are deceafed, or fhall happen to deceafe, fhall be fupplied by his Majefties nomination hereafter of other perfons of that fame rank and eftate.
 61 Recommendation from the Eftates to his Majefty of unquibile Master Thomas Craige his Works.
 62 Proteftation made by the Earle of Angus.
 63 Proteftation made by the Marques of Hammilton to the contrare.
 64 Proteftation made by James Stewart for the Earle Marfhal againft the Conftable.
 65 Proteftation made by the Earle of Wintoun for the Earle of Erroll Conftable.
 66 Proteftation made by the Lord Torphichen anent the taxation and liberty thereof.
 67 Proteftation made by Sir James Dundas to the fame effect.
 68 Proteftation made by the town of Renkrew againft Glasgow and Dumbarton.
 69 Proteftation made by the Burgh of Innernefs againft the Burgh of Tayne.

F I N I S.

T H E X X I I.

P A R L I A M E N T

Of Our

Most High and Dread Sovereigne, JAMES By the grace of GOD, King of Scotland, England, France and Ireland; Defender of the Faith, &c. Halden be his Majestie at Edinburgh, the 28. day of June 1617. With advise of the Estates of this Realme.

A C T I.

Anent the Election of Arch-bishops and Bishops.



OUR SOVERAIGNE LORD, with advise and consent of the Estates of this present Parliament, for gude and solide Ordour to be keiped in all time to come, For election of Archbishops & Bishops: Statuts & Ordains, that all who shall be hereafter promoted to any Archbishoprik or Bishoprik within this Realme shall be elected and admitted according to the forme and maner under mentioned and no urtherwise That is to say, when it shall fall any of the Seas to be made void; His Majesties pleasure is to grant licence to the Deane and Chapter of the Cathedral Kirk of the Sea, to convene themselves for electing of ane urther Archbishop or Bishop in place of the former incumbent. And the said licence being exped, ane Edict shall be affixed upon the most patent dure of the Cathedral Kirk, requiring and charging the Deane and Chapter of the said Kirk, to convene themselves for chusing of ane Bishop to the same, who shall be devote to GOD, and to his Highnes and Realme profitable and faithfull. Who being conveyed the Deane of the said Chapter with so many of them as shall happen to bee assembled, shall proceed and chuse the person whome his Majesty pleased to nominat and recomend to their Election, Hee alwayes being ane actual Minister of the Kirk, and shall Elect none urther then ane actual Minister: to be so nominat and recomendit be his Majestie as said is. After the which Election testified under their Seals and subscriptions, His Majesties pleasure is to give his Royall assent thereto: And the same assent being granted under his Majesties great Seal, shall be to the person elected ane sufficient right for injoying the spiritualitie of the Benefice wherunto hee is elected during his life-tyme. Upon the which assent, and his Highnes mandart to be directed to ane competent number of Bishops within the Province where the Benefice lyes, The person elected shall be Consecrat and received in his function bee the rites and ordor accustomed. And the said consecration being made his Majesties pleasure is to dispoone to the person elected the temporalitie of the said Benefice with all Priviledges, honours, and dignities, belonging thereto. And the same grant being past under his Majesties great Seal; Then shall the person admitted doe homage and sweare obedience to Our Sovereigne LORD, according to the forme prescribit. Neither shall it be lawfull to the person admitted to intromct with any of the fruites and rents of the said Benefice, untill he have performed the said homage and given the Oath of allegiance and fidelitie to his Majestie or his Highnes Commissioners to be appoynted for that effect. And for the better observing of the said ordor in all tyme hercafter, OUR SOVERAIGNE LORD, and three Estates Inhibits and discharges the Lords of Counsel and Session to authorize be their Decreit and sentence the provision of any Bishop to be admitted hereafter, except that it be testified that he is received and entered according to the said order in all points.

A C T I I.

Anent the Restitution of Chapters.

OUR SOVERAIGNE LORD, with advise and consent of the Estates of this present Parliament, Considering how necessar it is that the Deane, and members of Chapter of everie Cathedral Kirk, be at all occasions readie to convene themselves for the election of Arch-Bishops and Bishops, to their severall Seas, and for expeding of particular rights made to the Leiges, whereunto their consent by the Lawes of the Realme is required, and that for supporting of the charges of their service and inabling them the better to attend at sick occasions, It is most needfull they be restored to their Manses, Gleibes, rents and livings belonging unto them of auld.

HAVE Statut and Ordained, that all the Deanes, and uthers members of the Chapters of the Cathedral Kirks within this Kingdome, shall be restored to their Manses, Gleibes, Rents, and urther patrimonie belonging to them.

And

And to that effect his Majestie with advise of the saids Estates, dissolves fra the Crowne and patrimonie thereof, the foresaids Manfes, Gleibes, Rents and Dueties formerlie annexed: to the effect the same may hereafter be enjoyed and peaceable possessed be the Ministers that are, and hereafter shall be provyded thereto. Without prejudice alwayes of the fewes, tacks, pensions and uther rights lawfullie made of whatsoever Manfes, Gleibes, Lands and Teynds of any part of the saids Chapter Kirks to the parties having right to the same. And slikeye but prejudice to laick Patrons of their Patronages granted to them be the Kings Majestie with consent of the Titulars for the tyme albeit the same be not ratified in Parliament, which shall no wayes be prejudged be this present Act. And with expresse reservation of the Rights of the Priorie of Sanct-Andrewes, now erected in a Temporal Lordship in favours of *Ludovick Duke of Lennox* and his Heires, which shall remaine in the awne strength and integritie, notwithstanding of the Act of Restitution above-written, and any thing therein comprehended.

And als with reservation of the Houfe and place of *Hamiltoun*, Biggings and Orchards, Yeards, and whole pertinents of the same, in so far as the same or any part thereof pertained of before to the Deanrie of *Glasgow*, which his Majesty and Estates reserves furth of this present Act, to his trustie Cousin *JAMES*, Marques of *Hamilton*, and his Successeurs, to be halden of his Majesty and his Highnes Successeurs, as their immediate superiours thereof for ever. And without prejudice to the Burgh of *Edinburgh*, of whatsoever rents, profits, tencments, annualrents, teind-sheaves, and other commodities given, granted and disposed to them for entertainment of their Hospitals, Colledge and Ministerie. And slikeye but prejudice of whatsoever teinds, few-mails or annualrents which pertained of auld to the saids Chapters in common, or to any Prebendar in particular, disposed by his Majesty to any Colledge within the Univerfite of Sanct-Andrewes, Masters or Burfers thereof, which his Majesty with advice of the Estates, declares shall not be prejudged by this present Act. And als according to the restrictions, exceptions and limitations conceived in favours of Fewars, Tack-men, and others havand right particularly set down and exprest in the second Act of his Majesties eighteenth Parliament, concerning the restitution of the Estate of Bishops. Which restrictions, exceptions and limitations, are halden as repeated and exprest in this present Act. And to the effect that all sick persons who are and have been Tenents and Vassals to Deanes and other Members of Cathedral Kirks may be in certaintie known and by whom they should be entred and received in the lands and others halden by them of the saids Deane and Members, or any of them.

Therefore it is Statute and ordained by Our Sovereigne LORD and Estates, That when any sick occasion shall offer of receiving or entring of Vassals, or of changing of Tenents who comes in the Vassals places, either by alienation of the Vassals, or comprying from him, or by any other lawfull manner, the direct superiour of whom the said Vassall immediatly held, shall be astricted and halden to do the same, and to enter all sick persons by himself (they doing their due tie to their superiours as apperteins.) In the which case, OUR SOVERAIGNE LORD and Estates declares the consent of the Prelate, or remanent Members of his Chapter, no wayes to be necessar to the said entry or change of Tennents. And because the Priorie of Sanct-Andrewes is now erected in a Temporal Living and Lordship, the Prior whereof in former times was alwayes Deane of the Chapter of Sanct-Andrewes, and the Channons thereof were the Members of the said Chapter which are now all abolished, and to the effect there be not wanting a Chapter to the said Kirk.

OUR SOVERAIGNE LORD, with advice foresaid, declares that the Ministers serving the cure at the Kirks under-written, present and to come, shall be esteemed the Chapter thereof. They are to say, The Prior of *Portmook*, who is principal of *S. Leonards* Colledge and Deane of the Chapter. The Arch-dean of *S. Andrewes*. The Vicar of *S. Andrewes*. The Vicar of *Leuchers*. The Vicar of *Cowper*. The Provost of *Kirkcubbin*. The Parson of *Dysert*. The Vicar of *Forgond*. The Vicar of *Inshiture*. The Vicar of *Kincard*. The Vicar of *Fowles*. The Vicar of *Eglisburgh*. The Vicar of *Rassie*. The Vicar of *Linlithgo*. The Vicar of *Scoonie*. The Vicar of *Fordun*. The Vicar of *Forgund* in *Fyfe*. The Deane of *Restalrig*. The Deane of *Dumbar*. The Vicar of *Kettill*. The Vicar of *Kennoway*. The Vicar of *Merknib*. The Vicar of *Falkland*, and the Vicar of *Abercrombie*; being all twenty foure persons, Which persons shall have the administration, doing and performing of the affairs belonging to the said Bishoprick, and for the weale of the said Cathedral Kirk, which were done of before by the Prior and his Chanons. And concerning the election of the Arch-bishop of the said Sea, whensoever the same shall hereafter vaik.

OUR SOVERAIGNE LORD, with advice foresaid, declares, statutes and ordaines the said Arch-bishop to be elected by eight Bishops of his Diocie. They are to say, The Bishop of *Dunkeld*. The Bishop of *Aberdeen*. The Bishop of *Brechin*. The Bishop of *Dumblain*. The Bishop of *Resk*. The Bishop of *Murray*. The Bishop of *Orkney*, and the Bishop of *Caithness*. And by five Ministers serving the Cure of the Kirks under-written, to wit, The Principal of *S. Leonards* Colledge. The Arch-deane of *S. Andrewes*, The Vicar of *S. Andrewes*. The Vicar of *Leuchers*, And the Vicar of *Cowper*. Which Bishops and Ministers, or the most part of them, shall have power in all time to come, to elect the Arch-bishop when ever the Sea shall vaik, and shall remain hereafter the Chapter appointed by our Sovereigne LORD, and Estates, for the election foresaid. The Vicar general for convening of the which Electors, our SOVERAIGNE LORD & Estates declares to be now and in all time comming the Bishop of *Dunkeld*, who shall

shall happen be for the time. And sikklike OUR SOVERAIGNE LORD, with advise of his Estates, declares, statutes and ordeins, that the Archbithop of *Glasgow*, whensoever that Sea shall vaik, shall be electet by the three Bithops of his Diocie, to wit, the Bishop of *Galloway*, the Bishop of *Argyle*, the Bishop of the *Iles*, being for the time, and by his ordinar Chapter, or the most part of them, the Bithop of *Galloway* being alwayes Conveiner of the saids Electors to the said election. Which persons shall have power onely in the said election, seeing it is the expresse will and ordinance of his Majesty and Estates, that the auld and ordinar Chapter of *Glasgow*, and the other Chapter above-written, appointed for the Sea of *Sanct-Andrewes*, as said is, shall have the only administratioun of these things, concerning the affairs tending to the weal of their Cathedral Kirks, and belonging therero, as the auld Chapter formerly had, and these others Chapters before mentioned, appointed allancly for election of the saids Arch-bithops, shall no wayes be derogatory to the others ordinary Chapters established for the handling of the affairs of their Seas in manner above-written.

ACT III.

Auent the Plantation of Kirks.

OUR SOVERAIGNE LORD, Considering that there be divers Kirks within this Kingdome norplanted with Ministers, where through Ignorance and Atheisme abounds amongst the People; and that many of those that are plantet, have no sufficient provision or maintenance appointed to them, whereby the Ministry are kepted in poverrie and contempt, and cannot fruitfully travel in their charges. Considering also that nothing is more properly belonging to his Princely care, than to see to the good estate of the Kirks within his Dominions, out of thar zeale which his Majesty beares to the promoving of the Kingdome of CHRIST.

AND for ane perfite remedie of those evils, with advice & consent of the Estates of Parliament, hes granted full power and commissioun to the Lord Chancellour for the time, and to the reverend Fathers in GOD John Arch-bithop of *Sanct-Andrewes*, James Arch-bithop of *Glasgow*, Alexander Bithop of *Dunkeld*, Alexander Bithop of *Aberdeine*, Alexander Bithop of *Murray*, Patrick Bithop of *Rosse*, Adam Bithop of *Dumblane*, and William Bithop of *Galloway*: Eight persons nominat for the Clergie and Prelats. And in case of the decease of any of them, To Andro Bithop of *Brechin*, George Bithop of *Orkney*, Andro Bithop of *Argyle*, and John Bithop of *Caithnes*: Which foure persons, his Majesty and Estates hes nominate to supply and become in the place of any of the other eight foresaids, if any shall happen to decease before this Commissioun be finilhed. To wit, the first of the foure in the place of the first of the eight deceasing, and so in order successevely as they are named. And to John Earle of Marr Lord Thesaurer, James Marquess of *Hamilton*, James Earle of *Abercorne*, William Earle of *Tullibardin*, Robert Earle of *Roxburgh*, John Viscount of *Lawderdale*, Thomas Lord of *Binning*, and David Lord of *Carnegie*, eight persons nominate for the Nobilitie. And in case of any of their deceases, To Alexander Lord *Elphinstoun*, nominate to become in the place of the first deceasing, Alexander Earle of *Eglinton* in the second, John Earle of *Perth* in the third, and John Lord of *Balmuirnoch* in the fourth. And to the Commissioners under-written nominate for the Barons: To wit, William Douglas of *Drumlaugrig*, Sir Walter Dundas of that ilk, Sir James Haliburton of *Pitcar*, Sir John Hamilton of *Lettrik*, Sir John Vaus of *Barnbarroch*, Sir Andro Murray of *Bathaird*, Sir Alexander Gordon of *Cluny*, and to Sir George Auchinleck of *Balmanno*. And in case of any of their deceases, to Thomas Orquhard Sherriff of *Cromartie*, Sir Alexander Strachan of *Thorntoun*, Iosias Steward of *Boniton*, and Sir Robert Steward of *Schillinglaw*, persons nominate to become in order as they are named in places of any of the eight deceasing. And to James Arnot Burgesse of *Edinburgh*, Master Alexander Wedderburne Clerk of *Dundie*, Sir Thomas Menzies Provost of *Aberdein*, John Scherar Burgesse of *Sterling*, Andro Milne Burgesse of *Linlithgo*, John Osburne Burgesse of *Air*, John Mathefson Clerk of *Carel*, and Sir George Bruce of *Carnock* Knight, Burgesse of *Culrus*, eight persons nominate for the Burrowes. And in case of any of their deceases, to Alexander Clerk Merchant Burgesse of *Edinburgh*, Master William Ferguson Burgesse of *Dundie*, George Nicolson Burgesse of *Aberdeen*, and John Williamson Clerk of *Sterling*: Persons nominate to supply in order any of the other eight Commissioners foresaids deceasing. Which foresaids Commissioners, or any five of ilk Estate nominate, as said is, consenting and agreeing in ane voice, shall have power to convene, consult, and to determine upon the matters, and in manner under-written. Providing alwayes, that there is and shall be necessarily requisite to the validitie of any Act, conclusion, ordinance and determination of the saids Commissioners, the conjunct assent of five of every one of the saids foure Estates, all agreeing together in ane voice, without the power to make any valide or effectual conclusion by vertue of this present Commissioun, but whatsoever shall be otherways done, is declared to be of no availe, force nor effect. That is to say,

OUR SOVERAIGNE LORD & Estates of Parliament by the tenour hereof, gives, grants, & commits full power & authoritie to the saids Commissioners to meet and convene in the Town of *Edinburgh*, at sik time and times as they shall appoint and finde convenient, and there to call and summond before them, all Patrons, Tacksmen of teinds great and small, and all others having right by whatsoever title to the Teinds within this

this Kingdome, as they shall think necessar and expedient to exhibite and produce before them their rights and titles, whereby they claime the saids teinds to be seene and considered be the saids Commissioners. With power to them out of the saids teinds of every Parochin, to appoint and assigne at their discretions ane perpetual local stipend to the Ministers present and to come at all Kirks that shall be found by them either as yet not provided at all, with Ministers and stipends, or where the provision is lesse nor five hundreth marks of yearlie rent in money, or five Chalders victual (by manse and gleibe) or six proportion particularly of silver and victual, as will effeire and extend to five hundreth Marks or five Chalders victual yearly, & which is the least and the meanest stipend and provision determinate, appointed, and declared by his Majesty and Estates, to be given and assigned to any Minister for his local stipend in time coming, where the fruits of the Benefice will extend to that quantitie in maner under-written, and that notwithstanding of any right or title pretended by the said Tackf-men, or others in whose favours Teinds have been erected, With special power also to the saids Commissioners, to unite six Kirks, ane or moe as may conveniently be unite, Where the fruits of any one alone will not suffice to entertain ane Minister. In the which case of union of six Kirks, if it fall out that necessitie offer to unite Kirks belonging to the presentation of divers Patrons, the presentation of the Ministers shall be appointed by the saids Commissioners to pertain to the Patrons (*alternis vicibus*) to the which Commissioners his Majestie and the Estates does recommend and refer to consider and appoint farther six solide order as may be best taken, and stand with the least prejudice of any of the Patrons, and as they shall be found to have more or lesse intrest in the Kirks to be so united. It is alwayes provided, that whereas there are divers Kirks whereof the fruits of any one will not extend to the quantity of five Chalders victual, nor five hundreth marks of silver in yearly commoditie, and that the rents and whole patrimonie thereof are nowayes answerable to that proportion, and so is not sufficient the alone for the full maintenance of ane Minister, and yet nevertheless for distance of place, or other lawfull causes may be found inconvenient to be united, whereby necessary will evince, that every Kirk in that estate, should be planted with their own particular Minister to serve thereat, whose provision behooves necessarily to consist of the fruits of the Benefice itself, how mean soever the same be.

THEFORE IT IS Declared that it shall be sufficient to the saids Commissioners in that case to assigne & appoint to the Minister to be planted at any six Kirks the whole fruits pertaining to the Patrimony thereof, by and attour his manse & gleibe. Which fruits are to be enjoyed by him and his successours thereafter, as their perpetual Local stipend and provision. And to the end the said Commission may take the better effect, and for ane solide order anent the provision of the saids Kirks, with their certaine definite stipend, and that it may be clearly known what shall be the proportion and quantitie of any stipend, which shall be hereafter appointed to every Minister, at any Kirk, either not provided at all, or not sufficiently provided, as said is.

OUR Sovereigne LORD and Estates Declares, that the least and meanest stipend which they have appointed to be hereafter provided by the saids Commissioners to any Minister shall not be under and within the quantitie of five chalders victuall, or five hundreth marks of money, or proportionally part of victual, and part thereof in money, according as the fruits and rents of the Kirk may yeeld and afford, and as the saids Commissioners shall think expedient, effeirend to the saids five chalders victual, or five hundreth marks money, by and attour their manse and gleibe, where the whole fruits of the Kirk will extend to the quantitie foresaid, and that the greatest and most stipend which the saids Commissioners shall have power to assigne for stipend to any Minister at any of the saids Kirks, either not planted or planted, and provided with stipends within and under the said five chalders victuall, or five hundreth marks of money, as said is, shall not exceed the quantitie of Ten chalders victuall, or ane Thousand marks of money, and proportionally part of money, and part of victuall, at the consideration of the saids Commissioners, as they shall finde by examination of the rents of the Kirk most conveniently may be payed by and attour their manse and gleibe. Swa the greatest shall be ane Thousand marks, or Ten chalders victuall with manse and gleibe, and the least five hundreth marks, or five chalders of victual, with manse and gleibe, except where the whole fruits of the Kirks will not extend to that quantitie, as said is. And finds and declares, that all Kirks which are planted with Ministers, whose stipends extends to five chalders victuall, or five hundreth marks of silver or part of both effeirend to the whole by their manse and gleib, (the same being made sure to them) are expressly excepted out of this Commission, and no wayes comes under the compasse thereof, neither shall the saids Commissioners have any power by vertue hereof to meddle with any Kirks or stipends which are in that case, seeing the said Commission is not extended to the same. IT IS also provided, that where any Kirks are already sufficiently provided, albeit their provision does exceed the foresaid quantitie of ten chalders victuall, or ane thousand marks of money, And als where the fruits of any Benefice are in the possession of the Minister, that the same shall be continued in the estate wherein it is at the present, and not to be medled with by vertue of the said Commission. And because reason and equity craves, that recompence should be made unto the Tackf-men and others persons whatsover, who shall be by the sentence of the saids Commissioners hurt and prejudged of their present profit, which they may lawfully bruike by vertue of their titles and rights, established in their persons, and upon whom by vertue of the said sentence, any burden of the sustentation and provision of the saids Kirks and Ministers is to be imposed.

Therefore OUR said Sovereigne LORD and Estates of Parliament gives full power and commission to the saids Commissioners, so to proceed in the determining of the saids recompences, That is case the Lord

or any other having right to erected Prelacies, who shall be cited before them, refuse to take the burden of plantation of any Kirks belonging to the saids erected Prelacies, which are nor planted, or to help fik other Kirks of the same, as are not well and sufficiently provided, according to the tennour of the foresaid Commission, and that upon their refusal (the said refusal being first found reasonable by the saids Commissioners) the burden of the said plantation, or farther provision, shall be laid and imposed by the saids Commissioners, in whole, or in part, either upon the principal Tacksmen of any of the fruits of the saids Kirks. Or in case if the Tacksmen refuse, the burden be imposed upon the Sub-tacksmen thereof, the saids Commissioners shall have power to decree, appoint, and ordein fik particular recompence to be given to the saids Tacksmen, or Sub-tacksmen, by renewing of their tacks or sub-tacks, after the expiring thereof, upon fik conditions as the saids Commissioners shall finde reasonable, respect being had to the qualitie and proportion of the burden to be imposed upon them within the time of their tacks and rights, farther then they are affected by their saids rights, or by appointing fik other reasonable satisfaction as they shall finde the said burden and distresse undergone by any of them, shall deserve and require.

Lykeas the saids Commissioners shall have siklike powcr to determine, decree and appoint fik particular satisfaction and recompence to be given either to laick Patrons, or to the Tacksmen of the fruits of the Kirks belonging to the like Patronages and Sub-tacksmen thereof, as they shall think may be answerable to the burdens to be imposed upon either of them for the cause above-written proportionally. In the preserying of the which recompence, the saids Commissioners shall have special respect, what consideration they finde reasonable to be given to the saids Patrons for their consents to the tacks, if any shall be appointed and decreed to be set and given to the saids tacksmen for recompence foresaid. And if any beneficed person upon just and reasonable causes, refuses to provide any Kirk belonging to their Benefice, according to the order hereby preseryed, whereby the burden of plantation, or farther provision of the Kirk, must necessarily lye upon the Tacksmen or Sub-tacksmen of the fruits thereof. The saids Commissioners in that case also shall decree fik recompence to be given to the saids Tacksmen and Sub-tacksmen for their losse and prejudice sustained, as the saids Commissioners shall finde the same shall merit, by renewing of tacks to them upon fik conditions as may requite their losse, or by finding out some other reasonable meane which may repair the same. And OUR said Sovereigne LORD, with advice and consent of the saids Estates, Declares, Statutes and Ordeins, That all tacks which shall be decreed by the saids Commissioners to be given in recompence to any person whatomever for the causes above-written, and which shall be set for obedience, and conforme to the said decret and sentence; whatomever yeares, or long space the saids tacks shall comprehend, shall be good, lawful, and sufficient securities to the persons in whose favours the same are appointed to be given and conceived, neither shall the same be any wayes prejudged by the Act made in this present Parliament, by the which it is statute that no Archbishop, Bishop, or Prelate should set in tack any part of their patrimonie for longer space nor nineteen yeares, and that no inferiour Beneficed person shall set in tack any part of their Benefice for longer space nor their awne life-times, and five yeares thereafter, as the said Statute propors, fra the which Statute, the saids tacks so appointed to be set and given in recompence, are and shall be excepted and reserved, and shall no wayes come under the compasse of the said Act and Statute, nor any thing therein contained, but the same shall remaine and abide valide and sufficient rights for the whole space and yeares appointed therein according to the tenour thereof notwithstanding of the said Act and Statute.

AND because it may fall furth rhat in the recompens to be appointed by the Commissioners to the Patrons, Tacksmen, & Sub-tacksmen for the foresaid burding to be imposed upon them, moe yeares may be assigned for prorogation of their present tacks nor may lawfullie or conveniently be set be the present beneficed persons to whom be Law the setting of tacks of Teinds belongs. FOR remeid thereof OUR Sovereigne LORD with advise & consent of the saids Estates Declares, Statuts and Ordeins, That it shall be lawful to the Commissioners foresaid to appoint als many yeares after the expyryng of the present tacks to the tacksmen of the saids Kirks and Teinds or to the Patrons or sub-tacksmen *respective* for bruiking of the saids teinds for recompence of the said burding as they shall think reasonable, which shall be als good, valid and sufficient rights to the saids Patrons tacksmen & sub-tacksmen *respective*, and to their heirs and assignayes, for bruiking and possessing and disposing upon the saids teinds during the saids yeares of prorogation, as if good, lawful and valide tacks and rights of the saids teinds had been set and made to them be the Titulars of the benefices to whom the same belonged, with consent of all parties having entresse. With expresse provision and declaratione that at the expyryng of all the saids yeares, the right of the saids teinds and power to set tacks thereof, shall returne and appertain to the saids Titulars of the foresaid Benefices, as they did before the making of this present Act.

And OUR said Sovereigne LORD, with advice of the saids Estates, Declares and ordeins this Commission to last and endure to the feast and term of Lambes, in the year of God one thousand six hundredth and eighteen yeares. After the which time the same shall cease and expire. And Ordeins the decret and sentence of the saids Commissioners in all the particulars foresaid, and every one of them, to have the strength, force and authoritie of any decret sentence, and Act of Parliament. For obedience whereof the Lords of Session shall direct and grant Letters in forme as effeirs, and according as shall be necessar, Which Commission above-written, taking force and full effect in all the saids particulars therein contained, as the same are set down and comprehended therein, by pronounciation of decret and sentence upon the same, conforme to the power therein comprehended, given to the saids Commissioners.

OUR SOVERAIGNE LORD with the expresse consent and assent of the Estates in that case, Findes and declares, that no person in whose favours the teinds of Kirks and Benefices are erected, nor no other whatfomever bruiking teinds; by vertue of Rights lawfully made to them of the same, according to the Lawes of this Realme then standing, shall be ever farther altered or quarrelled in any of their saids Rights, in any time to come, farther then shall be appointed by the said decret and sentence to follow upon this present Commission; but the saids rights and securities in-case fore said, shall remain in the awne strength, force and effect, as good, lawful, and sufficient rights and securities to them and every anc of them for their awne parts, for bruiking and enjoying the saids teinds, conforme to the tennour of the saids rights, for now and ever.

A C T I V.

Anent the setting of Tacks by Prelats, and other beneficed persons.

OUR SOVERAIGNE LORD with advice and consent of the Estates of Parliament, Statutes and Ordeins, That no Archbilhop, Bilhop, or other Prelat within this Realm, shall hereafter set in tack and assedation any part of their Patrimonie, for longer space then nineteen years. And that no inferior beneficed person, shall set in tack any part of their Benefices, for longer space then their own life-times, and five yeares after their decease, under the pain of deprivation of the persons contraveiners from their offices and benefices, and to be repute from that time forth, infamous and incapable of any publick function in the Kirk. And for the better discovering of the tacks that shall be set by inferior beneficed persons, for longer space then is above-written.

IT IS Ordeined, that all the tacks that shall hereafter be set by any of them, for longer space then is before mentioned, shall be Registrat in anc Book, which the Clerk of Register shall keep for that effect, within the space of fourtie dayes after the setting of the same tack, otherwise the said tack so set for longer space, shall be null and of no effect to the tacksmen thereof, by way of exception or reply, without any other action, proceffe, or declaratour of Law.

IT IS alwayes declared, that this Statute shall no wayes be extended to any tacks or sub-tacks, or conditions for setting of tacks or sub-tacks for longer space nor is above-written, Whereas the same depends and are made or appointed to be made, conforme to the Commission granted by OUR SOVERAIGNE LORD, with advice of the Estates of Parliament for plantation of Kirks, in manner as is specially set down in the said Commission.

A C T V.

Addition to the Act anent dilapidation of Benefices.

OUR SOVERAIGNE LORD with advice and consent of the Estates of Parliament, Ratifies and approves the Act of his Highnes Parliament halden at Perth the ninth day of July, the year of God 1606. *Anent the dilapidation of the rents of Prelacies, With this addition*, Whereby his Highnes and Estates fore saids, Findes, decemes and declares all tacks or assedations to be made of any Quotes of Testaments, or any other casualtie pertaining to the saids Prelats in time coming, to be null, and of no avail, force, nor effect, and that it shall not be lawfull to any Prelate within this Kingdome hereafter to dispoone, alienate or set any of his casualties, in whole or part, longer nor during his awne life-time allanerly, but prejudice of the tacks, if any be set before this Act, as accords of the Law, to the whilkis thir presents shall no wayes be extended.

A C T VI.

Anent furnishing of necessars for ministratoun of the Sacraments.

OUR SOVERAIGNE LORD with advice and consent of the Estates of Parliament, Ordeines that all the Paroch Kirks within this Kingdome be provided of Basins and Lavoirs for the ministratoun of the Sacrament of Baptisme; and of Cups, Tables, and Table-Cloathes, for the ministratoun of the holy Communion; which shall be received to that use by the Minister of the Parochin, in sik convenient place as he shall finde meet, for which he and his heires and executors shall be answerable to the Parochin, in-case the same be lost, or otherwayes used to any profane use. And ordeins the expences thereof, to be made by the Parochiners; and the Ministers of every Kirk to do their diligence for providing the same, by causing the Parochiners stent and taxe themselves to the effect fore said, betwixt and the first of Februar next, under the pain of losing ane yeares stipend. And for putting the said Act in execution, Ordeins the Lords of his Majesties Councel and Session, to give forth their Letters for charging the Parochiners to convene and taxe themselves to the said effect, and make payment of the money wherein they shall be stented, as the same shall be required.

ACT VII.

Anent unlaues of absents from Parliament.

OUR SOVERAIGNE LORD, and Estates of this present Parliament, hes ratified and approved, and by the tennour hereof Ratifies and approves the thirthe fourth Act of his Highnes eleventh Parliament, 1587. Intitular (the unlaw of absents from Parliament) in the whole heads and clausies thereof, after the forme and rennour of the same in all points; with this addition, that the unlaw of the Commissioners of Barons through their absence from Parliament, shall be ane hundredth pounds money. And declares that no excuse shall be received nor admitted hereafter for absence from Parliament, except their Licence be granted by his Highnes under his note and super-scription, if his Majesty be present within the Realme for the time. And in his Highnes absence, by his High Commissioner of Parliament: and in case of the said Commissioners absence, their Licence to be granted and subscribed by the Lord Chancellor, and Lords of Secret Council, to be produced judicially the first day of the fensing of ilk Parliament, to the Clerk of Register and his Deputes. And farther declares, that in time coming it shall be lawful to whatsomever Duke, Marques, Earle, Vicount, Lord, or Prelat within this Realme, being absent from the Parliament, and lawfully excused, as said is, to send ane sufficient power subscribed with their hands to any one of that estate, having place and vote in Parliament, who shall be admitted to reason and vote in Parliament, and whole dyets thereof, for that person absent, siklike and als freely in all respects as if he had been present himself. And ordeins the said former act with this present, act at ilk Parliament, to be execut with all diligence. And the penalties therein mentioned to be up-lifted to Our Sovereigne Lords use, by his Highnes Thesaurer.

ACT VIII.

Anent the Justices for keeping of the Kings Majesties Peace, and their Constables.

OUR SOVERAIGNE LORD, with advice and consent of the Estates of Parliament, having considered the Articles and Instructions given of before by his Majesty to the Justices and Commissioners, appointed for keeping of his Majesties Peace, and to their Constables which were presented to his Highnes, and unto the saids Estates, by the saids Justices, and desired to be authorized by decret and sentence of Parliament: Hes ratified and confirmed the same in manner as they are particularly here set down and expressed in every point and article thereof, of the which the tennours followes. That is to say.

The Commissioners and Justices of Peace at their first admitting upon the Bench, shall give the Oath following:

YOU shall sweare, that you as one of the Commissioners and Justice of Peace within the Shire of &c. according to your knowledge, wit and power, shall do equal right both to rich and poor, conform to the Lawes and Customes of the Land and Statutes thereof: And that you shall not be of Counsel with any person in any quarrel or matter depending before you, and that you shall every quarter keep the Sessions, or oftner as you shall be required, not having any just impediment to the contrary: and shall faithfully and truly discharge your duetie, as ane Justice of his Majesties Peace, and shall leave nothing undone, that may tend to the preservation of the same. So help you God.

II

ANY one Justice shall have power upon complaint of any person, being threatned, and fearing to be wronged, to binde the party complained upon, under such a pecunial sum, to keep the Peace, as he shall think fitting. As also to commit him, until suretie be found by him, the said complainer alwayes giving his Oath before the Justice, that he hath just cause to dread his harm. And albeit no person complain, yet if the Justice be credibly informed, of appearance of trouble betwixt any parties, he shall binde them to the Peace in manner aforesaid: except the parties declare upon their consciences, that neither of them doth beare any grudge to other. And all such bands shall be kept in record by him, and he shall make deliverie of the same to the Clerk of the Peace, at the next Session, to be kept and registered by him.

III

IF any person, being charged to make his appearance before a Justice of Peace, shall refuse or delay without cause: if the partie bee a landed Gentleman, whose rents exceed ten chalders of victual, or a thousand marks of silver; then the Justice (whose command is contemned) shall informe the same to some of the Lords of His Majesties privie Council: to the effect the party of the quality foresaid may be called and fined for his disobedience. And if the disobeyer be of a meaner degree, the Justice shall hereby have

have power to command the next constable: or absence of a constable, his owne servant, or any other person, having a warrant in writ, subscribed by the saids Justices of Peace, with assistance of the countrey, to bring any such partie before him.

IV.

IF either the Sheriff or Bailie shall condemne any person in a bloodwyte, or otherwise convict him in any paine proper for him to impose, the Justice shall have no power of new to fine that offender for that offence: but if they shall finde him not condignly punished in regard of the offense committed by him, they shall then inform his Majesties Counsel thereof, that they may take order therewith. And if there be no satisfaction made by the Sheriff or Bailie to the partie offended, the Justices may modifie reasonable satisfaction to the party offended, hee pursuing therefore before them: and if they shall finde the satisfaction discerned by the Sheriff or Bailie in favours of the said partie offended, not condigne nor answerable to the offence, and wrong sustained, then they shall also informe his Majesties Counsel thereof, that they may take order therewith as appertaineth.

V.

IF either Sheriff or Bailie, or other Deputies by collusion with the delinquent, shall suffer any person guilty to be quitted or cleared by an Assise (the partie once cleared, is not to be brought further in question before the Justices) but upon their information, the Judges are to bee called, censured, and severely punished by his Majesties Counsel.

VI.

THE saids Justices shall hereby have power to proceed upon all persons, committing ryots, and breaking the Kings Peace, under the degree of Noblemen, Prelates, Counsellors, and Senators of the Colledge of Justice: and to punish and fine according to the quality of the crime, and the estate of the offender. And if any of the saids persons being charged to compare before the saids Justices, shall disobey the summonds being indorsed, the lawful citation verified and fact proven, the Justices shall punish and fine the not comparing, according to the quality of the crime, and the estate of the offender. And for the more clear determination of the order which shall bee kept by the saids Commissioners in the deducing of any such proccesse. Our Sovereigne Lord, with advise of the Estates declareth, That it shall be lawful to the saids Justices whensoever they have any occasion to move any action against parties for committing any like fact or riot, to refer the first summonds to the parties Oaths of verity (in case of inlake of other lawful probation) who being personally summoned by that first citation, shall be holden as confest, and decreit to be pronounced against him, conform to the libell and summonds. And if he be not personally summoned by the first citation, the saids Commissioners shall be holden to cause summond him of new againe, by a second summonds, at his dwelling place: which two citations shall be als sufficient to infer decreit, and sentence upon the libell against him, as if hee were apprehended perforally. And which sentence given after the manner and forme of probation above-written; His Majestie with advise foresaid, authorizes and sustaines as good and lawful in themselves. And concerning these persons of higher degree, the saids Commissioners shall use all their power for preventing and slaying of the riots, commanding the attempters in his Majesties name to cease, and to finde caution for keeping of the peace, and for their comparance before his Majesties Counsel. And if any person, being charged to finde caution, and refuseth or delayeth to do the same, and in the mean time contraveneth the said charge, by committing of some deed bewixt the time of the charge and finding of the caution: neverthelesse he shall be answerable for the paine from the date of the charge, like as if caution had been then found.

VII.

THE saids Commissioners shall put his Majesties Acts of Parliament to due and full execution against wilful Beggars and Vagabounds, Solitarie and idle Men and Women, without calling or trade, lurking in Ale-houses, tyed to no certain service, repute and holden as vagabonds: and against these persons who are commonly called Egyptians: and they shall punish and fyne their receptors, and letters of houses to them accordingly, by such competent paines as is proper to them to injoyn.

VIII.

THE saids Commissioners and Justices of Peace, are hereby authorized, with power to give order (as they shall think most convenient, and with least grief to the subjects) for mending of all High-ways and passages, to or from any Marker towne or Sea-port within that Shire: and shall call before them all such persons as shall strait these passages or otherwayes (as by casting of Ditches and fuses thorow the same) shall make those High-ways nayfome and troublefome unto passengers, and shall punish and fyne them according to the qualitie of their offense. And to the effect it may be known of what breadth all common High-ways should be to Marker townes. Our Sovereigne Lord, with advise foresaid, declares, that the same should be of twentie foot of measure in breadth at the least: and where any are of larger breadth, they ordaine the same so to remain unaltered or straited: and that the saids Justices maintaine the same, with all other wayes from any town in the Paroch, to the Paroch Churches, in the estate as they are: and where they finde any necessitie of other wayes from any town in the Paroch to Paroch Churches, they shall informe his Majesties Secret Counsel thereof; who shall give them (after sufficient informa-

tion) their direction thereanent: according whereunto they shall be holden to proceed. And if any person refuse to concur for mending of high-ways and passages, the said Justices shall have power to censure and punish them according to their discretion: with provision alwayes, that if in their proceedings therein, they use such severity or rigour, as may move just complaints against them; they shall be censured therefore by his Majesties Secret Council, as appertaineth.

IX.

THe saids Commissioners shall put his Majesties Acts of Parliament to Execution, against cutters and destroyers of Planting, Green-wood, Orchards, Yeards, Haynings, breakers of Dove-houses and Coningers, Stealers of Bees and Bee-hives, users of unlawful games with lying dogs, slayers of red and black fish and smolts in forbidden time, Fowlers fowling in other mens lands, makers of moore-burne and mosse-burne, setters of cruves or nets in waters and dammes, having and keeping of cruves and yares in forbidden time: and shall proceed against them accordingly: And for their better warrant to proceed in the premises, It is his Highnes pleasure, that commission shall be granted to the saids Justices of Peace, to try and punish the violaters of the saids Acts, in the tryal whereof they shall proceed by witnesses, by Oath of partie, and the punishment to be inflicted by them, shall be a pecunial summe, answerable to the circumstance of the offense, and the qualitie of the offender: with special provision, that their censures and punishment shall extend against none but those against whom by the priviledge of their instructions they may lawfully proceed, and also with provision that the said commissions be not extended to any persons who shall be arrested and conveyed for the saids crimes before any other ordinary Judges. It is also provided, that the ordinance and power contained in this Article, shall no wayes be prejudicial to any other commissions or rights whatsoever, granted to others parties, whereby they have power to proceed and censure the crimes and offences above-written.

X.

ITEM, they shall informe the Kings Majesties Council, and his Highnesse Thesaurer or Advocate, at the least once every yeare, of fore-stallers or regraters of Markets, that order may be taken with them conforme to the Acts of Parliament.

XI.

IT shall not be licenced to any Hostler to recept any master-lesse men and Rebels at the Horne, any vagabounds, or other persons guilty of knowne crimes, or using stouth and reafe, under the paines underwritten, To wit, fourty shillings to be incurred by them for the first fault, foure pounds for the second, and ten marks for the third, together with the losing of the libertie of Brewing, the incurreurs of the which pains, shall be punished according to the order aforesaid, by the Barons and Masters of the ground whereupon the Hostler dwelleth, within the space of fifteen dayes after the committing of the fact. And if the saids Barons and Heretours neglect to do the same within the said space, it shall be lawful to the saids Justices to pursue and fyne the Delinquents in their Courts, according to the paines foresaid, and to uplift the same from them: without prejudice alwayes of whatsoever others Acts made against the said Hostlers in the Barons Court-bookes under whom they dwell, bearing any higher pain than as is set down in this above-written Act; and also without prejudice of all action criminal or civil, competent of the Law, against the said Hostlers, in case they be under the danger thereof, which shall not be taken away by any punishment set downe, and to be inflicted, conforme to this Act.

XII.

ITEM, They shall informe the Kings Thesaurer and Advocate, of breakers and contraveiners of the Acts of Parliament made against Malt-makers, that the transgressours and contraveiners thereof may be punished, conforme to the tennour of the saids Acts.

XIII.

They shall set down order in the Country for governance in time of Plague, and shall punish severely the disobeyers of the order appointed by them, according to the quality of the delict.

XIV.

They shall appoint at their Quarter-Sessions, to be kept in August and February, the ordinarie hyre and wages of Labourers, Workmen and Servants, and who shall refuse to serve upon the price set down by them, shall be imprisoned, and further punished at their discretion. And to the effect, that servants may be the more willing to obey the ordinances to be made by the saids Justices and the saids fees, the saids Justices shall have power to discern, and compel the Masters to make payment of the fees appointed by their ordinance, in case the Servants please rather to pursue for the same before them than any other Judge.

XV.

THE saids Commissioners shall take notice in all Scherrifdomes where there are any Gaillies and Prison-houses within any Burgh, that the same may be kept up, and not suffered to decay or become ruinous.

And

And if there be any Shire where there is not any Gaile or Prison-house, they shall inform his Majesties Council thereof, that they may appoint and give order for building of one within the head Burgh of the Shire, and according to the directions to be given there-ament, the Justice shall be holden to proceed.

XVI.

AND because there be a great many of Prisoners apprehended and committed, who having no meanes of their owne for their maintenance and entertainment, will otherwise famish and sterve before they can come to their tryal: who not the lesse in regard of the crimes they have committed, can no wayes be put under surety, or otherwise in faults of lesse consequence, are unable to finde sufficient caution to be made forth-coming and answerable at the next Session. Therefore it shall be lawful to the saids Commissioners, and Justices at their Quarter-Session, to rate every Parochin for a weekly proportion for the entertainment of those poor Prisoners, providing they do not exceed the summe of five shillings Scots money, at the most, nor under one shilling at the least: which summe shall be up-listed for that use by the Minister or Reader, who shall serve at every Paroch, from such Deacons who shall be appointed to collect the same: and the saids sums to be delivered by the Constable of the Paroch, at the Quarter-Sessions, in presence of the whole Bench then conveyened, to such persons as the saids Justices shall trust therewith, and who accordingly shall make due account in paying the Gaileers such rates as shall be allowed for the poor Prisoners, and making the rest forth-coming for such use and intent of the like nature, as the saids Justices shall appoint.

XVII.

ALL Magistrats of Burghs, and keepers of any Gailes or Prisons, shall receive into their Prisons all such persons as either shall be brought by Constables, or sent unto them by warrands, under the hand of any one Justice of Peace (the saids Justices causing satisfie for their entertainment) and if any Magistrats, or their Gaileers, suffer any persons, committed by the Justices to their prisons, to escape, they shall be consequently punished therefore, at the discretion of his Majesties Council.

XVIII.

ITEM, Our Sovereigne Lord with advice foresaid, ordains the saids Commissioners to set a price upon Crafts-mens work, and upon the ordinars of Penny Brydals, together with the price of Shearers fees, and to punish the contraveeners as appertaineth.

XIX.

They shall cause sufficient single and double Ale to be brewed in every Shire, and shall appoint visitors to that effect, with consent of the Baron and Over-Lord of the Ground. They shall set down Acts against notorious and common Drunkards, and impose summes upon the contraveeners, according to their qualities and defaults.

XX.

OUR Sovereigne Lord, with advice foresaid, declareth that three Justices of Peace shall be a full number and Session to decide in matters occurring betwixt the four Quarter-Sessions.

XXI.

Also declares, that no Letters of Caption ought to be granted against the saids Justices for apprehending of Rebels, except they be found subject to do the same by possessing of such other Offices and places, to the which the obedience and putting to execution of any such charges doth belong.

XXII.

AND because there is sensible prejudice seen and felt through many parts of the Kingdome, by reason of the diversitie of Measures and Weights used in the same, Therefore OUR SOVERAIGNE LORD, with advice foresaid, for removing of all abuses, which may ensue in any time to come thereby, hath found expedient, and by this Decreet and Statute of Parliament, decernes, statutes, and ordaines, That there shall be but one just Measure and Weight through all the parts of the Kingdome, which shall universally serve all his Highnes Lieges, by the which they shall sell and buy, and receive and give out in all times to come: which Measure his Majesty, with advice foresaid, findes, should be that Measure of *Lithgow*, which is now commonly used, and which hath been used most customably thorow the greatest part of the Kingdom these fiftie or threecore yeeres bypast. And for setting of a perfect order, whereby all the Measures that are now used may be reduced to the conformitie of the said Measure now authorized, And the Measures for making of proportion answerable betwixt the lesser measure and weights, and the greater, His Majesty, with advice foresaid, hath granted full power and commission to Sir James Weymes of Bogie Knight, Sir George Auchinleke of Bahmanno Knight, Sir James Forbes of Colington Knight, Sir Robert Stewart of George Auchinleke of Bahmanno Knight, Sir William Greirson of Lag Knight, and to James Schiblinlaw, Sir John Waus of Barnbarro Knight, Sir William Greirson of Lag Knight, and to James Nisbet Baillie and Burges of Edinburgh, Master Alexander Wedderburn Clerk of Duudie, Sir Thomas Men-

zeis Provost of Aberdeen, James Hamilton Provost of Glasgow, John Oxburn Burges of Air, and Sir George Bruce of Carnok, Burges of Culros.

Whom, or any eight of them, his Majesty, with advise foresaid, ordaines to meet and convene together, at such time and place as they shall think expedient, and to consult and advise together, and to appoint and determine upon the most convenient means, how the saids measures and weights may be reduced to the conformity aforesaid. And after they have ripely advised therewith, and given forth their determination thereanent, they shall deliver the same, and whole course of their proceedings, to the Commissioners and Justices of Peace, and to the Deanes of Guyld of the head Burghs of the Shires, who shall be holden carefully to do their diligence, to see the measure foresaid now appointed, to have the course through all partes, as well Burgh as Landward. And that there may be one constant conformity betwixt Burgh and Land; OUR Sovereigne LORD, with advise foresaid, Ordaines the saids Justices of Peace in Landward, to take tryall of the measures and weights used in Burgh, and to take NOTE from the Magistrates and Deanes of Guyld of every Town, of the weights and measures, and of the number thereof, which the saids Magistrates and Deanes of Guyld in Burgh, shall be holden to shew, declare, and give up to them, to the effect the saids Justices to Landward, may confer the same with the Standard now authorized, and where they finde any difconformity in the same, from the said Standard, the saids Justices shall inform the Kings Majesties Counsel thereof, that they may take order therewith as appertaineth. For it is expressly provided by these presents, that the saids Magistrates in Burgh shall not be permitted to have or use any moe measures within their Townes, than the number to be professed by them, and given up in NOTE, to the saids Justices to Landward, as said is. This alwayes being respected, that if the saids Magistrates within Burgh finde any necessity for having any moe measures then was given up, and used by them before, IT shall be licensed to them to make moe measures, they being answerable and conform to the Standard, and making the saids Justices to Landward foreseen and acquainted therewith, and declaring the number of the measures whereof they finde the necessity of use.

THE saids Justices shall be holden to give command and direction to their Constables, to apprehend any such person who shall be found contemptuously to have disobeyed the censures of the Church, they being lawfully required to doe the same.

XXIII.

THE saids Justices of Peace, als well to Burgh as Land, shall convene and be present at the Quarter-Sessions of the Shire, where the Burgh and Land lyes, give their Oath to the Bench at their admission, make their record, and make payment of the fines inromitted with by them as Justices of Peace of that Shire, and to their Collector.

XXIV.

THEY shall appoint a sufficient Collector for uplifting the fines and penalties which they have power to impose upon any offender, and are to take caution of him for making due accompt.

XXV.

THEY shall have induring the time of Sessions, for every day of their abode (so it do not exceed the number of three dayes at the most at one time) allowed to every one of them forty shillings Scots money, daily to be payed and uplifted by the Collector of the fines, but neither Earle, Lord, Bishop, Privy-counsellour, or Sessioner, shall have any allowance: and all such Justices as have the benefit of that allowance, and shall be absent from every ordinary Quarter-Sessions, or otherways when he is required lawfully by the *Custos Rotulorum*, to any particular meeting, shall incur the penaltie of forty pounds, Scots money, not being lawfully excused, and the excuse allowed by the rest of the Justices there assembled.

XXVI.

THE Lords of Session shall direct general and summaire charges of horning and pointing at the instance of the Collector (appointed in every Country for ingathering of all fines and penalties whatsoever incurred) upon a simple charge of fiftene dayes, and no suspension shall be granted, but upon consignation of the summes contained in the sentence, and by finding caution for payment of the charges of the Justices at the modification of the Lords.

XXVII.

THE saids Commissioners at the end of every Quarter-Session, shall send to his Majesties Council a Catalogue of all such persons as they have either committed, or otherwise put under surty, with a short abbreviate of the cause thereof: to the effect, that thereupon the Counsel, as they shall think expedient, may return to them against their next Sessions, orto the *Custos Rotulorum*, in the meane while their further directions.

ANENT CONSTABLES.

I.

OUR SOVERAIGNE LORD, with the advise of his Estates, findes and declares, that the Constables are to be made choise of, by the Commissioners and Justices of Peace in their Quarter-Sessions throughout the whole Countrey, two at least in every Parochin, or moc, according to their discretions, having consideration of the quantity thereof. In great townes likewise (not being Cities nor free Burghs) they are to appoint a number of Constables proportionally to the greatnesse thereof: but in all Burghs Regal, and free Cities, the Constables are to be chosen by the Magistrates of the same, and they are to indure, and to be changed from fix to fix Moneths.

II.

AND who shall refuse to accept the charge, and not to give his Oath for dutifull execution thereof, shall be imprisoned and fined at the discretion of the Justice of Peace, at their next sitting.

III.

The Constables shall take the Oath following.

YOU shall sweare that you shall faithfully and truly discharge your office of Constabulary within the Parochin of *Sc.* induring the time appointed to you, and shall not for favour, respect, or fear of any man, forbear to doe what becommeth you of your office, and above all things you shall regard the keeping and preserving of the Kings Majesties Peace, and shall at every Quarter-Sessions and meetings of Justices, give true and due information of any breach, which has been made of his Majesties Peace, within the bounds of your commandement, and shall no way hide, cover, nor conceal the same, nor any of the proofs and evidences which you can give for the clearing and proving thereof, So help you God.

IV.

A Constable may apprehend any suspect man, who for the most part sleeperth all the day, and walketh in the night, and carry him to the next Justice of Peace, to finde surety for his good behaviour, or otherwise to be committed to prison: and if he bee a man of quality, the Justice of Peace shall go with the Constable, and do it.

Constables shall stay and arrest all Vagabounds, Sturdy-beggars, and Egyptians, and carry them before the next Commissioners of Peace, who shall take order for their committing, or punishment, according to the Statute of Parliament.

V.

Constables shall arrest all idle persons, whom they know to have no meanes to live upon, and will not take themselves to any labour, trade, or occupation, and shall carry them before the Commissioner of Peace, who after examination, shall either commit them, or take surety of them for their appearance at the next Sessions.

VI.

ANY Constable having apprehended a person guilty and culpable of slaughter, murder, theft, or any other capital crime whatsoever, shall then require his neighbours to assist, for safe conveying of such persons to the next Commissioner, who shall then examine the party, and set down his deposition in writing, to be shown at the next Sessions, and thereafter shall send him back to prison. And if a Nobleman, Prelate, or small Baron, or any in their names, having power, shall claime the right of Jurisdiction to proceed against the delinquent, The said Justice shall receive surety of the said party, who required the defender to be delivered to him, that Justice shall be duely ministred, and cause delivery of the said person, be made to him. Always the said Commissioner of Peace, at the next Sessions, shall certifie the whole matter to the Bench: to the effect they may enquire whether Justice hath accordingly been ministred: and if any fault be found, to advertise his Majesties Counsel, that order may be taken therewith.

VII.

ANY of his Majesties Subjects of the degree of Yeomen, who shall refuse or delay to concurre with the Constable in the executing of his office, shall be imprisoned and punished by the Commissioners and Justices: and if he be of an higher degree and quality, the Constable shall inform the Justice thereof, that they may make the Lords of Privy Council acquaint, whom the Estates ordaines to censure the offender according to the quality of the fault.

VIII.

A Constable shall arrest any person of the degree of a Yeoman, who shall be found wearing Hagburs, Pistolets, and Dagges, and shall carry them before a Commissioner of Peace, who is either to take surety for their appearance the next Session, or commit them prisoners till they do the same: but if the person be of

of higher quality, the Constable shall informe the Justice thereof, who shall delate the same to his Majesties Counsell, that order may be taken therewith.

I X.

IF any party of the degree of Yeomen, do complain to a Constable, that he is threatned by any other, then shall the Constable apprehende the threatner, and carry him, with the party complainant, before the next commissioner of peace: and if he refuse to go, then shall they carry him to prison. And if he be of an higher degree, the Justice being informed thereof, shall informe the Counsell, and in the mean time, charge the party to bind to the peace.

X.

ALL The Constables, at the least one of every Paroch, instructed with commission, to answer for the rest within the said Paroch, shall attend at every Quarter-Session, there to give information of all such misdemeanours as have happened in those bounds since the last Session; and otherwayes to give to the Bench further satisfaction in any thing wherein they shall be required: and to receive from the saids commissioners, at the end of the Session, such orders and directions as they shall then injoin, and appoint them to doe.

X I.

UPON the appearance of any Fray or stir betwixt parties, the constable may take the assistance of his neighbours, for funding of the parties: and if there be any harme done to the Constable, or any of his assistance, by them who made the effray, they shall bee punished by the Justices at the next Session, they being of the quality of yeomen, and being of an higher quality, the Counsell shall be informed thereof, as said is.

X I I.

WHEN any hath made an effray, & then flees to an house, the Constable may follow to the house, and if the doors be shut, he shall take notice of the master of the house, and require wimess thereon. And albeit the delinquent shall flee further without the bounds of the Constables charge, yet may the Constable follow, and apprehend him in a fresh pursuite, and crave concurrence of the Cuntrey to that effect.

X I I I.

THE Constables within every parochine, shall be executors of the precepts and warrands of the Justice of Peace.

X I V.

Concerning the Fees and satisfaction to be given to the Constables and Clerks for their paines: OUR Sovereigne LORD, with advise foresaid, ordines the saids Justices to give up particular NOTES in writ to the Auditors of his Majesties Checker, of the fines inbrought to them, that out thereof such measure and satisfaction may be appointed and given to the saids Clerks and Constables, as may recompence their travels, wherein if it shall be found that the saids fines will not be sufficient, the saids Lords of his Highnesse Checker, shall appoint such further satisfaction to them, as in their discretion they shall think their labours and diligence doth deserve, and cause them be payed of the same.

AND notwithstanding of this above-written Act, and all the particulars foresaid contained in the same: OUR Sovereigne LORD, with the advise and consent of the saids Estates, statutes, decernes, and declares, That neither the rection of the saids Commissioners and Justices of Peace, and grant of Jurisdiction and privileges to them, nor the making or approbation of the particular Articles above-written, introduced in their favours, nor any thing therein contained, shall be in any sort derogatory or prejudicial to the rights, privileges, or liberties granted and bestowed by His Majesty, or his Highnesse Royal predecessours of before to any of His Majesties Subjects, of whatsoever Estate or quality, from the highest to the lowest: But declares, that the saids rights, privileges, and liberties, shall remaine in their own integrity safe, and intire, and unhurt, or prejudged by the premises or any thing exprest in the saids Articles, and every one of them, and are holden as specially reserved and excepted out of the same.

AND least this above-written reservation should seem altogether to destroy the power, granted to the saids Justices, or should beget controversies betwixt them, and any other having right or liberty of jurisdiction, as said is: OUR Sovereigne LORD, with advise foresaid, for removing of all question, which may arise betwixt them thereanent, Declares, that it shall not be lawful, nor permitted to the saids Justices, to make any citation of party before their Court, till the expiring of the space of fifteen dayes, after the committing of the fact, for which the committer is to be convened, at the compleat out-running of which space, if any having power and jurisdiction, as said is, hath omitted and neglected to use and exerce the privilege and liberty of their right and power, it shall then be lawful to the saids Justices, to make citation, and to proceed against the parties, according to the power and authority given to them by his Highnesse, with advise foresaid, and conform to the particular Articles above-written, in all points, and no otherwayes.

Which all and sundry the premises, OUR Sovereigne LORD with advise and consent foresaid, ratifies and

and approves, in all points in manner as the same proports, and gives unto them the strength and force of Acts and Ordinances of Parliament, and ordains execution to pass upon the same as effectres.

A C T IX.

Auent teinding of Cornes.

FOR so much as by divers and sundry Acts of Parliament made of before, *auent the order and manner of teinding of Cornes*, and specially by the eight Act of his Majesties xvij. Parliament, holden at Perth, upon the ninth of July, 1606. and sensine by the fifth Act of the xxj. Parliament, holden at *Edinburgh*, upon the 23. of October, 1612. the manner and forme of teinding, and the time and space appointed, for requisition to be made for the same, is at length set down: in the which Acts is statute and ordeined, That all Cornes shall be teinded at three several times in the year, if the owners thereof thinks expedient: to wit, the crottinfield Corn at one time, the Beer at another time, and the out-field Corn at the third time, as the saids Acts proport: Neverthelesse, **OUR SOVERAIGNE LORD**, for the greater well and ease of his Majesties Lieges, finding it requisite, that the former Acts be altered in the points following, for setting of a clear and certain order, to be hereafter observed, in all teinding of Cornes, Hath with advice and consent of the Estates of Parliament, statute, and ordeined, That it shall be lawful to all heritors and labourers of the ground, eight dayes being expired after the compleat shearing of every one of the three sorts of Cornes above-written, to require the owner of the teind, at his dwelling place, within the Parochin: and in case of him not dwelling therein for the time, his Factor and servant, or other person (who is ordeined to be constituted, and specially designed by him in manner after-mentioned) upon the premonition of four dayes to come and make thankfull teinding of the saids Corns: who failing to do the same, and neither the owner of the teind, his self, nor the other person appointed, to be designed by him, as is under-written, comming and making the said thankfull teinding, being so lawfully required:

OUR SOVERAIGNE LORD with advice and consent of the saids Estates, declares, That it shall be lawful to the saids Heritors and labourers of the ground, to separate the stock from the teind, and to lead and carry their stock away, and either to stack the same within their Barn-yards, or to place the same in their barns, leaving the teind upon the ground, which they shall be holden to preserve and keep un-destroyed or eaten by beasts, for the space of eight dayes after the expiring of the time of the said requisition: Which Cornes being so led and stacked, or placed in barns, and the teind being left on the ground, and preserved as said is, **OUR SOVERAIGNE LORD** with advice and consent foresaid, declares, It shall be sufficient to liberate them of all danger of spuilzie, or wrongous intromission, which may be moved against them therefore, in any time to come: And for more clear explanation of the premiffes, statutes and ordaines, the owner of the saids teinds, if he have not his dwelling within the said Parochin (whose dwelling there would require premonition to be made to himselfe at his dwelling place, as said is)

TO designe a special servant and factor for him, to whom the said premonition shall be made in his absence, who shall have his remaining either in some certaine house, within the Parochin, or in the next most ewest and adjacent clachan, whose name and particular place of residence, the said owner of the teinds shall cause publickly intimat in the Parish Kirk, either upon the last Sunday of July, or the first Sunday of August, yearly, in presence of the Minister of the Parochin and Paroshiners, that no ignorance may be pretended thereof: which factor so designed, shall be warned either personally, if he can be apprehended, or by intimation to be made to the Minister of the Parish, and at the foresaid place to be designed for the factors remaining: which requisition so made, **OUR Sovereigne LORD** with advice foresaid, declares, it shall bealsufficient, as if the same were made to the Teind-master himself: Likewise it is declared, that (in case of the Teind-masters, not dwelling within the Parochin, as said is) if the said designation be not made of the said factors name, and place of remaining, at the time, and in maner as is before ordeined, it shall then be also lawful, the saids eight dayes and four dayes being bypast, to the owners of the Corns, to separate the stock from the teind, and to lead, stack, and place their stock in their barns or barn-yards, as said is, leaving the teind upon the ground, and preserving the same in manner before specified: Which being done, they shall be likewise free of all actions of spuilzie, or wrongous intromission, which they thereby may incur. It is alwayes provided, by **OUR SOVERAIGNE LORD**, with advice of the saids Estates, That whereas by this Act and Statute requisition is not ordeined to be made till the expiring of eight dayes after the compleat shearing of every one of the three sorts of cornes before specified: yet notwithstanding theteof, the saids Estates declares, That albeit the tenth part of every sort of the saids cornes, or about the tenth part be the saids Estates declares, That albeit the tenth part of every sort of the saids cornes, or about the tenth part be standing unshorne and un-cut down, the not shearing of that quantity, shall be no cause nor impediment to stay the owner to make the requisition: neither shall the same furnish any lawfull excuse to the Teind-master, upon the pretext whereof he should refuse teinding for the rest: but declares this Act to be effectual, and to upon the own force, albeit the tenth part, or about the same, remaine unshorne, as said is: the saids heritors, or labourers, using the like order of requisition thereafter for teinding of the saids unshorn cornes, the time when the same are ready.

ACT X.

Anent the Poor.

FORASMUCH as there hath been divers worrhy Laws and Statutes made by His Majesty, and his Highnes Predecessors, for restraining of idle and masterful Beggars: and that notwithstanding thereof, the number of the saids Beggars hath daily increased, more and more; and His Majesty, and Estates, considering, that the cause of the multiplying of the saids Beggars, hath, and doth, proceed from this ground, That no order hath been taken in by-gone time, with the poor Children and Orphans, born of poor and indigent Parents, who being tolerated or neglected, at their first entry to begging, doth contract such a custome and habite, that hardly they can be drawn thereafter to any other calling: whereas if the saids Children were in their tender years put to work, and employed, and trained up in any commendable labour, they might thereafter not onely relieve the country of their charges, but also prove profitable to the Common-wealth: which might be easily performed, if the saids poor Children were taken off the hands of their Parents, by some of his Majesties well-affected subjects in particular, or by any of the incorporations and Burghs within this his Majesties Kingdom in common, and employed in some calling or vocation, that might tend to the good of the Realme: THEREFORE, His Majesty, with advice and consent of the Estates, doth in most earnest manner, recommend to all his Highnes loving Subjects, requesting them, as they tender the good and honour of the Realme, to receive within their houses and family, and to take upon their care, intertainment, and education, some of the saids poor and indigent childten, one or moe, every person according to his power and faculty: LIKEAS his Majesty with advice foresaid for the further security of his Highnes Subjects, finds and declares, that it shall bee lawful to his Highnes Subjects, to take the saids poor Children in their power, houses, and family, to be educate, and brought up by them, either in their houses, or to be put by them to such Crafts, callings, and vocations, either within the Country or without the same, as they please: which children so received, shall be obliged and bound, as servants, to their receivers, in manner, and during the time after specified: IT is alwayes declared, that the condition of the saids childten, which shall be so received by his Majesties Leiges, and the manner of their delivery to them, shall be as followeth: That is to say, THAT they be such who shall be found and tryed to be poor and indigent, and to have no meanes for their entertainment, and that by the declaration of the Provost and Bailies, and by the Session of the Kirk, within Burgh, or by either of them: and the Sessions of the Kirks in Landward, where the saids poor children remaines, or are found to be for the time: and if the saids poor children be within the age of fourteen years, they shall be delivered to his Highnesse Subjects, by the Magistrates within Burgh, or by the Session of the Kirk and Parochin where they remaine, with consent of their parents, if they have any known within the Parochin for the time: otherwise they shall be delivered by the saids Magistrates & Session of the Kirk alone or either of them, as said is. And if they be past the age of fourteen years, that their own consent shall be taken thereto, by the advice of the saids Magistrates and Session of Kirk, or either of them, as said is, who at the delivery of the saids poor children, to his Highnesse Subjects, shall give a testimonial, under their, or their Clerks hand writs, of the Estate, quality, and condition foresaid, of the saids poor children, and of their delivery to their Masters: Which testimonial of the saids Provosts, Bailies, and Session of the Kirks, bearing the said trial and delivery, his Highnesse with advice and consent of the Estates foresaid, findes and declares, shall be a sufficient warrant to the receivers, for brooking the benefit of this present Statute: And to the effect his Highnesse Subjects may be moved hereto, by the expectation of the commodity and advantage which they may reap by the labours and service of the saids poor children: His Majesty with advice of the saids Estates, statutes and ordaines, that the saids poor children, received by any of his Highnesse Subjects, upon the testimonial of Provost, Bailies, or Session of Kirks, in manner above-specified, shall be bound and astricted to their saids Masters, their heirs and assignayes, in all kind of service, which shall be enjoyned to them, until they passe the age of thirty years compleat, and that they shall be under discipline to their saids Masters, and their foresaid, and subject to their corrections and chastisements, according to the merits of their offences, in all manner and sort of punishment, the life and torture excepted. Likewise it is declared, that whatsoever the saids servants gaines, or wins, by their travels, during the said space, shall appertain properly to their saids Masters and their foresaid: And if it shall happen the saids servants to absent themselves from their saids Masters service, without their licence, then & in that case they shall be obliged to refound to their saids Masters the whole damage and intresse sustained by them, through their absence, upon the declaration of the saids Masters, without any further probation, by and attour the bodily punishment to be laid upon them at their returning, by the discretion of their saids Masters: And if it shall happen them to be received by any other persons, the saids receipters shall be obliged to restore them again to their saids Masters, within twelve houres after they be required to that effect, personally, or at their dwelling places, in presence of a Norar, and two witnesses, and if they failzie, they shall pay after every requisition, ten shillings daily, ay and till they be restored, and that without prejudice to the saids Masters, to call and pursue for delivery of their saids servants, before the ordinary Judge, as accords of the law, and for the damage and skaith sustained by them, through the want of their saids servants, during the space of their absence, after the said requisition.

ACT XI.

Anent the Queens Majestie her Counsel.

OUR SOVERAIGNE LORD with advice and consent of the Estates of Parliament, ratifies & approves the Letter of Nomination made by his Highnesse dearest Spouse, ANNA, by the Grace of GOD, Queen of great Britain, France, and Ireland: of the date the xxvj. day of April, last by-past: whereby her Majesty, with his Highnesse consent, hath nominated, and appointed, Sir GEORGE HAY, of Natherlife, Clerk of the Register, Sir WILLIAM OLIPHANT of Newton Knight, OUR SOVERAIGNE LORDS Advocate: Sir ALEXANDER DRUMMOND of Medope Knight, and Sir WILLIAM SEATON of Kylmore Knight, to be four of her Majesties Counsel, in place of the other foure before deceased: and hath adjoynd them to the other three of her Majesties Counsel, as yet alive: to wit, ALEXANDER, Earle of Dunfermling, Chancellor: THOMAS, Lord Binning, Secretary: and Sir PETER YOUNG, Elemofyner to his Majesty, as in the said Letter of Nomination, of the date foresaid, at more length is contained. And his Majesty, with advise of the Estates foresaids, wills, declares, and ordaines, that the saids Counsellors, at the least four of them, the said Lord Chancellor being alwayes one of the said four, shall have the guiding, government, and administration of the estate, living, and affaires, appertaining to his said Highnesse dearest Spouse within the Kingdome of Scotland: in the same manner and form as is set down in the Act of Parliament, made in the Moneth of July, 1593. years: and under the provisions and conditions expressed in the said Act of Parliament: which his Majesty, with advice foresaid, holds as herein expressed: and whensoever it shall happen any of the saids seven Counsellors, one or moe, to depart this life, his Majesty with advice foresaid, wills and grants, that it shall be lawful to her Highnesse, to nominate and appoint others in place of the persons deceased, to the effect above contained: Likeas his Majesty with advice foresaid, now as if the said nomination were made, and then as now ratifies and approves the same, and declares the same to be as valide and effectual, as if the same were made with consent of his Highnesse, and advise of the Estates foresaids.

ACT XII.

Anent prescription of heritable Rights.

OUR SOVERAIGNE LORD considering the great prejudice which his Majesties Lieges sustaines in their Lands and Heritages, not only by the abstracting, corrupting, and concealing of their true evidents, in their minority, and lesse age, and by the amission thereof, by the injury of time, through War, Plague, Fire, or such like occasions: but also by the counterfeiting and forging of false evidents & writs, and concealing of the same to such a time, that all meanes of improving thereof is taken away: whereby his Majesties Lieges are constitute in a great uncertainty of their heritable Rights, and divers pleas and actions are moved against them, after the expiring of thirty or forty years: which nevertheless by the civil Law, and by the Lawes of all Nations, are declared void, and uneffectual: And his Majesty according to his fatherly care, which his Majesty hath, to ease and remove the griefs of his Subjects, being willing to cut off all occasion of pleas, and to put them in certainty of their heritage, in all time coming: Therefore his Majesty with advice and consent of the Estates of Parliament, by the tennour of this present Act, statutes, findes, and declares, That whatsoever his Majesties Leiges, their Predecessors and authors have brooked heretofore, or shall happen to brook in time coming, by themselves, their tennents, and others having their Rights, their Lands, Barronies, Annuelrents, and other Heritages, by vertue of their heritable infeftments, made to them by his Majestie, or others their superiours and authors, for the space of forty yeares, continually and together, following and insuing the date of their saids infeftments, and that peaceably; without any lawful interruption made to them therein, during the said space of forty yeares, that such persons, their Heirs and Successours shall never be troubled, pursued, nor inquieted, in the heritable right and property of their saids lands and heritages foresaids, by his Majesty, or others, their superiours and authors, their Heirs and Successours, nor by any other person, pretending right to the same. By vertue of Prior infeftment, publicke or private, not upon no other ground, reason or argument, competent of Law, except for falsehood: Providing they be able to shew and produce a Charter of the saids lands, and others foresaids, granted to them, or their Predecessours, by their saids superiours and authors, preceeding the entry of the saids forty yeares possession, with the instrument of seising following thereupon: or where there is no Charter extant, that they shew and produce instruments of Seising, one, or moe, continued, and standing together for the said space of forty yeares, either proceeding upon retours, or upon precepts of *clare constat*. Which rights his Majesty with advice and consent of the Estates foresaids, findes, and declares, to be good, valide, and sufficient rights, (being claid with the said peaceable, and continual possession of forty yeares) without any lawful interruption, as said is: for brooking of the heritable Right of the same lands, and others foresaid. And sicklike his Majesty with advice foresaid, statutes and ordaines, that all actions competent of the law, upon heritable Bands, Reversions, Contracts, or others whatsoever, either already made, or to be made after the date hereof, shall be pursued, within the space of forty yeares, after the date of the same: except the

the saids Reversions be incorporate within the body of the infestments, used and produced by the possessor of the saids lands, for his title of the same, or registrated in the Clerk of Register his Books: in the which case seeing all suspicion of falsehood ceases most justly, the actions upon the saids Reversions, ingrossed and Registrated, ought to be perpetual: excepting always from this present Act, all actions of warrantize, which shall not prescribe, from the date of the Band, or Infestment, whereupon the warrantize is sought: but only from the date of the distress, which shall prescribe, it not being pursued within forty years, as said is. And sliike it is declared, that in the course of the saids forty years prescription, the years of minority, and lesse age, shall no wayes be counted, but only the years during the which the parties against whom the prescription is used and objected were majors, and past xxj. yeares of age. And his Majesty, being careful, that no person, who hath any just claime, bee prejudged of their actions, by the prescription of forty yeares, already run and expired, before the date of this present Act: Hath with advice foresaid, granted full liberty and power to them, to intent their saids actions, within the space of thirteen years, next following the date hereof: which shall be as effectual, as if the same had been intended within the said space of forty years, prescribed by this present Act. After the expiring of the which thirteen yeares, this present Act shall have full force and effect, after the rennour thereof in all points. And neverthelesse it is declared, that the persons, at whose instance the foresaid actions shall be moved, and intended within the said space of thirteen yeares, shall not be compelled to insist in the saids actions, at the desire of their parties, upon the first summonds and citation thereof only, except that the saids first summonds be called and continued, and the defenders of new summonds thereby: in the which case, and no otherwayes, it is declared, that they may be compelled to insist at the instance of the party, having entresse.

ACT XIII.

Anent reduction of Retours, and summonds of Errour.

FOR-asmuch as by Act of Parliament, made by his Majesties most Noble Progenitour, King JAMES the fourth, of worthy memory, upon the 13. day of June. 1494. it was statute and ordained, that all summonds of Errour, or inordinate processe, be pursued within the space of three yeares, after the determination of the inquest, or service: the party being of lawful age, and within the Realme, otherwise to prescribe, as in the said Act and Statute at more length is contained. And because the true meaning and intention of the said Act, was, That OUR Sovereigne LORDS Lieges, being upon the said inquest and service, should not lye under the paine and danger of Errour, after the space of three yeares, and no wayes to hurt or prejudice the righteous heire, and nearest of kin, who by the Law of God and man, was to succeed in the right of blood and succession to their Predecessours, and to their lands and heritages, *Jure sanguinis*. Therefore OUR said Sovereigne LORD, with advice and consent of the Estates foresaid, Statutes and Ordains, That the said Act of Parliament shall no wayes hurt nor prejudice the nearest of kin to seek reduction of the saids Retours, and service, to be past and expied in time coming, and that within the space of twenty years, immediatly following the date of the saids Retours and services: and if the saids summonds of Reduction, be not intended, executed, and pursued, before the expiring of the saids twenty yeares, that the said action of Reduction of the said Retour and service, shall prescribe in the selfe, and no party to be heard thereafter to pursue the same Reduction: And als declares, that hereafter it shall no wayes be lawful to pursue the persons of inquest for wilful Errour, except they be pursued therefore within the space of three yeares next after the date of the said Retour and service: It is alwayes declared, that these presents shall no wayes be prejudicial to whatsoever persons, who have acquired Rights of lands and heritages before the date hereof, *bona fide*, from persons already retoured thereto in any time by-gone: but the saids persons, who have *bona fide*, acquired, to brook their Rights, according to the law then standing.

ACT XIV.

Anent Executors.

OUR SOVERAIGNE LORD understanding that a great number of ignorant people, the time of their sicknesse and discafe, or otherwise at the making of their Testaments and latter wills, do nominate certain strangers to be their Executors, meaning only to commit the care of their goods, and diligent getting thereof, to the saids strangers, and that to the behoof of their children, or other persons who are nearest of kin: Whereas by the contrary, the said Office of Executry, by the interpretation now observed, doth carry with it the whole profit and commoditie of the defuncts part of the goods contained in Testament: which his Majesty findes to be altogether against law, conscience and equity: Therefore his Majesty with advice and consent of the Estates of Parliament, finds and declares, that all Executors, already nominate in any Testament, not as yet confirmed, or to be nominate in any Testament to be made hereafter, are, and shall be obliged, to make count, reckoning, and payment of the whole goods and gear appertaining to the defunct, and intrometted with by them, to the wife, children and nearest of kin, according to the division

vision observed by the Laws of this Realm : reserving onely to the saids Executors the third of the defuncts part, all debts being first payed and deduced, without prejudice alwayes to the saids Executors of whatsoever Legacies left to them by the saids defuncts : which shall no wayes be prejudged by this present Act : but the saids Executors shall have full right to their saids Legacies, albeit the same exceed the said third of the defuncts part : and in case the saids Legacies exceed the whole third part, the saids Executors shall have right to the whole Legacie, and no part of the third : W I T H this expresse declaration, That where Legacies are left to the Executors, they shall not fall both the saids Legacies and a third by this present Act, but the saids Legacies shall be imputed and allowed to them in part of payment of their third.

ACT XV.

Anent the Escheat of Life-rent Tacks.

OUR SOVERAIGNE LORD having considered that there hath been divers questions moved before the Lords of his Majesties Council and Session, touching the Escheat of Life-rent-tacks of lands and teinds, fallen by the rebellion of the persons to whom the same appertained : and that it hath not been clearly decided, whether a Life-rent tack should fall under the gift of a simple Escheat, or not : For the better clearing whereof in all time coming, OUR SOVERAIGNE LORD with advice of the Estates of this present Parliament, declares, statutes, and ordains, that Life-rent tacks of lands, or teinds, shall not fall under a simple gift of escheat, but under the gift of a Life-rent escheat only : And further, in case any tack, set of lands, or teinds, contain moe Life-rents nor one : and that the person to whom the said tack appertaineth in life-rent, be Rebel attour the space of year and day, where-through he loses his life-rent of the said tack. IT is hereby declared, that the remanent Life-renters contained in the said tack, nor the heires or assignayes of the Rebel, who have right to the said tack, after the said Rebels decease, shall not be prejudged by the said Life-renters Rebellion ; so that after his decease, the said person having right to the saids tacks, shall brook and enjoy the same, notwithstanding the saids Life-renters rebellion attour the space of yeat and day : which rebellion shall prejudice himsele only, and no other person succeeding to him in the right of the said tack.

ACT XVI.

Anent the registration of Reversions, Seafings, and others Writs.

OUR SOVERAIGNE LORD, considering the great hurt sustained by his Majesties Lieges, by the fraudulent dealing of parties, who having annallied ther lands, and received great summes of money therefore, Yet by their unjust concealing of some privat Right formerly made by them, render the subsequent alienation done for great sums of money, altogether unprofitable : which cannot be avoided, unlesse the saids private Rights be made publick & patent to his Highnes Lieges : For remedy thereof, & of many inconveniences which may ensue thereupon ; HIS MAJESTY with advice and consent of the Estates of Parliament, statutes and ordeins, That there shall be ane publick Register, in the which all Reversions, Regresses, Bands, and writs for making of Reversions or Regresses, assignments thereto, discharges of the same, Renunciations of Wadsets, and grants of Redemption, and siklike all instruments of Seafing shall be Registrat within three-score dayes after the date of the same. IT is alwayes declared, that it shall not be necessary to Register any Bands and Writs for making of Reversions, or Regresse, unlesse the Seafing passe in favours of the parties, makers of the saids Bands or Writs : in the which case it is ordained, that the same shall be Registrat within three-score dayes after the date of the Seafing. The extract of the which Register shall make faith in all cases, except where the Writs so Registrated, are offered to be improven. And if it shall happen any of the saids Writs, which are appointed to be Registrated, as said is, not to be duely Registrated within the said space of three-score dayes : then, and in that case, his Majesty, with advice and consent foresaid, decernes the same to make no faith in Judgement by way of action or exception in prejudice of a third party, who hath acquired a perfect and lawful Right to the saids Lands and Heritages : But prejudice alwayes to them to use the saids Writs against the partie maker thereof, his heires and successours. IT is alwayes declared, that this present Act shall no wayes be extended to instruments of Seafing, and Reversions therein conreined, given by Provost and Bailies of free Burghs Royal, of lands lying within their Liberties and Freedomes, halden by the saids Burghs in free Bourgage of his Majesty, nor to na other heritable Writs thereof, nor yet to Reversions incorporate in the Body of the Infestments, made to the persons against whom the saids Reversions are used. IT is also declared, that if any Renunciations or Grants of Redemption, which shall happen to be consigned in proccesse betwixt parties, shall be Registrat within three-score dayes after the dates of the decreets whereby the same shall be ordeined to be given up to the parties having right thereto, the same shall be sufficient. And to the effect the said Register may presently and in all time coming be the more faithfully keep- ed : Therefore OUR said SOVERAIGNE LORD, with advice and consent foresaid, statutes and ordeins the same Registers and Registrations foresaid, to be insert therein, to appertain and belang to the present Clerk of Register, and his Deputes to be appointed by him to that effect. And decernes and ordeins the same Registers to be annexed and incorporate with the said office, and that the Clerk of Register, present

present, and to come, have the said Office as ane proper part and pertinent of the Clerk of Register his office, make and constitute particular deputies, ane or moe for all the dayes of their life-times, or otherwise as he shall think expedient, of good fame, literature, and conversation, for whom he shall be answerable, and who shall be resident within the towns and places after-specified, at all times to receive fra the parties their Evidents, and to Registrat the same within the space of fourtie eight hours next after the receipt thereof, and to ingrosse the whole body of the writ in the Register under the pain of deprivation of the Clerk of his place and service, and of the office of Notarie in all time thereafter. And within the same space shall deliver to the presenters of the same, their Evidents marked by him, with the day, moneth, and year of the Registration, and in what lease of the book the same is Registered: and shall take allannerly for his paines twenty six shillings eight pennies money of this Realme, as the price of ilk lease of his Register, containing no lesse then is in this present Act: and in case the lease contain lesse to take lesse accordingly, and so proportionally for every page of the lease, and part of the page, and according thereto shall take for Registring of every ane of the saids Evidents. And the saids Registers to bee filled up by the saids Deputes, to be marked by the Clerk of the Register and his Deputes to be appointed by him to that effect, with ane note of the particular number of the leaves that the same shall containe: & the saids Registers after the filling up of the same to be reported to the said Clerk of Register, to remain with him and his Deputes, and bee patent to all OUR SOVERAIGNE LORDS Lieges, and extractis thereof to be given by him and his Deputes to be appointed by him, during all the dayes of their life-time, or otherways as he shall think expedient for that effect, to all shall have adoe with the same, which shall make as great faith, as the principals, except in case of improbation. And the saids Registers for the greater ease of the Lieges, to be established in the particular places following: That is to say, Ane in the town of *Kirkcudbright* in *Orkney*, for the whole lands lyand within the bounds of the Sherifdomes of *Orkney* and *Zetland*: and ane in the Burgh of *Inverness*, for the whole lands lyand within the Sherifdomes of *Inverness* and *Cromartie*: Ane in the Burgh of *Elgin* for the whole lands lyand within the bounds of the Sherifdomes of *Forres* and *Nairn*: Ane in the Burgh of *Aberdeen* for the whole lands lyand within the bounds of the Sherifdomes of *Aberdeen*, *Banff*, and *Kincardin*: Ane in the Burgh of *Dundee*, for the whole lands lyand within the bounds of the Sherifdomes of *Forfar*: Ane in the Burgh of *Perth*, for the whole lands lyand within the Sherifdomes of *Perth* and Stewardry of *Strathern*: (exceptand the Stewardrie of *Monteith*) Ane in the Burgh of *Sterling*, for the whole lands lyand within the bounds of the Sherifdomes of *Sterling*, *Clackmannan*, and Stewardry of *Monteith*: Ane in the Burgh of *Cowper* in *Fife*, for the whole lands lyand within the boundes of the Shirrefdomes of *Fife* and *Kinrossshire*: Ane in the Burgh of *Edinburgh*, for the whole lands lyand within the boundes of the Sherifdomes of *Edinburgh* principal, Constabularie of *Haddington*, *Linlithgow*, and *Barthket*: Ane in the Burgh of *Lawder*, for the whole lands lyand within the Sherifdomes of *Berwick*, and Bailie of *Lawderdale*: Ane in the Town of *Selkirk*, for the whole lands lyand within the Sherifdomes of *Roxburgh*, *Selkirk* and *Peebles*: Ane in the Town of *Hannymilton*, for the whole lands lyand within the Sherifdomes of *Lanerk*: (exceptand the Burgh and Barronie of *Glasgow*) Ane in the City of *Glasgow*, for the whole lands lyand within the bounds of the Sherifdomes of *Renfrew*, and Baronie of *Glasgow*: Ane in the Burgh of *Dunbarton* for the whole lands lyand within the bounds of the Sherifdomes of *Dunbarton*, *Bute*, *Argyle*, *Arrane*, and *Tarbet*: Ane in the Burgh of *Air*, for the whole lands lyand within the bounds of the Sherifdomes of *Air*, Bailierie of *Kyle*, *Carrick*, and *Cunninghame*: Ane in the Burgh of *Wigtown*, for the whole lands lyand within the bounds of the Sherifdomes of *Wigtown*: Ane in the Burgh of *Drumfries*, for the whole lands lyand within the bounds of the Sherifdomes of *Drumfries*, Stewardries of *Kirkcudbright* and *Ammandale*: Or any other place or places more convenient, as the Clerk of Register shall think most expedient, due intimation being made to the Lieges of the same. And the saids Evidents to be Registered in the particular Books appointed for the lands within the bounds of ilk Sherifdomes, Stewardrie, and Bailierie, as said is, or in the option of the party in the Books of Register or Session kept by the said Clerk Register himself or his Deputes to be appointed by him, during all the dayes of their life-time, or otherways as he shall think expedient to that effect, in *Edinburgh*. And OUR said SOVERAIGNE LORD with advice and consent of the Estates decerns, and declares, this present Act to have the force, strength and effect of ane Decreet and Statute of Parliament, which shall have force and execution, according to the tennour theteof in all time to come. Ordaining publication to be made of the same in forme as effeires.

ACT XVII.

Anent the loosng of Arrestments.

OUR SOVERAIGNE LORD considering the great abuse and corruption used in finding of caution to messengers for loosng of Arrestments in times bygone, whereby his Highnesse Lieges have been heavily prejudged, the receiving of the said caution being committed to whatsoever Messenger of Armes the party please to chuse, who at the desire of the party, for the most part, receiveth irresponsal cautioners: and thereafter, when caution is found, there is no warning thereof given to the party arrester; but only a ticket, under the Messengers stamp and subscription, bearing him to have loosd the Arrestment, and to have received such a person cautioner: which ticket is not sufficient of the Law, to furnish action against the

saids

said cautioners, without production of the principal Bands given to the said Messenger, receiver of the caution: which Band, if any were taken, remains in the hands of the Messenger, and is either lost by negligence, or absented by malice, whereby the party is altogether prejudged of his action, which he had against the Cautioner, who was found for loosing of the Arrestment: For remedy whereof, OUR SOVERAIGNE LORD with advice and consent of the Estates of Parliament, statutes and ordaines, that all Bills and Supplications for loosing of arrestments, which shall be past and delivered by the Lords of Council in time coming, shall be past upon caution to be found in their Books, and ordaines the Clerk of the Bills to receive the said caution before the giving out of the same, for raising of Letters thereupon: and if any arrestments be otherwise loosed, the same to be null, and ineffectual.

A C T XVIII.

Anent the keeping of Forrests.

OUR SOVERAIGNE LORD considering that the Forrests within this Realme, in the which Deer are kept, are altogether wasted and decayed, by Shiellings, pastouring of Horses, Mares, Cattel, Oxen, and other Bestial, cutting of Woods within the bounds of the saids Forrests, shooting and slaying of Deer, Venison, and wilde Fowles, with Hagbuts, and with Dogs in forbidden time. And albeit there hath been divers and sundry loveable Acts, Lawes, and Statutes made for punishing the transgressours of the same Acts, yet the same have not been put to due execution in time bygone. In respect the keepers of the saids Forrests, under his Majesty, and others having right thereto, by vertue of their Inseftments had no power nor jurisdiction to punish the saids transgressours. Therefore OUR SOVERAIGNE LORD, with advice of the Estates of this Parliament, wils and ordaines in all time coming, that the keepers of the saids Forrests, and others, having right by their Inseftments, as said is, shall have full power, privilege, and jurisdiction, to call, convene and pursue before them, whatsoever person or persons, that shall be found hereafter to transgresse the saids Acts and Statutes, sit, and hold Courts thereanent, and to put them to the tryal of an inquest: And being found guilty, to put the saids Acts to full execution in their contrair, after the forme and tennour thereof in all points: to wit, the slayers and shooters of Deer, Rae, and Wilde-Fowls, being Landed-men, under the pain of five hundred marks, and every unlanded-man, being responsible, under the paine of one hundred marks, and if he be not responsible, under the pain of warding and punishment of his person, conforme to the former Acts made thereanent: and the owners and in-putters of the goods and Bestial, within the saids Forrests, and cutters of Wood, under the paines contained in the former Acts made thereanent, and conforme to the provison of the same Acts.

A C T XIX.

Anent Doucats.

OUR SOVERAIGNE LORD with advice and consent of the Estates of this present Parliament, considering the great inconvenients sustained by the Lieges of this Realm, through the frequent building of Doucats, by all manner of persons, in all the paris thereof, statutes, declares, and ordaines, that hereafter no person nor persons, shall have power, libertie, nor privilege, to build a Doucat upon any Lands within this Realme, neither within Burgh, nor in the Countrey, except that person, builder of the Doucate, have lands and teinds pertaining to him, extending in yearly Rent to ten Chalders Victual, next adjacent to the said Doucate, at the least lying within two miles to the same: And als declares, that it shall nowise be lawfull to the person foresaid, worth in yearly rent the foresaid ten Chalders Victual, to build moe Doucates upon, and within the bounds foresaid, except one Doucat onely.

A C T XX.

Anent the punishment of Drunkards.

IT Is statute and ordained by OUR SOVERAIGNE LORD with advice and consent of the Estates of Parliament, for the restraint of the vile and detestable Vice of Drunkenness daily increasing, to the high dishonour of GOD, and great hatme of the whole Realme, That all persons, lawfully convicted of Drunkenness, or of haunting of Taverns and Ale-houses, after ten hours at night, or any time of the day, except in time of travel, or for ordinary refreshments; shall for the first fault pay three pounds, or in case of inability, or refusal, to be put in Jogges or Jayle for the space of six houres: for the second fault to pay five pounds, or in case of inability or refusal, to be kept in Stocks or Jayle, for the space of twelve houres: and for the third fault to pay ten pounds, or in case foresaid, to be kept in Stocks or Jayle, for the space of twenty foure houres: and thereafter, if they transgresse, to be committed to Jayle, till they find caution for their good behaviour in time coming. And for better execution of these presents, special power, authority, and commission is given, granted, and committed to all Sherifs, Stewards, Provests, and Bailies, Justices of Peace, and Kirk Sessions, within every Parish, to call, convene and try the foresaid persons

persons, unlawes to uplift, *ad pios*, & *necessarios usus*, in every Parish to apply, and all and sundry other things to do and exerce, which necessarily is required for execution of these presents.

ACT XXI.

Anent discharging of Caulpes,

OUR SOVERAIGNE LORD, and Estates, understanding and considering the great hurt and skaith, which his Majesties Lieges have sustained these many years by-gone, by the Chiefs of Clans within the Highlands and Isles of this Kingdome, by the unlawfu! taking from them, their Children and Executors, after their decease, under the name of *Caulpes*, of their best aught, whether it be Oxe, Mear, Horfe, or Cow, alledgeing their Predecessors to have been in possession thereof, for maintaining and defending of them against their enemies and evil-willers of old: And not only one of the saids Chiefs of Clans, will be content to uplift his *Caulpe*, but also three or four moe, every one of them will alledge better right then other: And every one of them after ane other, will uptake the same, until foure or five several *Caulpes* will be taken from one person, howbeit never ane of the saids Clans have right thereto, or to the lands which the persons occupys, wheretsa the *Caulpes* are uplifted: And so sever are they, that every ane of them after ane other, will pull their Horses and Oxen out of their Plowes, and Harrows, in the very time of their greatest businesse and labours: so that many of his Majesties Subjects which of old were enriched with sufficient store of goods and Bestial, and thereby made his Highnes, and others having right, thankful payment of their mails, caines, and duties, indebted by them yearly to his Majestic, and others having right, are now, by the extortion of the saids Chiefs of Clans and others claiming right to the saids *Caulpes*, and by unlawful raising and uplifting thereof become depauperate, and unable to pay his Majesty, and others having good right, their just duties. And seeing there was an Act made heretofore, in favours of the inhabitants of *Galloway*, by his Highnesse Predecessour, King JAMES the fourth, of worthy memory, in his second Parliament, and eighteenth Act or Chapter thereof: Discharging the saids *Caulpes*, and uptaking thereof, in all time coming thereafter, under the pain of punishment, as Reaf, and to be ane point of Dittay against them in the Justice Airc.

Therefore OUR said SOVERAIGNE LORD, with advife of the Estates of this present Parliament, Statutes and Ordaines, that in no time coming none of his Highnes Lieges presume, nor take upon hand, to intromet with nor uplift the saids *Caulpes*, within any part of this Kingdome under the pain foresaid.

ACT XXII.

Anent the inbringing of Protocolles.

OUR SOVERAIGNE LORD understanding that that part of the Act of Parliament, made in July, 1587. years, Act xlv. Intituled, *When, who, and how, Notars should be admitted, and of their Cautioners, and Protocolles*, Whereby it was Statute and Ordained, that all Protocol-Books of Notars, should be within fifteen dayes after the decease of the Notar, brought in to *Edinburgh*, and delivered to the Clerk of Register, or ane of his Deputes appointed by him for that effect, hath not been put to due execution in time bypast, wherethrough his Majesties Lieges have sustained great hurt and damage: in so far as a great part of the Protoeols, are vitiate and destroyed, by rying out of the leaves forth of the saids Protocolles, inserting and writing of false instruments upon the blank paper contained in the same Protocolles: and sicklike, by inserting of sheets and quaires of new paper, whereupon instruments are falsified, by alteration of the dates of instruments, contained in the saids Protocolles and many other-ways, as hath been divers times exactly tryed by the Lords of Counsel and Session; and that the delaying of the execution of the said Act, hath proceeded upon ane ordinance contained therein, of satisfaction to be given by the Clerk of Register or his Deputes, to the relict, children, or executors of the saids Notars, for the said Protocol, whereby the Clerk of Register or his Deputes, would be drawn to very great and intollerable charges, in regard of the great number of the saids Books.

THEREFORE, and for remedy thereof, OUR SOVERAIGNE LORD with advife foresaid, discharges that part of the said Act of Parliament, anent any other satisfaction to be given to the relict, children, or executors of the Notars already deceased, or that shall happen to deceale, (except as is hereafter expressed) & Statutes and Ordaines, that all persons, alsvel relict, children, executors of whatsoever notar already departed, or other person or persons whatsoever, havers in their hands, custodie, and keeping of any Protocol-Book, of whatsoever Notar already deceased, as of Notars that shall happen to deceale at any time hereafter, shall after the decease of the Notar, inbring the saids Protocolles to *Edinburgh*, and deliver the same to the Clerk of Register, or his Deputes, to be appointed by him for that effect, under the paine of ane hundreth pounds to be incurred by them, who shall happen to be found to contra-

traveen, and thereafter the saids Notars Books to be retained and kept by the said Clerk of Register, or his said Depute, to be appointed by him to that effect. At the deliverie and inbringing of which Protocolles, if the same shall bee inbrought by the said relict or children, his Highnes with advice foresaid, Ordaines the Clerk of Register, or his Depute foresaid, to make a note of the names of the said relict and children of the defunct Notars, to the effect, that whensoever any party shall pursue for transumpt of any instrument forth of the same, he shall be astricted hereby to summond by the party having intresse, the relict and children of the defunct Notar, to the effect that the saids relict and children may be satisfi'd by the party, craving the transumpt of the said instrument, at the modification of the Lords of Council and Session. And his Highnes with advice foresaid, declares, that this Act shall not be extended to the in-bringing of the protocolles of the Clerks of any free Burgh Royal within this Realme, deceased already, or that shall happen to decease hereafter: but the relict and children of the saids Clerks of free Burghs, shall be halden to deliver the saids Protocolles to the Proveſt and Baillies of the saids free Burghs, to remaine in the Register of the saids free Burghs, and to be made forth-coming to all parties, having intresse, whensoever they shall crave any instrument to bee transumed forth of the same at any time hereafter.

ACT XXIII.

Act Salvo jure cujuslibet.

Forasmuch as in this present Session of Parliament, there are Ratifications past, wherein divers and new clauses are insert, which may be prejudicial to particular parties Rights, and derogative to many Lawes lawfully made and established of before; albeit the meaning of his Highnes, be at this time, as it was ever in all preceeding Parliaments, That by no particular Act, any other party should be hurt or prejudged.

For remedie thereof, It is Statute and ordained, that no Ratification past in this present Session of Parliament, shall be prejudicial to any privat parties Rights: but that the saids Ratifications be allwayes understood, whether they be general or special. to be *Salvo jure cujuslibet*.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTS and others not Imprinted, past in the XXII. Parliament, holden at *Edinburgh*, the 28. day of June, 1617.

- 1 *A Commission for heritable Offices.*
- 2 *A Commission for keeping of Justice Courts.*
- 3 *Act anent the Clargregour.*
- 4 *Act in favours of the Archbishop of Sanct-Andrewes.*
- 5 *Act for a new assignation to the Castle of Edinburgh, out of his Majesties propertie.*
- 6 *Annexation of Fearnie to the Bishoprick of Rossie.*
- 7 *Annexation of Correguale and Monimusk to the Bishoprick of Dumblane.*
- 8 *Annexation of Icolmekil and Archattan to the Bishoprick of the Iles.*
- 9 *Act anent the Chapter of the Bishop of the Iles.*
- 10 *Act anent the erection of the Kirk of Ballintrae.*
- 11 *Union of the Kirks of Kilbride and Renfrew, to the Colledge of Glasgow.*
- 12 *Act for changing of the Kirk of Strathgeth.*
- 13 *Act for changing the Kirk of Lawder.*
- 14 *A Commission anent barking of Hides.*
- 15 *Ratification in favours of the Duke of Lennox.*

- 16 *Ratification in favours of the Earle of Dunfermling, Lord Chancellor.*
- 17 *Ratification to the Earle of Argyle.*
- 18 *To the Earle of Errol.*
- 19 *To the Earle of Hume.*
- 20 *Protestation made by the Lord Rosse.*
- 21 *Act in favours of Robert Maxwell.*
- 22 *Protestation made by divers persons anent the said Act,*
- 23 *Act in favours of the Lord Sanquhare.*
- 24 *Two Ratifications in favours of the Lord Binning.*
- 25 *Ratification to the Lord Blantire.*
- 26 *To Sir Gideon Murray of divers his infeftments.*
- 27 *To Sir Gideon Murray, William and Walter Murrays his sons.*
- 28 *To Sir Gideon Murray, of the Provostrie of Crichtoun.*
- 29 *To the Lord Colvil of Culros.*
- 30 *To Sir Andrew Hamilton.*
- 31 *To Sir Patrick Murray.*
- 32 *To John Murray of Lochmaben.*
- 33 *To him and the Laird of Lochinwar.*
- 34 *To the old Colledge of Aberdene.*
- 35 *To the new Colledge of Aberdene.*
- 36 *To Sir Henry Wardlaw.*
- 37 *To him and James Baillie.*
- 38 *To Master James Olyphant.*
- 39 *To Master Patrick Hamilton.*
- 40 *To the Town of Aberdene.*
- 41 *To Master William Olyphant.*

F I N I S.

T H E

T H E A C T

Anent the Settling of Measures and Weights, concluded at Edinburgh, the 19. day of Februar, 1618. yeares. By the Commissioners having power to doe the same by Act of Parliament made the twentie eight day of June, 1617.



ORSOMUCH as in 'OUR SOVERAIGNE LORDS laite Parliament holden at *Edinburgh*, the xxviii day of June last by past, his Highnes and Estates conveyened therein, Mooved by the general complaint of all his loving Subjects: and in respect of their sensible prejudice seene and felt through many parts of this Kingdome by reason of the diversitie of Measures and Weights used within the same.

Therefore OUR said SOVERAIGNE LORD, with advise of his saids Estates; For removing of all abuses which may ensue in any time to come, thereby hath found expedient and by Decreet and Statute of the said Parliament; Decerned, Statute, and Ordeined, That there shall bee but one just Measure and Weight, through all the partes of this Kingdome; which shall Universallie serve all his Highnes Lieges, by the which they shall buy, sell, receave, and give out, in all tyme to come. Which Measure his Majestie with advise foresaid, Fand; should be that Measure of *Linlithgo*, which is now commonlie used and which hath been used most customablie through the greatest part of this Kingdome these fiftie or threescore yeares bypast. And for setting of a perfyte order whereby all the Measures that are now used may be reduced to the conformitie of the said Measure now authorized, and for making of proportion answerable betwixt the lesser Measures and Weights, and the Greatest.

His MAJESTIE with advise foresaid, granted full power and Commission, to Sir *James Weemes* of *Bogie* Knight, Sir *George Auchinleck* of *Balmanno* Knight, Sir *James Fowles* of *Colington* Knight, Sir *Robert Stewart* of *Shillinglaw* Knight, Sir *Johne Waws* of *Barubarro* Knight, Sir *William Greifson* of *Lag* Knight, And to *James Nisbet* Baillie and Burges of *Edinburgh*, Master *Alexander Wedderburne* Clerk of *Dondie*, Sir *Thomas Menzeis* Provost of *Aberdene*, *James Hamilton* Provost of *Glasgow*, *John Osburne* Burges of *Aire*, and Sir *George Bruce* of *Carnuk* Knight, Burges of *Culros*: Whom or any eight of them, His Majestie with advise foresaid, Ordeined to meet and conveyne together, at such tyme and place as they should think expedient. And to consult and advise together, and to appoint and determine upon the most convenient meanes how the saids Measures and Weights might be reduced to the conformitie foresaid. As in the said laite Act of Parliament at more length is contained.

Which whole Commissioners foresaids, having mett and conveyened within the Burgh of *Edinburgh* upon the twentie ane day of Januar last by-past, and the most part of them upon divers and sundrie others dayes thereafter in the said Moneth of Januar and Februar instant. And having read and considered the foresaid Act of Parliament, anent the saids Measures and Weights, and finding that It is Ordeined that there shall be onlie Ane just Measure and Weight, through all the parts of this Realme which shall universallie serve all his Majesties Lieges (by the which and no other) they shall buy and sell, in all tyme comming. And that it is declared by the said Act that the foresaid Measure and Firlot of *Linlithgo*, which is now commonlie used and which hath bene most customablie used through the greatest part of this Kingdome these fiftie or threescore yeares bygone, shall be the foresaid just Measure & Firlot which shall be received and used by all his Majesties Lieges in all tyme comming. And that Commission is given be vertue of the said Act to the saids Commissioners for setting of a perfect order, whereby all the saids Measures that are now used, may be reduced to the conformitie of the said Measure of *Linlithgo*. And for making of a proportion betwixt the lesser Measures and Weights and the greatest. Have first thought it meet and expedient that the Provost and Baillies of *Linlithgo* who are keepers of the said Measure should produce before them the said Measure which hath been given out be them to the Burrowes & all others his Majesties Lieges these fiftie or threescore yeares bygone, with their Jedges and warrands which they have for the same. Who being cited for that effect, Produced before the saids Commissioners their said Measure & Firlot with the Jedge which is their warrant thereof. And the same Measure and Firlot being found agreeable with the said Jedge, the saids Commissioners caused presentlie fill the same with watter, which being full, they fand that the same contained Twentie ane Pintes & ane Mutchkin of just *Sterline* Jug and Measure, and that the foresaid Jug contains within the same Three pounds, and seven ounces of French Troys Weight, of clear running watter of the watter of *Leith*. And because the saids Commissioners could find out no other meane whereby they might trye the warrant of the Quantitie of the said Measure and Firlot of *Linlithgo*, which hath been in use these fiftie or threescore yeares bygone, But be taking of the Oaths of the saids Provost and Baillies thereanent: They tooke the Oath of *Andro Milne* Provost

Proveft of the faide Burgh of *Linlithgo*, *Andro Bel* and *James Glen* Baillies thereof, who being with all requifite Solemnitie Sworne : Deponed upon their confciences ; That the forefaid Firlot and Meafure produced by them, was the verie true and juft Meafure which hath been given out to his Majesties Lieges by them and their Prediceffors thefe fiftie or three-score yeeres bygone, and that the fame by their knowledge hath never been altered in any fort during the tyme forefaid, and ficklelike declared upon their confciences, that fo far as they could trye by the moft ancient and aged perfons of their Burgh, that the forefaids Jedges are of great antiquitie, and have never bene altered or changed in any tyme bygone : And that they never had, nor hes, any other Meafure, or Jedge to their knowledge.

Which Firlot, the faids Commissioners Have Found, and Declared, Statute and Ordeined, to be the juft and onlie Firlot which fhall be received and ufed, by all his Majesties Lieges in all tyme comming: For metting of Wheat, Rye, Beanes, Peas, Meal, Whyt Salt, and fuch other ftuff and Victual as before this tyme hath bene in ufe to bee Meafured by ftraik Mett, within this Kingdome. The Wydnes and Breadnes, of the which Firlot under and above even over within the buildis, fhall containe nyneteen Inches, and the feft part of ane Inche; and the deipnes, feven Inches, and ane thrid part of ane Inche: and the Peck, halfe Peck, and fourth part Peck to be made effeaird thereto; And the fteppes of the faid Firlot to be in thicknes one Inche at the leaft: That the Bottome thereof be croffed with Iron nayled to the fame, and to the Ring of the Firlot; and the edge of the bottome entring within the lagene be pared outwith towards the nether-fyde, and to be made inwith plaine and juft rule-right; That the mouth bee ringed about with ane croce or girth of Iron inwith and outwith, having a croce Iron barre paffing over from the one fyde to the other, three squared, and edge down, and a plaine fyde up, which fhall go reul-right with the edge of the Firlot, and everie square fhall be ane juft Inche of Breadth. And that there be ane prick of Iron one Inche in roundnes, with ane fhoulder under and above and tryng upright out of the Centre or midft of the bottome of the Firlot, and paffing through the midft of the faid over croce-barre, rooved both under and above.

AND that the faid Cowpar caufe the ring-ftraik of the faid Firlot, paffe from the one end of the faid over Iron barre to the other: And the fame to be brunt and fealled, with the mark of foure Crownes, upon both the fydes of the bottome, with fyve impreffions of the Letter L. upon the lippes thereof. And for efcheuing of fraud in all tyme comming; The faids Commissioners all in one voice but difcrepance or variance, Have thought expedient, Statute and Ordeined, by vertue of the forefaid Commiffion granted to them by the faid laite Act of Parliament, That all Victual and ftuff fhall be Meafured by ftraik, through all the parts of this Kingdome, in all tyme comming. And by reafon that Mault, Beare, and Aites have ever bene ufed to bee Meafured by heape; and that by the meaning of feveral preceeding Acts of Parliament, IT hath been thought, that the Heape in proportion was the juft thrid of the Firlot and Peck, So thar three ftraiked Firlots, for two heaped Firlots, Sex ftraiked Firlots for foure heaped Firlots, was thought to bee a juft proportion, for the one agreeable to the other. And the faids Commissioners by tryal and examination having found that the Heape in proportion, IS not the juft thrid part of the Firlot and Peck, but that there is a great difference therein, and no fmall prejudice both to the giver and receiver, of three ftraiked Firlots or Pecks, for two heaped Firlots or Pecks, and confequentlie of sex for foure, the Heape being alwayes the leffe meafure as faid is.

THEREFORE they have found it expedient to caufe make ane particular Meafure or Firlot, for metting of Mault, Beare, and Aites, by ftraike, in all tyme comming, which being made and produced in their prefence, they after tryal and examination thereof, Have found the fame in proportion neareft to the faid Heape, fo thar foure ftraiked Meafures or Firlots thereof, contienes in juft proportion (and to the leffe prejudice of all his Majesties Lieges) foure heaped Firlots. Which the faids Commissioners having caufed fill with cleare running water of the water of *Leith*, They find the fame to conteine Thrittie one Pynts, of the juft *Sterline* Jugge and Meafure, ilk Pinct contening the Weight forefaid. And the fame to bee in wydnes and breadnes equal and conforme to the former Firlot, and in deipnes, Ten Inches and ane halfe Inche.

WHICH they Find, Statute and Ordeins, To remaine as ane juft Meafure and Firlot, to be Ufed for metting and meafuring of Mault, Beare, and Aites, by ftraike, in all tyme comming. And that the Pecks, halfe Pecks, and fourt part Pecks thereof be made conforme in proportions to the fame laft Firlot: Which new Firlot in all other refpects fhall be agreeable in forme with the old ftraike Firlot above-written, having one Iron girth more in the midft thereof outwith, and marked with the impreffion of the letter H. on the outmoft fyds thereof.

AND the fame with the forefaid other Firlot contening twentie ane pincts and ane mutchkin, To bee given out by the faids Proveft and Baillies of *Linlithgow*, to whose custodie the fame was committed of old, To the Burrowes and all others his Majesties Lieges for that effect, betwix the date hereof and the twentie day of Apryle next-to-com. And thar foure fulles of either of the forefaids Firlots conteine and bee repure to bee ane juft BOLL, in all tyme comming allannerlie. Sicklyke the faids Commissioners having confidered the great Prejudice fuffeined by all OUR Sovereigne LORDS Lieges through the diverfite of Weights, ufed within all the parts of this Realme.

THEREFORE and conforme to their faid Commiffion and Act of Parliament forefaid, and for efcheuing of all fraud, Have though expedient, Statute, and Ordeined, That there fhall be onely one juft Weight

Weight through all the parts of this Kingdome; which shall universallie serve all his Majesties Lieges (by the which and no other) they shall buy and sell, all and whatsoever Wares accustomed to be bought and sold by Weight aswel Forraine, as Countre-Wares; in all tyme hereafter: to wit, The French Troys Stone Weight, containing Sexteine Troys Pounds, in the Stone, and Sexteine Troys Unces in the Pound, and the lesser Weights and Measures to be made in proportion conforme thereto: (And that Weight called of old the Trone weight to be allutterlie abolished and discharged, and never hereafter to be received nor used.) And in respect that the keeping and out-giving of the Weights of old to the Burrowes, and others his Majesties Lieges within this Kingdome; was committed to the Burgh of *Lanerke*: Therefore the saids Commissioners have committed the keeping and out-giving of the said French Troys Stone Weight, now established, to the foresaid Burgh of *Lanerke* and their Successors, to be given out by them and their saids Successors to the Burrowes and others his Majesties Lieges, betwixt the date hereof and the First day of May next-to-come, and in all tyme comming.

AND Lykewayes Statutes and Ordeins, that there be double Standards of the foresaid Firlots and Measures, and Jedges thereof, and of the foresaid Weights, Two of everie one of them to remaine in the Register, within the Castell of *Edinburgh*, and other two within the Castell of *Dunbritane*, therein to remaine as a warrand for the Measures allannerlie. And the other in the Townes to whom they have been committed of old as said is, to be direct forth to the whole Lieges to be used universallie. And this without prejudice to any persons who are founded, infeof, or addetted, by Tack or contract, of old or new fermes of other Measures and Weights; but that their Foundation, Infeoffment, Tack, or Contract, shall be proportioned to the Measure and Weight now established, so that the same quantitie shall remaine with the giver and receiver, but prejudice to any of them. Sicklyke they have found and declared, That the Elne and Stand thereof committed to the keeping of the Burgh of *Edinburgh*, containeth Thirtie seven Inches. And that the Pinte Stowp, committed to the keeping of the Burgh of *Sterline*, containeth the Weight of Three Pounds seven ounces of French Troys Weight cleare running watter of the watter of *Leith*. Which Elne, and Stowp, They Statute and Ordaine, to remaine and abyde in the same integritie as they are now; and that no other Elne nor Stowp, or greater or lesse proportion containing the said weight, shall be received by any of his Majesties Lieges in any tyme comming, to buy or sell with, in any part of this Kingdome. And that the halfe and quarter Elnes, and halfe quarters, and Nails: Quart, Chopin, Mutchkin, and halfe Mutchkine Stowps, bee made in proportion conforme thereto. And the Burghes of *Edinburgh*, and *Sterline*, to whome the keeping thereof hath been committed of old; have the out-giving of the same to the rest of the Burrows and all others his Majesties Lieges to that effect, betwixt and the First day of Apryle next-to-come: And that they have double Standards of the saids Elne, and Stowp, Two of everie one of them, To remaine in the Register within the Castell of *Edinburgh*, and within the Castell of *Dunbritane*, for a warrand as said is: and the other with themselves and their Successors, to whome they have been committed of old: And that the foresaid Measures, Mets, and Weights, with the which all and whatsoever persons shall be holden to buy, sell, mett, Measure, Weigh, and deliver, have course allannerlie within this Realme; after the dayes respective after following *viz.* The Weights after the First day of May next-to-come, and the Measures of Firlots and Pecks, and the rest of that degree, after the First day of June next thereafter, and no other Weights, Mets, nor Measures, to be received nor used in any tyme hereafter; in any part of this Kingdome, under the paines contained in the Acts of Parliament made thereanent: and that all Firlots to be used in Markets both to Burgh and Land be brunt and sealed either with the Marks and Seals of *Linhthgou* in maner foresaid, or with the burning Iron of the head Burgh of the shyre wherein the saids markets are holden, And that the Provost and Baillies of Royal Burrowes, and Cities both Regalitie and Royaltie, and als the Baillies of Burrowes in Baronnie, and Justices of Peace in whatsoever places where Markets of Victual are holden, or others Forraine or Countre-Wares shall be bought, sold, and Weighed, Mett, and Measured, shall be bound, That all Measures and Weights to be used shall be of one forme and quantitie, according to this present Act: And if any different Measures and Weights be found in any of the places above-mentioned, The saids Provost and Baillies of Royalties, Regalities, Baronies and Justices of Peace; shall take order therewith, and if need be shall be holden to informe the Kings Majesties Council thereof, that they may take order thereanent as appertaineth.

Providing alwayes as is before provided, if any persons be founded or infeof, and addetted by Tack, or Contract, of old or new Ferme, of other Measures & Weights, then are before written in manner foresaid; Their foundation, Tack or Contract, whether it be more or lesse, shall be proportioned to this Measure and weight which now is established, so that the same quantitie shall remaine with the giver and receiver, but prejudice to any of them in maner particularie before expressed. And because by the Provisions immediatlie before writen, divers Pleyes and questions, may arise berwixt parties, receivers and deliverers, Maisters and tennents, Fewers and their Superiors, anent Fermes and Victual, and sicklyke anent other stuff and duties addetted, and bound to be payed and delivered by Weight, either by Infeoffments, Tacks, Foundations, Bandes, or Contracts whatsoever, made before the date hereof anent the conforming and proportionating of the Measures and Weights contained in the saids infeoffments, Tacks, Foundations and others Secu-
rines foresaid, with the Measures and Weights now established, if sure notice and tryal be not taken of the just Measure and quantitie of the Measures and Weights, which have been most Customable used & received

rhese fiftie or threescore yeares bygone, within the Shirefdomes under-written, *viz.* *Lanerk, Wigton, Drumfreis, Roxburgh, and Bervik.* In the which the saids Commissioners considering evidentlie the greatest diversitie of measures and weights, from the measures and weights now established, to be for the most part: So that these fyve Shyres being brought to the conformitie aforesaid, the rest of the Shyres within this Kingdome may be easilie reduced to the same, conforme to this present Act.

T H E R E F O R E the saids Commissioners, Finds it meet and expedient, and by these presents Statuts, Decernes, and Ordains, That the Shirref of everie one of the foresaid fyve shyres of *Lanerk, Wigton, Drumfreis, Roxburgh, and Bervik;* or their Deputes shall warne the Baillies of Regalities within the same Shyres, and Stewarts of Stewartries thereof, if any bee, Justices of Peace, and Magistrates of Burrowes, To convene ilk one of them within the heade Burgh of the same Shyre wherein they are Magistrates, within twentie dayes after the Councils pleasure shall be signified to them thereanent: and there not onlie to receive and embrace the saids measures and weights, from the Provost and Baillies of *Linlithgon* and *Lanerk*, to whom the keeping thereof is concredit in maner foresaid, and which are established by this present Act: But also to take tryal & cognition of the difference betwixt the saids old measures & weights, and the measures & weights now established. And to appoint, conclude and determine, ilk one of them within their own bounds, what proportion lesse or more shall be given and received in tyme coming, for the conforming of their Fermes and dueries addetted by former inscotments, foundations, Tacks, contracts, bands and Securities, to the foresaid Measures and Weights now established, and to insert the same in their Registers and Court books; To remaine with them for decisioun of such controversies as may aryse in those bounds hereafter, anent the disconformitie foresaid: and to report their diligence thereanent and conclusion in writte authenticklie subscribed by the saids Shirrefs of Shyres, Magistrats of Royal Burrowes, Baillies of Regalities, Burghs of Barronies and Justices of Peace; conveneing within ilk one of the foresaid Shirefdomes: And to present the same to the Lords of his Majesties Council and Session, before the first day of Julie next-to-come; To the effect the same may be delyvered to the Clerke of Register to be insert in the bookes of Council (*ad futuram rei memoriam*) And that none of the foresaid fyve shyres, nor no others his Majesties Lieges within this Kingdome, presume or take upon hand in tyme to come; To buy, Sell, block, bargane, contract, or sett in Tack, to, or with others, for receipt or delyverie, with any other weight, Mett, or measure, nor the same which now by this present Act is approved and established. And this for report of the Commission above-written, Requyring the Lords of OUR SOVERAIGNE LORDS Council and Session, That letters may be direct for publication of the premisses by open proclamation at the market Croces of the head Burrowes of this Realme, and other places needful that non pretend ignorance of the same, Commanding and charging, all and sundrie the saids Provosts and Baillies of Burrowes and Citties, both of Royalitie, and regalitie, and also the Baillies of Burrowes in Barronies, and Justices of Peace, and others whatsoever, in places where markets are holden; To put in execution this present Act and everie part thereof in so farre as concerneth them, so that the same may take full effect after the dayes respective foresaid: With certification to them and they faillye, they shall be called and accused, and the paines contained in the Acts of Parliament, shall bee execut upon them in all rigour in example of others. In witnessing of the which the saids Commissioners have subscribed these presents with their hands, day, yeere, and place foresaid. And ordains these presents to be delyvered to the Clerke of Register, to the effect he may cause insert the same in the Register of Parliament.

F I N I S.

T H E X X I I I .

P A R L I A M E N T

Of Our Most High and Dread Sovereigne

J A M E S

By the Grace of GOD, King of SCOTLAND, ENGLAND, FRANCE
and IRELAND, Defender of the Faith, &c.

Halden at Edinburgh, the fourth day of August, 1621. by the Noble and Potent Lord JAMES Marquis of Hamilton, Earle of Arrane, and Cambridge, Lord Ayen, and Innerdail, &c. Commissioner appointed for holding of the said Parliament, by vertue of his Majesties Commission granted to him under the great Seale of this Kingdome: with the special advise, consent and assent of the Estates of this Realme.

A C T I .

A Ratification of the Five Articles of the General Assembly of the Kirke, halden at Perth, in the Moneth of August, 1618.



OUR SOVERAIGNE LORD, With advice and consent of the Estates of Parliament presently convened, ratifies and approves the Acts of the General Assembly of the Kirk, halden at *Perth*, the xxv day of August, the yeare of God J^{ai} Vi^e and eighteen, and concluded the twenty seventh of the same Moneth, *Sessioe secunda*, Whereof the tennour followeth.

I.

SINCE We are commanded by GOD himselfe, that when wee come to worship him, wee fall down & kneele before the LORD our Maker; & considering with all, that there is no part of Divine worship more heavenly & spiritual, then is the holy receaving of the blessed body and blood of our LORD and Saviour JESUS CHRIST: Lyke as the most humble and reverend gesture of the body in our meditation and lifting up of our hearts, best becommeth so divine and sacred an Action. Therefore notwithstanding that our Kirk hath used since the Reformation of Religion, to celebrate the holy Communion to the people sitting, by reason of the great abuse of kneeling used in the Idolatrous worship of the Sacrament by the Papists: Yet now, seeing all memory of by-past superstition is past. In reverence of GOD, and in due regard of so Divine a Myserie, and in remembrance of so mysticalane Union, as wee are made partakers of; The Assembly thinketh good, that, that blessed Sacrament be celebrated hereafter meeklie and reverendlie upon their Knees.

I I .

ITEM, if any good Christian visited with long sicknes, and knowne to the Pastor; by reason of his present infirmities, unable to resort to the Kirke, for receaving of the holy Communion, or being sicke, shall declare to the Pastor upon his conscience, that hee thinks his sicknesse to be deadly, and shall earnestly desire to receive the same in his house: The Minister shall not deny to him so great a comfort, lawful warning being given to him upon the night before, and that there bee three or foure of good Religion and conversation, free of lawful impediments, present with the sicke person to communicate with him, who must also provide a convenient place in his house; and all things necessarie for the reverend administration thereof, according to the order prescribed in the Kirke.

I I I .

ITEM, The Minister shall often admonish the people, that they differre not the Baptising of Infants; any longer then the next Lordes day after the childe bee borne, unlesse upon a great and reasonable cause declared to the Minister, and by him approved. As also they shall warne them, that without great cause they

they procure not their children to be Baptized at home in their houses, but when great need shall compel them to baptize in privat houses (in which case, the Minister shall not refuse to doe it, upon the knowledge of the great need; and being timely required thereto) then Baptisme shall be administred after the same forme as it should have been in the Congregation. And the Minister shall, the next Lordes day after any such private Baptisme, declare in the Kirke; that the Infant was bo baptized, and therefore ought to be received as one of the true flocke of CHRISTIS foldc.

I V.

ITEM, Forasmuch as one of the most special meanes for staying the increase of Popetrie, and setting of true Religion in the hearts of the People, is; That a special care be taken in tryal of young children their education, and how they are carechized: Which in tyme of the Primitive KIRK was most carefully attended, as being most profitable to cause young children in their tender yeares, drinke in the knowledge of GOD, and his Religion, but is now altogether neglected in respect of great abuse and errours which crept into the Popish Kirke; by making thereof a Sacrament of Confirmation: Therefore that all superstitious build thereupon may be rescinded, And that the matter it selfe being most necessarie for the education of the youth, may be reduced to the Primitive integritie.

IT is thought good that the Minister in everie Parish shall carechize all young children of eight yeares of age, and see that they have the knowledge, and bee able to make rehearsal of the Lords Prayer, Belief, and ten Commandements, with answers to the questions of the smal Catechisme used in our Kirke: And that everie Bishop in his visitation shall censure the Minister who shall bee found remisse therein; And the saids Bishops shall cause the saids Children to be presented before them, and blesse them with prayer for the increase of their knowledge: and continuance of Gods heavenlie graces with every one of them.

V.

ITEM, as wee abhorre the superstitious observacion of Festival dayes by the Papists, and detest all licentious and prophane abuse thereof, by the common sort of professors; So we think, that the inestimable benefices received from God, by our Lord JESUS CHRIST his Birth, Passion, Resurrection, Ascension, and sending downe of the Holy Ghost, was commendably and godly remembered, at certaine particular dayes and times by the whole Kirk of the world; and may be also now. Therefore the Assembly Ordaines, that every Minister shall upon these dayes have the commemoration of the foresaide inestimable benefices, and make choice of severall and pertinent Texts of Scripture, and frame their doctrine and exhortations thereto; and rebuke all superstitious observacion and licentious profanation thereof.

Which Articles and ordinances, OUR SOVERAIGNE LORD with advice and consent of the Estates, Statutes and ordaines to be obeyed and observed by all his Majesties subjects as Lawes in time coming; Annulling and rescinding whatsover other Acts of Parliament, Constitutions and Customes; In so farre as they are derogative to any of the Articles above-written.

A C T. II.

Assent the Taxation granted to his Majestie of Threttie shillings tearmly, upon the pound Land, and the twentie pemie of all Annual-rents.

IN the PARLIAMENT holden at *Edinburgh*, the fourth day of *August*, the yeare of God 1621. The Estates of Parliament presently convened, considering the infinite expences and great burden which the Kings most sacred Majestie their dread Lord and Sovereigne, hath been constrained by the straitest bonds of religion to undergoe of late, and in all likely-hood shall lye under a long time; By procuring by Treasurie of Armes, ease and libertie to those who suffer for the Gospel of Christ Jesus professed in this land; and therewithall calling to mynde the long peace flourishing with religion and Justice, which they have enjoyed these many yeares past; and doe yet still enjoy in this universal combustion of the Christian world, and that by the wise, just and happy government of his sacred Majestie: and that they have nothing to bee returned to so great a King for so exceeding greate and rare benefices, but heartie and zealous affections ceeding to no Nation, and ever ready with their goods, landes, and lives, to maintaine true Religion, his Majesties royal person and posteritie, their Honours and Crownes. Therefore in most humble manner, The saids whole Estates of this Realme doe earnestly beseeke his most sacred Majesty, graciously to accept this their offer of a Taxation to be imposed, collected, and payed to his Highnesse, by the saids Estates in manner and at the foure Teames following: That is to say, The Earles, Lords and Commissioners of Shyres, for the Temporal Estate, have granted, that there shall be up-lifted of every pound Land of auld extent, within this Realme, pertaining to Earles; Lords, Barons, Free-holders, and Fewars of his Majesties proper Lands, the summe of Thirtie shillings money at every one of the foure Teames following, *viz.* The summe of XXX. shillings at the Feast and Teame of Candlemes next to come, in the yeare of GOD 1622. The summe of other XXX. shillings at the Feast and Teame of Martinmes, in the yeare of GOD, 1622. The summe of other XXX. shillings at the Feast and Teame of Martinmes, in the yeare of GOD, 1623. And the summe of other XXX. shillings at the Feast and Teame of Martinmes, in the yeare of GOD, 1624. The Archbishops, and

and Bishops for the Spirituall Estate, have granted that there shall bee up-lifted of all Arch-Bishopricks, Bishopricks, Abbacies, Priories, and other inferiour benefices within this Realme, at every one of the Foure Tearmes above-specified, the just Taxation thereof, as they have been accustomed to be taxed unto at all time by-gone, whensoever the temporal Lands of this Realme were stented to thirty Shillings of auld extent: And the same Taxation to be payed at every one of the foure severall Tearmes above-specified. And the Commissioners of Burrowes for their ESTATE, have granted, that there shall bee up-lifted of all Burrowes within this Realme, at every one of the Foure Tearmes above-written, the just Taxation thereof, as they have been accustomed to be taxed in all time by-gone, whensoever the temporal Landes within this Realme were stented to thirtie shillings the pound land of auld extent. And the said taxation to be payed at every one of the Foure severall tearmes above-written. And in regard that his Majesty hath erected sundry Prelacies in temporal Lordships, whereby the owners thereof may claime to be taxed with the Barons of the temporal Estate, and therethrow his Highness will be defrauded of a great part of the same taxation.

THEREFORE IT IS Statute and Ordained, that all Erections of Prelacies, and other smal Benefices, in whole or in part, in Temporal Lordships, shall in payment of the said taxation, pay to the Collectors thereof so meikle of the same Taxation [*pro rata*] as if they were no-wise erected, and as they were subject to do before the erection of the same. And sicklike, IT IS Statute and ordained, That all dissolved Benefices within this Realme, in whole or in part, shall bee subject in payment off so meikle of the same Taxation [*pro rata*] as they would have been subject to pay so the same had not been dissolved, and that the parties who have gotten any part or portion of any Prelacies, or other inferior Benefices dissolved, and new securities made unto them by his Majestie, of that part and portion thereof so dissolved, shall be subject to the payment of the Taxation thereof to the Prelate, or other beneficed person for his reliefe of the same Taxation; as they would have been, so the same had not been dissolved: Notwithstanding of any condition contained in the infeftments and securities made by his Majesty to them in the contrary hereof.

AND FOR ORDER, the saids Estates Annulles and discharges all Priviledges and Immunities whatsoever, whereby any persons may think themselves free of payment of this present Taxation (the Priviledges granted to the Ordinar Senators of the Colledge of Justice, and the Taxation of the Benefices given, disposed and mortified for the intertainment of the Universities and Colledges within this Kingdom only excepted.) AS ALSO the saids Estates considering that besides the ordinary charges which his Majesty doth daily undergoe for the maintenance of the Honour, Estate and Dignity of his Highnes Kingdomes: The extraordinarie burdings which now lye upon his Majesty by the occasions before-written, are so great, and do so neare concern every Loyal and true hearted Subject of this Kingdome, as members of that body whereof his Majesty is the head: that in duty they think themselves bound to bear a part of that burden, and to relieve his Majesty thereof. Therefore besides the Ordinar Taxation above-written, THE saids Estates have for the space of Four years next and immediately following the Tearme of Martinmesse next to come, Voluntarily and freely granted to his Majesty a yearly extraordinarie Taxation of the Twenty pennie of all Annual-rents, which any person or persons within this Kingdom have freely due and payable to them yearly or tearmly [their own Annual-rent wherein they are addebted to others, being first deduced.] The first Tearmes payment whereoff shall bee and begin at the said Feast and Tearme of Martinmesse next to come, and so forth yearly and tearmly at Whitunday and Martinmesse, while the saids Four years and the eight Tearmes payment thereof be fully and compleatly out-run. And for the better tryal of every man his Annual-rent which he hath yearly or Tearmly due to him: IT IS ordeined, that this Act shall be published at the Market-crosse of the Burgh of *Edinburgh*, and of the whole head Burrowes of the Shirreffdoms, Stewardries, Bailliries, and Regalities, within this Kingdome, whereby all his Majesties Lieges may have true notice thereof. And therewithal the saids Estates WILLES, Ordains and Commands, all his Majesties Lieges that have any Annual-rent payed to them, That they compar within the said Head Burgh of the Shirreffdome, Stewardrie, Baillirie, or Regality, or the Head Burgh in any of these Jurisdiccions where the head Courts are halden, and where the saids Annual-renters dwell, or have their ordinar residence, in any court-day in one of the last Weekes Immediately preceeding Whitfonday or Martinmesse. At which time the Shirreffs, Stewards, Baillies, and Baillies of Regalities, and Provest and Baillies of burrows, who are heretabell Shirreffs within themselves, within the bounds of their Jurisdiccions: shall be obliged to hold Courts weekly to the effect after-specified. And the Lieges resorting to the saids Courts, shall give up Inventors to the Clerk thereof, of the whole summes of money for which Annual is due to them yearly and tearmly, the names of the Debtors: As also the whole summes of money for the which they are subject in payment of annual-rent to others, with the names of the Creditors to whom the same is due, whether the same annual-rent be in Viſtual or Silver. The annual-rent of Viſtual to be estimate according to the Stock of money for the which it is paid at Ten for ilk hundreth thereof, And shall cause the parties up-givers of the saids Inventors, every party subscribe his own Inventor himself if he can write, and if he

cannot write, the Clerke of the said Court shall subscribe the said Inventor in face of Court, before the members thereof. And also the Sherriff, Steward, Baillic, Baillic of Regality, Proveft and Baillics of Burrowes, who are heretable Shirrefs within themselves, within the boundes of their Jurifdictions: And Clerkes themselves shall make and give up an Inventor of the debts owing unto themselves, and by themselves, as said is. IT IS alwayes provided, that if any person, impeaced by reason of sickness, or distracted by some other just occasion, shall not bee present himselfe, to give up the said Inventor, It shall bee lawful for him to cause any honest responsible man, within the jurisdiction where he dwelleth, to compear, and give up his Inventor: Providing the same be subscribed by himselfe, or a Notar at his command, which the In-giver shall declare to be a true Deede, and abide at the same, on the like hazard and danger as the principal partie should under-lye: which shall be as sufficient as if the Inventor had been personally given up by the principal partie himselfe. And an Inventor being once made, and given up, shall still stand, and be a ground to charge any person, during the time of the foure yeares of the said Taxation, unless the partie change, or otherwayes imploy his summes: And then he shall give up a new Inventor, which shall bee a new ground of a charge, and the former shall cease. And the said Clerk shall make a Record in his Register of the saids whole Inventors: Which Inventors being so recorded, shall be extracted by the said Clerke, and subscribed with his hand, and three Extracts made of the same: one to bee given to the party, if he require the same: another to be sent, by the said Clerke, to the Collector of the same Taxation: and the third, to bee likewise sent by the said Clerk, to the CLERKE of his MAJESTIES REGISTER, to be still kept amongst the Records of His Highness Exchequer: to the effect it may be knowne how farre every partie is lyable in the payment of the said extraordinary Taxation, For the which Extract, and Note made in register, the said Clerk shall have of every person, up-giver of an Inventor, the summe of foure shillings Scots money. And if by sloth, or malice, the Clerke shall happen to delay, or shift the Lieges resorting to the saids Courtes to the effect aforesayd, (Complaint being made thereof to the Lordes of His Majesties Secret Counsel) the saids Clerkes shall be punished accordingly, at the discretion of the saids Lords, And at any Court day, preceeding any Tearme, it shall be lawfull for any person to compear, and offer to give up his Inventor, which the Clerk and Judge shall be astricted to receive.

FURTHER, For the better observation of the said Statute, It is declared, That whosoever receaveth, retaineth, or conditioneth to receive any Annual-rent, and concealeth the same, or any part thereof: or in giving up of his Inventor of Debtes, and Annals owing by him unto his just Creditors, giveth up more then he is justly adebted into, Whosoever first discovereth, and revealeth either the Annuel concealed, or Annuel which is more then the up-givers just debt, shall for his reward have the halfe of that Tearme concealed Annuel, and as much as the half of that Annuel which shall bee discovered to have beene unjustly given up. And in case it shall happen any person whatsoever, by vertue of his up-given Inventor, to be charged for payment of his Taxation, and at the time of his charge to declare in presence of a Judge, by his great Oath solemnly sworne, that his Debtor is a Banke-rupt, whereby he is disabled to make payment of his Taxation, and is contented that the Kings Majestie shall have the whole Annuel-rent adebted unto him by his Banke-rupt debtor of that Tearme: His said Declaration shall be a sufficient liberation to him of the same. And for eschewing of malicious Dilatours of those who have omitted or concealed their summes, IT IS ordained, That whensoever any person shall accuse or delate another of concealing or omitting of Summes the time of making his Inventor, He shall confend upon some probable cause of his Delation, and shall finde caution, [*de judicato solvi*] in case he faile in proving that which he delateth: And there shall not such actions of delations be lawfull against dead persons, their Heires, no Exequutors: Neither shall it be lawfull, after year and day, after the expiring of the said Taxation, to intend any such action. And in case any person purchase wed-fette of Lands, and set the same backe again in tacke unto him who wed-fette the same unto him, The Tacks-man possessor of the Lands, shall pay for the stent of the Lands, and the haver of the wed-fet shall pay for the Annuel-rent of his money which he hath on the Land, as if the same were employed for Annuel-rent. ATTOUR, IT shall be lawfull by no manner of way, for any Creditour to get reliefe of his Debtor, of this Taxation which is imposed upon Annuel-rents by this Statute, under the paines contained in the Acts of Parliament made against Usurers. And concerning Minors, IT IS declared, that their Minorities shall no wayes priviledge them: But their Tutors and Curators shall give up the Inventors of their Annual-rents in their names: which if the saids Tutors and Curators faile to do, the saids Minors shall incurre the like danger as others, and at their perfect age shall have action of Reliefe against their saids Tutors and Curators for that cause. And in case any person depart out of this Kingdome, after the publication of this present Act, the same shall no wayes excuse him from giving up of an Inventor of his Annuel-rents, and payment of the said Taxation, and underlying of the danger contained in this present Act. But those who are presently soorth of this Realme, and shall not return before the Tearme of Martinmesse next, they shall not come under the danger of this Act, untill the Tearme of Whitfonday next: providing that at that tearme they give up their Inventor, and pay their Taxation, as if they had been present within this Realme before the foresaid Tearme of Martinmesse next. And for the uplifting of the foresaid Taxation, granted upon Annuel-rentes,

rentes, And to the effect his Majesties General Collector thereof may know now whom to crave and charge for the same, IT IS Statute and Ordained, That within every Sherrifdome, Stewardrie, Baillicie, and Regalitie, where the Offices of Sherriffes, Stewarres, and Baillics are heretable: and the Provests and Baillics of Burrowes, who are heretable Sherriffes within themselves: These heretable Officers, and their Deputies, for whom they shall be holden to answer, Shall collect the said Taxation, and make payment thereof to his Majesties Collector General of the foresaids Taxations. And where these Offices are not heretable, but changeable, The Clerkes within the saids Jurisdictions having their Offices, [*ad vitam*] shall bee Collectors thereof. And in case the saids Clerkes have not already found sufficient Caution for discharging of their duties in their Offices, they shall bee holden before they have any intromission with the same Taxation, to finde sufficient Caution for that effect. And where there are no heretable Officers, nor Clerkes, having their Offices [*ad vitam*] the said Collector General of His Majesties Taxations (and his Deputies in his name, sufficiently authorized by him: and for whom hee shall bee holden to answer, and whose Names hee shall cause publish at the Market-Crosse of the head Burgh of that Jurisdiction where there is no heretable Officer nor Clerke [*ad vitam*] that his Majesties Lieges may know unto whom they shall make payment) shall collect and up-lift the same Taxation: Which payment being made, the receiver thereof shall bee obliged to deliver unto the payer thereof an Acquittance upon the receipt of the same, [*gratis*] without payment of any money for the same. IT IS likewise provided, That the Fees of the Collectors, and receivers of the same Taxation of Annuel-rentes, shall bee, like as hereby they are remitted to the discretion and arbitrement of the Lordes of his Majesties Privie Council, to be set downe, and agreed upon by them. And the saids ESTATES hereby discerne and declare, That all Burgeses and Free-men within Burghes, albeit they bee taxed in the ordinarie Taxation above-written, with their Neighbours, conforme to the order prescribed for collecting of the Burrowes part of the said ordinarie Taxation; Yet the same shall no wayes liberate, nor free them from payment of their parts of this extraordinary Taxation also, according to the proportion of the twentiepennie of their Annuel-rentes: but they shall bee lyable in payment thereof, as others his Majesties Lieges are. AT T O U R, The saids ESTATES annul and discharge all privileges and immunities whatsoever, whereby any persons may thinke themselves free of payment of any parte of this present Extraordinarie Taxation: The Priviledges and Immunities granted to the Ordinarie Lords of Session, with the Annuel-rentes due to be payed to Colledges, Schooles, and Hospitales, or mortified for sustentation and up-holding of Kirkes and Bridges, with the Annuel-rentes which may bee claymed of poore people, whose stocke exceedeth not the summe of five hundredth markes onely excepted. AND the saids ESTATES discerne and ordaine the extraordinary Lordes of the Session, together with the whole Advocates, Clerks of the Session, Writers to the Signet, Privie and Great Seales, and other members of the Colledge of Justice, to contribute to the saids Taxations, such like as if they were not exceemed: And that of their owne consentes, and conforme to their voluntary offer made by them to his Majestie, and the saids Estates, upon this special provision, That their said voluntarie offer shall not prejudice nor impair their liberties, privileges, and immunities in any time comming. Which offer the saids Estates accepted, and accept: And will, and declare, That their said Offer shall no wayes derogate to their privileges, and immunities: But that their saids Priviledges and immunities shall bee kept; and observed unto them and their Successors in all times comming, unprejudged by the said Offer.

A C T III.

Anent the Collecting and inbring of the Taxation, and reliefe to the Prelates.

FOR-ASMUCH as the ESTATES of this present Parliament, upon good and weightie considerations, which moved them, have freely and voluntarie offered and granted to the Kinges most Excellent Majestie, OUR SOVERAIGNE LORD, for supplying of a part of the great Charges and Expenses, which His Majestie hath been constrained, even by the straytest bandes of Religion, to undergoe of late, and by all lykely-hood shall lye under a long time, by procuring by treatie, or Armes, ease and libertie to those who suffer for the Gospel of JESUS CHRIST, professed in this Land, A Taxation to be payed, collected, and uplifted, in manner, and at the foure Tearmes following: That is to say, For the Barrons and Free-holders partes of the same Taxation, Thirtie shillings Scots money, to be uplifted of every pound land of old Extent within this Realme: pertaining to Earles, Lordes, Barrons, Free-holders, and Fewares, of our Sovereigne Lordes proper landes, holden by them immediately of His Majestie, and payed by them at every one of the four severall Tearmes following: THAT IS TO SAY, The summe of Thirtie shillings money, at the Feast and Tearme of Candlemesse next to come, in the yeare of GOD, one thousand, six hundredth, twentie and two yeares. The summe of other thirtie shillings money at the Feast and Tearme of Martinmesse, in the yeare of GOD, 1622. yeares. The summe of other thirtie shillings money, at the Feast and Tearme

of Martinmesse, in the yeare of our GOD, 1623. yeares. And the summe of or her thirtie shillings, money afore-said, at the Feast and Tearme of Martinmesse, in the yeare of our GOD, 1624. yeares. And for the Spiritual men, and the Burrowes partes of the same Taxation, That there shall be up-lifted of everie Arch-bishopricke, Bishopricke, Abbacie, Priorie, and other inferior benefice: and of everie free Burgh within this Realme, at everie one of the saids foure Tearmes of payment, the just Taxation thereof, and as they have been accustomed to be taxed unto in all times bygone, whensoever the Temporal landes within this Realme were stented to thirtie shillings money the pound land of old extent: And the same Taxation to be payed at every one of the foure severall Tearmes above-written. AND for In-bringing of the Spiritual mens parts of the same Taxation, Ordaines letters to be directed, charging all and sundry Arch-bishops, Bishops, Abbots, Priors, as likewise all Noble-men, and others, in whose favour the Ereccion of any Prelacie, or other inferior Benefice, or any part or portion thereof, bee it landes, Kirkes, or Teynds, or in whose favour the Patronage of any Benefice, Kirkes, of Teyndes, is past, and all other beneficed persons contained in the Taxt Rolles, their Chalmerlains, factors and introuettours with their Rents and living to make payment of that summe that they and every one of them are taxt unto for every one of the said foure Tearmes payment to the Collector General to be appointed by His Majestie, for receiving of the said, whole Taxation, or to his Deputes, and Officiars in his name, having his power to receive the same at the particular Tearmes above-written, under the paine of rebellion, and putting of them to the Horne. And if they failie therein at the by-passing of every one of the saids Tearmes, to denounce the Disobeyers Rebelles, and put them to the Horne: and to escheate, &c. And that the Prelates, and beneficed persons, and such Noble-men, and others, in whose favours the Ereccions and Patronages above-written, are past for their reliefe, have Letters, charging their Vassalles, Sub-vassalles, Ladies of Terce, Conjunct-seears, Life-renters, Fewares, Tackes-men, and Pensioners, to make payment of their partes of the said Taxation, each one of them [*pro rata*] according to the summe that they shall be taxed unto: To the saids Prelates, and other beneficed persons, and to the saids Noble-men and others, having power to receive the same, within twentie dayes next after the charge, under the paine of rebellion, &c. And if they failie, to denounce, and Escheate, &c. And to poind and distraine therefore, as they shall thinke most expedient: Providing alwayes, That the first Tearmes payment of the said Taxation be ever past, before the next Tearmes payment be charged for. Alwayes declaring, that the production of sufficient Hominges against the saids Vassalles, Fewares, Tackes-men, and Pensioners, shall be a reliefe to the saids Prelates, Lordes of Ereccions, and beneficed persons: And shall exoner them [*pro tanto*] from payment of the said taxation: providing that the same Hominges, with their Taxed Rolles, authentickly made, and subscribed by the saids Prelates, Lordes of Ereccions, and beneficed persons, and by their Fewares, Vassalles, Tackes-men and Pensioners, in manner hereafter prescribed, containing the particular summe which each one of them are taxed unto, be delivered to the Collector of the same taxation, within the space of threecore dayes after every Tearme: Otherwayes he shall be nowayes obliged to receive the same. Neyther shall the Prelate, Lord of Ereccion, & beneficed person, be exoner, by production of the same, at any time thereafter. AND FURTHER, That the saids Prelates, and such Noble-men, and others, in whose favours the Ereccions and Patronages above-written, are past, and all other beneficed persons, may have their reliefe of their saids Vassals, Sub-vassals, Ladies of Terce, Conjunct-seears, Life-renters, Fewares, Tackes-men, and Pensioners, to the greater ease, and lesse trouble to their saids vassals, and others foresaid.

AND, to the effect that every one proportionally may paye his part of the said taxation, according to the quantitie and avails of the free rent which he hath of his Benefice, Landes, Pension, Kirkes, and Teind-sheaves pertaining to him, as well the Prelate, Lord of Ereccion, Patron, and other beneficed persons, themselves, as the Fewar, Tackes-man, pensioner: IT IS thought expedient, statute, and ordained, That the saids Prelates, and others above rehearsed, every one of them severally shall conveyne his whole Fewares, Vassalles, Tackes-men and Pensioners, at the particular places hereafter designed: THEY ARE TO SAY, the Arch-bishop of *Sanct-Andrewes*, at the Citie of *Sanct-Andrewes*: The Arch-bishop of *Glasgow*, at the Citie of *Glasgow*: The Bishop of *Orkney*, at the Towne of *Kirkewal*: The Bishop of *Caitbines*, at the Towne of *Dunroch*: The Bishop of *Ross*, at the Towne of *Chaurie of Ross*: The Bishop of *Murray*, at the Towne of *Elgin*: The Bishop of *Aberdeen*, at the Burgh of *Aberdeen*: The Bishop of *Brechin*, at the Burgh of *Brechin*: The Bishop of *Dunkeld*, at the Towne of *Dunkeld*: The Bishop of *Dumblane*, at the Towne of *Dumblane*: The Bishop of *Galloway*, at the Towne of *Wigton*: The Bishop of *Argyle*, at the Burgh of *Inveraray*: The Bishop of the *Isles*, at the Burgh of *Rothsay* in Bate: The Abbot of *Icolmkill*, at the Burgh of *Inverness*: The Prior of *Archtattane*, at the Burgh of *Inveraray*: The Abbot of *Ferne*, at the Burgh of *Thayne*: The Lord of *Bewlie*, at the Burgh of *Inverness*: The Lord of *Kinkhise*, at the Burgh of *Forres*: The Prior of *Pluscarden*, at the Burgh of *Elgin*: the Lord of *Deir*, at the Towne of *Peter-head*: The Prior of *Fyvie*, at the Towne of *Turriff*: The prior of *Monymusk*, at the Towne of *Monymusk*: The Lord of *Arbroith*, at the Burgh of *Arbroith*: The Lord of *Scoue*, at the Burgh of *Pearth*: The Lord of *Cowper*, at the Towne of *Cowper*, in *Angus*: The Prior of *Restenmeth*, at the Burgh of *Forfar*: the Collector of the Taxation, in place of the Prior of *Charter-house*, the Seate now vacand, at the Burgh of *Pearth*: the Prior of *Elcho*, at the same Burgh of *Pearth*: the Prior of *Strathbillane*, at the Burgh of *Inveraray*: the Lord of *Inchaffray*, at the Burgh of *Pearth*: the Prior of *Inchmahom*, at the Burgh

Burgh of *Sterling*: the Prior of *Santt-Andrewes*, at the Citie of *Santt-Andrewes*: the Baillie of the Regallie of *Dunfermling*, at the Burgh of *Dunfermling*: the Lord of *Balmerinoch*, at the Burgh of *Cowper* in Fyfe: The Lord of *Lindores*, at the Burgh of *Cowper* in Fyfe: The Masters of *Santt-Leonards* Colledge, in *Santt-Andrewes*, for the Prior of *Portmooke*, at the Burgh of *Cowper* in Fyfe: the Prior of *Pettin-weyme*, at the Burgh of *Pettin-weyme*: the Lord of *Santt-Colme*, at the Burgh of *Inverkerbing*: the Lord of *Culros*, at the Burgh of *Culros*: the Abbot of *Cambuskynneith*, at the Burgh of *Sterling*: the Lord of *Torrbhichin*, at the Burgh of *Linlithgow*: the Prior of *Mannuel*, at the Burgh of *Linlithgow*: the Lord of *Holyrude-House*, at the Burgh of *Edinburgh*: the Lord of *Newbottle*, at the Burgh of *Edinburgh*: The Prioreffe of *Haddington*, at the Burgh of *Haddington*: The Lord of the Temporal landes of the Priorie of *North-berwick*, at the Burgh of *North-berwick*: The Patron, & Parson of the Kirk of *Kynnewear*, dissolved from the Priorie of *North-berwick*, at the Town of *Ely*: The Patron, and Parson of the Kirk of *Largo*, dissolved from *North-berwick*, at the Town of *Largo*: The Patron, and Parson of the Kirk of *Mayboil*, dissolved from *North-berwick*, at the Burgh of *Mayboil*: The Patron and Parson of the Kirk of *Logy*, dissolved from *North-berwick*, at the Burgh of *Sterling*: The Lord of *Kelfo*, at the Town of *Kelfo*: The Lord of *Coldingbame*, at the Town of *Eymouth*: The Lord of *Dryburgh*, at the Town of *Dryburgh*: The Prior of *Eclis*, at the Town of *Dunf*: The Prior of *Cauld-freame*, at the Town of *Dunf*: The Lord of *Jedburgh*, at the Burgh of *Jedburgh*: The Lord of *Melros*, at the Town of *Melros*: The Lord of *Paisley*, at the Town of *Paisley*: The Lord of *Blantyre*, at the Burgh of *Glasgow*: The Lord, and Baillie of the Temporal landes of *Kilwynning*, at the Burgh of *Irwing*: The Patrons, and Parsons of the Kirks of *Kilwynning*, dissolved from the Abbey of *Kilwynning*, at the said Burgh of *Irwing*: The Abbot of *Corraguel*, at the Town of *Mayboil*: The Prior of *Whiteborne*, at the Burgh of *Whiteborne*: The Abbot of *Saulset*, at the Burgh of *Whiteborne*: The Prior of *Santt-Marie Yle*, at the Burgh of *Kirkcudbright*: The Lord of *Dundrenane*, at the Burgh of *Kirkcudbright*: The Lord of *Glenluce*, at the Burgh of *Wigton*: The Abbot of *Toungland*, at the Burgh of *Wigton*: The Abbot of *New-Abbey*, at the Burgh of *Dumfries*: The Abbot of *Holy-wood*, at the Burgh of *Dumfries*: The Prior of *Cannobie*, at the Burgh of *Aimand*: The Barron, and Baillie of the Barronie of *Broughton*, dissolved from the Lordship of *Holy-Rude-house*, at the Burgh of *Edinburgh*: The Heritours of the one hundredth pound Land of the Barronie of *Montkland*, dissolved from the Lordship of *Newbottle*, at the Citie of *Glasgow*: The Ministers of *Felford*, at *Aire*: *Scotlandwel*, at *Santt-Andrewes*: *Peibles*, at *Peibles*: The Patron, and Parson of the Kirk of *Dandie*, dissolved from the Abbacie of *Lindores*, at the Burgh of *Dundie*: And all other small beneficed Parsons, at the Paroch Kirks of their particular Benefices. And that they conveenc, to the effect above-written, upon the penult day of October next-to-come, in the yeare of GOD, one thousand, six hundredth, twentie one years: which is declared to be the precise day appoynted for all their Vassalles, Fewars, Tackfinen, and Pensioners, to keep the said Meeting. And that no farther Citation, nor Summounding, shall be requisite, than the Proclamation and Publication of this present Act, at the Market-Crosses of the Head-Burrowes of this Realme.

AND HEREWITH It is resolved, by the saids ESTATES, That if any Vassal, Sub-vassal; Fewar, Tackfe-man of Teyndes, Pensioner, or any other, justly bound to make reliefe to the Prelate, Lord of Erection, Patron, or other Beneficed Person, of any part of the said Taxation: Shall send any procuratours in his name, sufficiently authorized, to the said Meeting: The same shall not onely excuse the absence of the principal partie: but the procuratour in all things shall bee admitted, and received, to doe, and performe, in the Distribution of the said Taxation, what could, or lawfully might have been done by him who sent him. IT IS in like manner declared, That the Prelate, Lord of Erection, Patron, or other beneficed person, impeded by disease, or distracted upon some other necessarie occasion, from attending that Meeting, having his absence supplied that day, by any sufficient, worthy person, whom hee shall appoynt, and authorize, to that effect, Shall bee as lawfull, as if hee were personally present himselfe. And the partie so authorized, shall bee admitted, and received, in all thinges to doe, and performe in the distribution of the same Taxation, what could, or lawfully might have been done, by him who sent him. IT IS Further statuted, and ordained, That at the said day of Meeting, the saids Prelates, Lordes of Erections, Patrones, and other beneficed persons, shall by themselves, or their Procuratours lawfully authorized, as said is, senfe and holde a Court, call by Name, and Sur-name, upon every one of their Vassals, Sub-vassals, Fewars, Tackfe-men of Teynds, pensioners, and others, obliged to relieve them of any part of the same Taxation: And lawfull time of day beinge hidden, shall shew to their saids Vassalles, Fewars, Tackfe-men, and Pensioners, or their procuratours compeiring for them, the quantitie of the Taxation imposed upon their Prelacie, erected Lordship, or other Benefice, authentickly subscribed by the Clerk of the same Taxation. And they all, at the least to many of them as shall conveene for this effect, with one consent, shall distribute the same to be payed by every man, as well by the Prelate, Lord of Erection, and present possessor of small benefices, for the free rent that every one of them hath of their Prelacies, erected Lordships, and small benefices, as by the Vassal, Fewar, Tackfe-man, and pensioner, according to the great or small quantitie of free rent which every one of them hath, either of their Landes, Teinds, or pensions. Which Certification to any of the saids persons, Fewars, Vassalles, Tackfe-man, or pensioners, that compeireth not by themselves, or their procuratours, at the day and places above specified, to the

the effect aforesaid: That such as shall convene with the saids Prelates, Lords of Erections, Patrones, and other beneficed persons, or their procuratours, shall proceed in the equal distribution of the same Taxation, as well amongst them that are absent, as present: And shall make, and subscribe, an authentick Taxt-rolle there-upon. And in case, that none of the saids Vassalles, Fewars, Tackf-men, and Pensioners, shall convene at the day and places above-specified, to this effect, by themselves, or their procuratours, but shall wilfully absent themselves from the said Meeting, It shall be lawful for the saids Prelates, Lords of Erections, Patrones, and other beneficed persons, being present, by themselves, or their procuratours, at the day and places above specified, to make, set downe, and subscribe the same Taxt-rolle. And in case any of the saids Prelates, Lordes of Erections, Patrones and other beneficed persons, shall not convene, by themselves, or by their procuratours, at the day and places above specified, particularly designed to every one of them, It shall be lawful for the saids Vassalles, Fewars, Tackf-men, and pensioners, at the least so many of them as shall convene, by themselves, or their procuratours, to make, set downe, and subscribe the said Taxt-rolle. Which Taxt-rolle shall containe the particular summe that every one shall be found justly to bee addebred to pay, the parties name addebred to pay the same, and the cause wherefore the same ought to be paycd. And being so set downe, either by the Prelate, Lord of Erection, patron, or other beneficed person, or their lawful procuratours, with so many of their Vassalles, Sub-vassalles, Fewars, Tackf-men of Teinds, pensioners, and others obliged to relieve them of any part of the same Taxation, as shall convene with them to this effect. And in case that none shall convene with them, the same Rolle being then set downe by the Prelate, Lord of Erection, patron, or other beneficed person, or their lawful procuratours: Or in case of their absence, being set downe, made, and subscribed by so many of the saids Vassalles, Fewars, Tackf-men, and pensioners, as by themselves, or their procuratours, shall convene themselves for this effect, THE SAIDS ESTATES Decernes to bee as lawful in all respects, as if the whole number of persons having intres therein, had convened, made, set downe, and subscribed the same. Which Taxt-rolle being so set downe, made and subscribed, in manner above-written (and no otherwise) and delivered to the Clerke of the Taxation: The saids ESTATES ordaines him to give the warrant for giving of letters of Reliefe there-upon, Discharging him in any case to give warrant for giving of letters of Reliefe upon any Rolle presented unto him, not made, and authentickly subscribed, in forme above-written, as hee will answer to the contrary, upon his peril.

IT IS likewise statuted, and ordained, that tackef-men of Teinds shall have reliefe upon their Sub-tackef-men, [*pro tanto*] respect being had to the gerfome payed by the saids Sub-tackef-men. And for in-bringing of the Barrones and Free-holders partes of the same taxation, and of the Fewars and rentalles of OUR SOVERAIGNE LORDES proper landes, their partes thereof, Ordaines letters to be directed, charging all and sundry Shireffes, Stewards, Baillies, their Deputies, and Clerkes, Fewars, Chamberlaines, and Receavers of OUR SOVERAIGNE LORDES proper landes, That they, and every one of them, within the boundes of their Offices, rayse, and up-lift the summe of Thirtie shillings, money of this Realme, of every pound land of old Extent, lying within the boundes of their Jurisdictions, for every one of the foure tearmes above specified: and in-bring and deliver the same unto the Collector aforesaid, or to his Deputies, and Officiars in his name, having his power to receive the same, at the particular tearmes above specified, under the paine of rebellion, &c. And if they faile at the by-passing of every one of the saids tearmes, to denounce, and escheate, &c. And for their reliefe, that letters be directed, Charging all, and sundry Earles, Lordes, Barrones, Free-holders, Fewars, and Rentallers, of OUR SOVERAIGNE LORDS proper landes, personally, or at their dwelling places: And by open proclamation, at the Mercat-Crosses of the head Burgh of the Sheriffdome, Stewardrie, or Baillierie, where their lands lye, if they be within this Kingdome: And if they be without this Kingdome, by open proclamation, at the Market Crosse of *Edinburgh*, *Piere* and shoare of *Leith*, upon threescore dayes warning, to make payment unto the saids Shireffes, Stewards, and Baillies, their Deputies, and Clerkes, Chamberlaines, and Receavers of OUR SOVERAIGNE LORDES proper landes, every one of them for their owne partes [*respective*] of the said summe of thirtie shillings money foresaid, for every pound lande of old Extent pertaining unto them for every one of the saids four tearmes payment, within twentie dayes next after they be charged thereto, under the paine of Rebellion, &c. And if they faile, to denounce, and escheate, &c. And if neede bee, that the saids Sherifffes, Stewards, Baillies, their Deputies, and Clerkes, Chamberlaines, and Receavers of OUR SOVERAIGNE LORDES proper landes, poynd and distraine the readiest Goods and Geare being upon the saids landes therefore, as they shall think most meete and expedient. And that the saids Earles, Lordes, Barrones, Free-holders, Fewars, and Rentallers of OUR SOVERAIGNE LORDES proper landes, have letters for their reliefe, to charge their Vassalls, Sub vassalles, Ladies of Terce, Coniunct-feeares, and Life-renters, to make payment of their partes of the said Taxation, within twentie dayes next after the charge, under the paine of rebellion, &c. And if they faile, to denounce, and escheate, &c. And if neede bee, that they poynd, and distraine: providing alwayes, that the first tearmes payment of the said Taxation be ever past before the next tearme bee charged for. And for in-bringing of the Burrowes parte of the same taxation, Ordaines letters to bee directed, Charging the Pfovest, and Baillies of each Burgh, to make payment of the Taxt and Stent thereof, to the Collector General foresaid, his Deputies, and Officiars, in his name, having his power to receive the same at the particular tearmes above

they, and everie one of them, by North the River of *Dee*, within the space of fifteene dayes after every Tearme of Martinmesse and Whitfunday: and that they, and everie one of them, by South the River of *Dee*, within the space of ten dayes after every Tearme of Martinmesse and Whitfunday, deliver to his Majesties said Collector General, a true and just Accompt and Inventor, of the whole summes of money due to be payed by any person within the boundes of their Jurisdiction, for his part of the said Extraordinary Taxation: And that they give up the same Compt and Inventor upon their Oath, solemnely sworne, that the same is just and true: And make payment unto his Majesties said Collector General, or to his Deputyes in his name: having his power to receive the same of the whole moneys due to be payed to his Majesty, conforme to the said Compt and Inventor, within Twentie dayes after each Tearme, under the paine of Rebellion, &c. And in case the saids Sherriffes, Stewardes, Baillies, Baillies of Regalities, and Clerkes faile, to denounce and escheate, &c. For whose reliefe, that Letters bee directed, Charging all and sundry the saids Annual-renters, to make payment to the saids Sherriffes, Stewardes, Baillies, Baillies of Regalities, Clerkes, Provest and Baillies of Burrowes, of the saids twentie pennie of all Annual-rentes, due and payable to them, within Twentie dayes next after the charge, under the paine of Rebellion, &c. And if they faile, to denounce and escheate, &c. And if need bee, that the saids Sherriffes, Stewardes, Baillies, Baillies of Regalities, Clerkes, Provest and Baillies of Burrowes, poynd and distraine therefore, as they shall think most meet and expedient.

AND His HIGHNES, and ESTATES foresaid, Ordaines the Lordes of Session to bee only Judges to all suspensions to be craved and suted by any of OUR SOVERAIGNE LORDS Lieges, touching the saids Taxations, Which suspensions his Majestic and Estates foresaid finds, maybe granted upon lawfull and equitable reasons to bee considered by them, and discharges all other Judges within this Realme, of granting of any suspensions thereanent. With power to the saids Lords to delegate five at the least of their ordinarie number, as they think expedient, To sit, cognosce, and decide the saids suspensions, in time of Vacance, if need be.

ACT IV.

An Act of Ratification, in favour of the PRINCE His Highness.

OUR SOVERAIGNE LORD With Advise and Consent of the Estates of Parliament, Ratifies, Approves, and for Him and His Successors, perpetually confirms all and whatsoever Infeffments, Gifts, Donations, and other Rightes, and Titles, made, or granted by His MAJESTIE, or any other His most Noble Progenitours to His Highnesse, CHARLES, PRINCE and STEWARD of SCOTLAND, His MAJESTIES Dearest Sonne, or any other His Highnesse the Prince, his Predecessours, Princes, and Stewards of SCOTLAND, of whatsoever Lands, Lordships, Barronies, Superiorities, Offices, Annual-rents, Advocations, Donations and Rights of Patronage of Kirkes, Benefices, Chaplainries, Alterages, and others whatsoever, where ever they lie within this Kingdome of SCOTLAND: together with all Actes of Parliament, other Actes, Lawes, Statutes, Custumes, Immunities, Honours, Priviledges, Prerogatives, and Liberties, whatsoever made, introduced, or Joyced, by his Highnesse the Prince, or any His Highnesse Predecessours, Princes of SCOTLAND, in any time by-gone. Notwithstanding whatsoever Actes of Parliament, other Actes, Lawes, or Constitutions, which may appeare to derogate to the same, or that may or can be extended, or bee interprete in the contrarie thereof, either special or general. AND FURTHER Declares, that this general Ratification shall bee as effectual, as if all and sundry the saids Infeffments, Gifts, Donations, Actes, Priviledges, Immunities, Prerogatives, and others foresaid, were at length herein expressed, named, and numbred. Anent the which His Majestic, with advise and consent of the Estates, have dispensed, and dispense, by these presents: Reserving alwayes the Landes, and others, assigned for the entertainment of the Castell of *Dumbartane*, to be applyed to that use, until some other provision be made thereto, in place of the same.

ACT V.

Anent the Plantation of Kirkes, as yet unplanted.

OUR SOVERAIGNE LORD understanding, that there bee divers Kirkes within this Kingdome, which by the late Commission appointed for plantation of Kirkes, in the Parliament holden in Junij, 1617. were not settled nor provided with constant Stipendes: But which yet remaine disfurnished, and unprovided of competent meanes to be given to the Ministers, who shall be provided to the charge and function of the cure of the same. AND THEREWITH also His Majestic considering, That there have been heretofore sundrie Kirkes united together, and conjoynd in one: albeit upon good considerations, it may be found more expedient, That the same union bee dissolved, and that the saids Kirkes bee provided severally, with distinct Functions, and separate serviees, at such places where the commoditie may

may afforde, in the same manner, as if no such union had been made. And such like, because there be some Kirks, whereof the Parochine is of so large bounds, that many of the Parochiners, dwelling in townes of the Parochine so remote from the Kirk: who for the great distance of the Place, or for the intersecting of Waters betwixt their rowmes and the Kirks, which oftentimes, and especially in Winter, are not passable, or for some such other known impediment, cannot have access and repair to the Paroche Kirks at the ordinary times appointed for Divine Service and Worship, and enjoy the comfort of the Exercise thereof. AND OUR SOVERAIGNE LORD, according to the Princelie and Godly Indewments, wherewith His Majesty is singularly blessed, being most careful to establish all good, and propagate the Religious and true worship of GOD, universally throughout all this whole Kingdom: Where-thorow all His People may have occasion to participate the benefite of the Word, without feeling of any of these Prejudices, growing from the above-written occasions: Which his Majestie, in his Royal and Fatherly care over his People, is most desirous to have removed: THEREFORE, his Majesty, with expresse advice, and consent of the Estates of Parliament, hath graunted full power and Commission, to the Lord Chancellor for the time: And to the reverend Fathers in GOD, *John*, Arch-bishop of *Saint-Andrews*: *James*, Arch-bishop of *Glasgow*: *Alexander*, Bishop of *Dunkell*: *Adam*, Bishop of *Dumblane*: *Andro*, Bishop of *Galloway*: *John*, Bishop of *Caitheffe*: Six persons nominate for the Clergie, and Prelates. And in case of decease of any of them, to *Patrick*, Bishop of *Rosse*: and *Patrick*, Bishop of *Aberdene*. Which two persons the Estates have nominated, to supply, and become in the place of any of the other six aforesaid, if any of them shall happen to decease before this Commission be finished. TO WIT, The first of the two, in place of the first of the six deceasing: To *John*, Earle of *Winton*: *Robert*, Earle of *Louthiane*: *Thomas*, Earle of *Melroffe*: *John*, Vicount of *Lauderdale*: *John*, Lord *Belmerino*: *David*, Lord *Carnegie*: Six persons nominate for the Nobility. And in case of any of their decease, To *John*, Earle of *Wigton*, nominate to become in the place of the first deceasing: And *Walter*, Earle of *Buckeleuch*, nominate to become in the place of the second. To the Commissioners under-written, nominate for the Barons: To wit, *Sir Richard Cockburne* of *Clerkintoun*, Knight, Lord Privy Seale, *Sir William Levingstoun* of *Kilsyth*, Knight: *Sir James Dondas*, of *Arneistoun* Knight: *Sir Archbald Napier* of *Merchingstoun*, Knight: *Sir Andro Ker*, of *Phairnebirch*: *Alexander Lauder* of *Halstoun*. And in case any of their decease, To *David Crichtoun* of *Lugtown*: and *Sir John Hamiltoun* of *Prestoun*, persons nominate, to become in order, as they are named, in place of any of the six deceasing. And to *John Byres*, burgesse of *Edinburgh*: *Master William Fergusone*, burgesse of *Dondie*: *Andro Bell*, burgesse of *Linlithgow*: *Robert Taylor*, burgesse of *Saint-Andrewes*: *Master James Cockburne*, buagesse of *Haddingtoun*: and *Sir George Bruce* of *Carnock*, Knight, burgesse of *Culros*: Six persons nominate for the burrowes. And in case of any of their decease: To *Alexander Clerk* Merchant, burgesse of *Edinburgh*: And *Master Alexander Wedderburn*, Clerk of *Dondie*: persons nominate, to supply in order, any of the other six Commissioners aforesaid deceasing. WHICH aforesaid Commissioners, or any foure of each Estate nominate, as said is, consenting and agreeing in one voice, shall have power to consult, convey, and determine, upon the matters, and in manner under-written: Providing allwayes, That there is, and shall be requisite to the validitie of any Act, Conclusion, Ordinance, and Determination of the saids Commissioners, The conjunct assent of foure of every one of the saids four Estates, all agreeing together in one voice. Without the which consent of the said foure of every Estate to agreeing. The rest of the saids Commissioners shall have no power to make any valide, or effectual conclusion, by vertue of this present Commission: But whatsoever shall be otherwayes done, is declared to be of none avails, force, nor effect.

THAT IS TO SAY, Our Sovereign Lord, and Estates of Parliament, by the Tendor hereof gives, grauntes, and committes, full power and authoritie to the saids Commissioners, to meete, and convey, in the Towne of *Edinburgh*, at such time, and times, as they shall appoint, and finde convenient: And thereto call, and summonde before them, all Patrones, Tackes-men of Teynds, great and small, and others, having Right, by whatsoever Title of the Teyndes of any of the Kirks within this Kingdom, which are not already planted by the foresaid first Commission: and which shall any wayes be meddled with by this present Commission, as they shall think necessary, and expedient, To exhibite, and produce before them, their Rights and Titles, whereby they claime the said Teynds, to be seen, and considered, by the saids Commissioners: With power unto them, out of the saids Teynds, of every Parochine and Kirke, not already planted: To appoint and assigne, at their discretions, a perpetual local Stipend to the Ministers present, and to come, at all the saids Kirks, unprovided, as said is: AND that notwithstanding any Right or Title pretended by the saids Tackesmen, or others, in whose favours Teyndes have bene erected: With power also, to the saids Commissioners, to dis-unite such Kirks, one or moe, as were united before, and appointed to be served by one Minister. And as they upon good considerations shall find requisite to appoint the same to be served by several functions, and charges, as distinct parochines, after such manner as shall be found by them most expedient. Providing allwayes, That all parties having interese in the union, and dis-uniting of the saids Kirks, and plantation thereof, give their expresse warrand and consent thereunto.

IN the which case of Plantation, and provision of the Kirks which shall be dif-joynd, as said is, the presentation of the Ministers shall be appointed by the saids Commissioners, to pertain to the Patrons, conform to their rights thereof, to be produced before them. And as the saids Lords Commissioners shall finde most agreeable with reason and equity. With power likewise to the saids Commissioners to appoint and set down such solide order, for erecting and building of new Kirks, in any Parochines, where they shall finde necessitie and conveniencie to do the same, and where the Parochiners are not presently well and commodiously served at the present Kirks of the Parochine, as they shall finde most expedient. And the saids Kirks, being erected, with power to the saids Commissioners, to provide the same with such proportion of Stipends, as they shall finde may be with least prejudice, and best commoditie, made out of the fruites of the saids Parochines, to the Ministers, to be appointed to serve at the saids new builded Kirks; To the which building and making of new Kirks, and providing of the same with competent Stipends, The saids Estates findes and declares, that it shall be expresse necessarie, that the Patrons, Tack-men, and other parties having Interesse in the Erektion and building of the saids new Kirks, and in the planting and provision thereof foresaid, give their expresse warrant and consent thereunto. Which being so had, and obtained, With power to the saids Commissioners, to proceede therein as is most agreeable with reason.

IT IS alwayes declared, that in all, and every one of the cases above-written: that is to say, either in providing of Kirks not planted of before, or in dis-uniting of kirks formerly joynd: and appointing of severall and distinct Stipends to the same: Or in the Erecting of new kirks, and provision of them with Ministers, and stipends, The saids Commissioners shall have expresse power and warrant to determine, and appoint such proportion and quantity, as they shall finde expedient, either amounting over the sum of five hundred Merks, or beneath and under the same, as they shall finde may most conveniently & commodiously be had: after the consideration of the quantity and estate of the fruits of the kirke, and the case wherein the same is: And as may be with least prejudice spared out of the same. AND the saids ESTATES findes and declares, That the saids Commissioners shall have no power, by vertue of this Commission, to alter, or meddle with any kirk, which was settled by vertue of the foresaid Commission, graunted in Anno 1617. yeares; Or to change the estate thereof in any wayes: Or yet to erect, build or provide any new kirke without the special and expresse consent of all parties, having Interesse, had, and obtained thereunto: Without whose consents, it shall not be lawful for the saids Commissioners, in any wayes, to touch the saids Kirks so provided: But the same are expressly excepted (Except in case of consent foresaid) out of this present Commission.

AND ALSO, Forasmuch as the saids ESTATES of Parliament, considering the particular Petitions and supplications after specified, given in to them by the persons under-written, to the effect following: to wit, a petition given in by *Thomas Burnet of Lyes*; Desiring a new Kirk to be erected, and builded, within the Parochine of *Fetteresso*, upon any part within the same Parochine, most ewest for the instruction of the Parochiners of *Fetteresso*, who dwell most remote from the present Kirk thereof. Item, a Supplication given in by the Gentlemen and Parochiners of the Parochine of *Roisfnethe*; Desiring that the Kirke of *Roisfnethe*, for the causes specified in their Supplication, founded upon the incommodious situation of the said Kirk, might be transported out of the Yle of *Roisfnethe*, where it presently standeth, to that part of the maine Land of the said Parochine, called the lands of *Ardincomel*, as place most convenient, and indifferent for the whole Parochiners to resort unto. Item, a Petition given in by *John Earle of Wigton*, *Lord Fleeming*, and *Cumbernauld*, and remanent Parochiners of the Parochine of *Leinzie*: craving licence to transport, found, build, and erect, the Kirk of the said Parochine of *Leinzie*, presently standing at the West end of the Parochine thereof; to any other part of the same Parochine, near the middle thereof, most convenient for the ease of the whole Parochiners: And being builded, to be declared to be the only Kirk of the said Parochine of *Leinzie*. Item, two Warrants given in under His HIGHNESS Hand, concerning the appointing and determining, which of the two Kirks of *Larbaire* and *Donspace* formerly united, should be the ordinary place of publick Divine Service of the saids two Parochines, As in the same two Patentees containing their own severall desires at more length is contained. Item, a Petition given in by the Parochiners of the Parochines of *Kilbarrane*, *Kilmichael*, and *Kilcublane*, united by the former Commission: and of the Parochines of *Kilcoblakil*, and *Kilblane*, also united by the same Commission: all lying within *Kintyre*: Desiring Libertie for building and erecting of a Kirk for serving of the first three Parochines, with another Kirk for serving of the two last Parochines, both united as said is. Item, a Supplication given in by *John*, Lord *Hay of Zester*, and the possessors of the Lands of *Rodouno*: Desiring, that the same Lands of *Rodouno*, with the Pertinents, should be declared to have been, and to be in time coming, a part of the Parochine of *Lyns*, as also craving, that it might be lawful to the said *John*, Lord *Hay*, of *Zester*, to build a Kirk upon the most commodious place of his lands of *Rodouno*, or *Megette*, for serving of the Inhabitants thereof, at such times as they should be impeded by storme of weather, from coming to the Kirk of *Lyns*. Item, a supplication given in to the saids ESTATES Desiring, that the dissolution of the fourty pound land of *Buchanane*, from the Kirk of *Lusse*, and union thereof, to the Kirk and Parochine of *Iusbealzieoeche*, done by the former Commission, might be now ratified: and the same fourty pound land, declared to remaine in time coming, as a part of the parochine of

AND OUR said Sovereigne LORD with advife and consent of the saids ESTATES, Declares, statutes, and Ordaines, that all Tackes, which shall bee decerned by the saids Commissioners, to bee given in recompense to any person whatsoever, for the causes above-written: and which shall be set for obedience, and conforme to the said Decreete, and sentence, whatsoever yeares, or long space the saids Tackes shall comprehend, shall be good, lawful, and sufficient securities, to the persons in whose favours the same are appointed to be given, and concealed. Neyther shall the same be any wayes prejudged, by the Act made in the Parliament holden in Anno 1617. By the which it is statuted, THAT no Arch-bishop, Bishop, or Prelate, should sette in Tacke any part of their Patrimonie, for longer space nor nineteene yeares: AND, That no inferiour beneficed persons shall sette in Tacke any part of their Benefice for longer space nor their owne life-times, and five yeares there-after, as the said statute proports: From the which statute the saids Tackes so appointed to bee set, and given in recompense, are, and shall be excepted, and reserved, and shall no wayes come under the compasse of the same Act and statute, nor of any thing therein contained. But the same shall remaine, and abide, valide, and sufficient rights, for the whole space and yeares appoynted therein, according to the Tennor thereof: notwithstanding of the said Act and Statute. And because it may fall fourth, That in the recompence to bee appoynted by the saids Commissioners, to the Patrones, Tackef-men, and Sub-Tackef-men, for the aforesaid burthen to bee imposed upon them, Moc yeares may bee assigned for prorogation of their present Tackes, nor may lawfully, or conveniently be set, by the present beneficed persons, to whom by Law the setting of Tacks of Teynds belongs.

FOR REMEED Thereof, OUR Sovereigne LORD, with advife and consent of the saids ESTATES, Declares, Statutes and Ordaines, that it shall be lawful for the Commissioners foresaid, to appoynt as many yeares after the expyryng of the present Tackes, to the Tackef-men of the saids Kirkes, and Teyndes: Or to the Patrones or Sub-tackef-men (*respective*) for bruiking of the saids Teyndes, for recompense of the said Burthen, as they shall thinke reasonable: Which shall be as good, valide, and sufficient Rights, to the saids Patrones, Tackef-men, or Sub-tackef-men, (*respective*) and unto their Heires and Assignays, for bruiking, possessing, and disposing on the saids Teyndes, during the saids yeares of Prorogation: As if good, lawful, and valide Tackes and Rights of the saids Teyndes had beene sette, and made to them, by the Titulares of the Benefices, to whom the same belonged, With consent of all parties having Interesse. WITH expresse provision and declaration, That at the expyryng of all the saids yeares, the right of the saids Teyndes, and power to sette Tackes thereof, shall returne, and appertaine to the aforesaid Titulares of the foresaid Benefices, as they did before the making of this present Act. AND OUR said SOVERAIGNE LORD, with advife of the ESTATES, Declares, and Ordaines this present Commission to beginne upon the tenth day of Januarie, next-to-come: with continuation of dayes: and to last and endure, during the space of year and day thereafter. After the which time, the same shall cease and expire: And ordaines the Decreete, and Sentence of the saids Commissioners in all the particulars foresaid, and everie one of them, to have the strength, force, and authoritie of a Decreete, Sentence, and Act of Parliament. For obedience whereof, the Lordes of Session shall direct and grant Letters in forme as effectres, and according as shall be necessarie, Which Commission above-written, taking force, and full effect, in all the saids particulars therein contained, as the same are set downe, and comprehended therein, by pronounciation of decreete and sentence upon the same, conforme to the power therein comprehended, given unto the saids Commissioners.

OUR SOVERAIGNE LORD with expresse consent, and assent of the ESTATES, in that case, findes, and declares, That no person, in whose favours the Teyndes of Kirkes, and Benefices, are erected: nor no other whatsoever, bruiking Teyndes, by vertue of rights lawfully made to them of the same, according to the Lawes of this Realme then standing, shall be ever farther altered, or quarreled in any of their saids rights in any time to come, further then shall be appoynted by the said decreet and sentence to follow upon this present Commission. But the saids rights and securities in-case foresaid, shall remaine in their owne strength, force, and effect, as good, lawful, and sufficient rights, and securities, unto them, and every one of them, for their owne parts, for bruiking and enjoying the saids Teyndes, conforme to the tennour of the saids rights, for now, and for ever.

ACT VI.

Anent Comprisings.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, considering that his Majesties Lieges are greatly damnified, and prejudged, by the abuse and evil custome, which heretofore hath been observed in Comprisings: whereby Lordships, Baronies, and other great portions of Landes are comprised for small summes of money: and thereby the compriser hath right to the mailles, duties, and profits of the Landes: notwithstanding that they farre exceede the profite of that summe of money for the which the saids Landes are comprised. FOR remeede whereof, It is statuted and ordained, That the compriser shall have no further right to the mailles, fermes, and duties of the comprised landes, by vertue of

of the comprising led at his instance, during the yeares and space that the same is redeemable, but onely to such part and quantitie thereof as will corresponde to the Annuel-rent of the summe, at ten for the hundredth, for the which comprising is led; with this provision alwayes, and expresse declaration, That if the mailes and duties of comprised landes exceede the proportion of the annuel rent of the foresaid summes, for the which the comprising is deduced, and that the compriser please to intromet therewith, and according hereunto, that he have intromission with the same, in that case his foresaid further intromission, which shall extend to any greater quantitie then will justly satisfie him of the foresaid Annuel-rent, shall be ascribed in payment and satisfaction of his principal summes, [*protanto*]

LIKE AS THE ESTATES findes and declares, That the same further intromission shall bee ascribed in that payment of the said principal summe: So that if it shall happen, that the quantitie of the mailes and duties to be intromitted with by the compriser, to extend unto as much as will satisfie the whole principal summes, with the ordinarie Annuel-rent thereof, according to ten for each hundredth, and the expenses bestowed by the Compriser, in passing, and obtaining Infetment of the Superiour, of whom the Landes are holden: together with the Annuel-rent of the saids summes, so given by the Compriser to the Superiour, for enting of him to the comprised lands, and the necessarie expenses and charges waired and bestowed by the said Compriser, in leading and deducing the said comprising, in that case, thereafter the comprising to expyre [*ipso facto*] and to cease in all times following.

AND IF that the person against whom comprising is led, be Minor, and of lesser age, IT IS staturd and ordained, That it shall be lawful to him at any time within his perfect age of twentie five yeares compleate, to redeeme the saids comprised landes, by payment of the summes, for the which the said comprising was led, and of the lawfull annuel-rentes thereof, according to ten for each hundredth; Together with the expenses bestowed in passing and obtaining of the Infetment from the Superiour, and ordinarie annuel-rent of the same: together also, with the necessarie expenses bestowed in leading and deducing of the said comprising, as is above-written. And that notwithstanding of the preceeding Lawes, and Practique of this Kingdome, by the which the Legal reversion of comprised Landes, expired within seven yeares after the leading of the comprising: From the which His Majestie and Estates hath, by this present Act and Statute, excepted Minors, in all times coming, declaring the same no-ways to run against them. BUT IT IS Declared, that if a Minor redeeme not Landes comprised, (the right of reversion whereof is competent in his person) within seven yeares after the leading of the said comprising, but according to the benefite granted unto him by this present Act, suffer the comprised Landes to remaine unredeemed, with the compriser, during all the yeares of his Minoritie, and lesse age: then, and in that case, the compriser shall have good right, to meddle, and intromet with the whole Mailes and Duties of the comprised Landes of all these yeares subsequent, after the expyring of the saids seven yeares, and intervening betwixt them, and the saids yeares of his Majoritie, and perfect age of twentie five yeares compleate: Notwithstanding that the duties of the landes extend to more then will answere to the annuel-rent of the money, for the which the land is comprised. And if it shall happen a Minor, having right to redeeme comprised landes, as said is, to decesse before he be of perfect age of twentie five yeares, and that another Minor bee Heire, or Succeede unto him in his right of reversion, and title, competent to him, for the redemption of the saids comprised landes: that Minor so succeeding in the rights, shall have the same libertie and privilege above-written, for redemption of the saids landes, sicklike, and in the same manner, as if they had been comprised from himselfe, wherein he shall nowayes be prejudged by the yeares which ran after the comprising, in the life-time of that person Minor in whose right he succeedeth, but that he may sicklike lawfully redeeme the same at any time before his Majoritie, as said is.

AND IT IS Declared, That in case any Minor, having the right of the said reversion competent unto him, shall happen to decesse after the expyring of seven yeares out-run, after the said comprising, and that a person of perfect yeares succeed to the said Minor, in the right of his reversion aforesaid: in that case the said person Major so succeeding, shall be holden and astricted to redeeme the saids comprised Landes, within the space of year and day after the decesse of the said Minor, in whose right he succeedeth. Otherwayes, the said Redemption nor being used by him within that space, he shall bee perpetually secluded from all benefite, which hee may claime by the reversion and succession thereunto aforesaid, and all power of Redemption of the saids Landes, by vertue thereof. But if at the time of the Minors decesse, all the saids seven yeares were not expyred, It shall be lawfull for his said successor (being Major) to redeeme, within the space of so many of the saids seven yeares, as were not out-run the time of the Minors decesse: such like as if the saids Landes had been comprised from the said Minor himselfe. Which time being expyred, and hee doing no diligence, hee shall bee excluded from the benefite of his reversion.

AND IT IS specially provided, That in all the above-written cases; if the comprised Landes bee not worth such yearly quantitie of Maile and Dutie, as will proportionally effeire to the Annuel-rent of the said Money, at ten for every hundredth, for the which comprising is led: or being worth that the same is exhausted by other lawfull deeds: which may render the same unprofitable to the compriser, and unanswerable to the Annuel-rent of the summes, for the which he hath comprised, either in whole, or in part: then, and in that case, the redeemer (whether he be Major, or Minor) shall be holden, before hee can receive, and in that case, the redeemer (whether he be Major, or Minor) shall be holden, before hee can receive, the full Annuel-rent

rent and profite of the fummes, for the which the landes were comprised, so farre as he wanteth, and lacketh, by the benefite of his said comprising. And if the rent of the Land so comprised, consist in victual, The estimation and consideration thereof, shall be had according to the common prices of victual in those Shyres where the comprised landes lye: according as the same giveth betuixt Zuile and Candlemesse. AND the saids ESTATES Declares, That this above-written Statute shall no-ways extend, nor be prejudicial to comprisings, which are already prescribed before the date of this present Act.

ACT VII.

Anent Adjudications.

OUR SOVERAIGNE LORD, AND ESTATES of PARLIAMENT, Considering the great prejudice sustained by diverse and sundry Creditours, by decease of their Debtors: who being prevented by the diligence of their Concreditors, by obtaining of Sentences of Adjudication of their defunct Debtors, Landes, and Estate, in respect of the refusal of the nearest of Kin, to enter Heires to them, are excluded from participation of any part of the landes and goods pertaining to their saids defunct debtors: they being common debtors to the saids whole Creditors, contrarie to all equitie and reason. FOR REMEED wherof, It is Statute, and Ordained, THAT All Adjudications to be obtained by any person at any time hereafter, of any of their defunct debtors landes, and Estate whatsoever, with all rights and Infeimments following there-upon, shall be redeemable from the partie obtainer of the saids Sentences of Adjudication, their heires and assignays, at any time after the pronouncing of the same, AT the instance of any Concreditor of the said defunct debtor, or of any Creditor of the said person, who renounceth, To be Heire to his predecessors, who shall happen thereafter to obtaine decreet of Adjudication, against the appearing Heire of the defunct debtor: And that within the space of seven yeares, next and immediately following the obtaining of the saids Sentences of Adjudication, by payment of the fummes of money specified in the saids Sentences: Together with the Annuel-rent of the same fummes, according to ten for each hundred thereof, during the time of the not-redemption of the same: and of the expenses sustained by them in obtaining of the saids Sentences, to be taxed, and modified, by the Lords of Council and Session. By payment of the which fummes, the said Concreditor shall come in the place and right of the partie from whom he redeemeth: And shall bruike the same by vertue thereof, perpetually thereafter: Except it shall happen another Concreditor, who shall obtaine the like sentence of Adjudication to redeeme the same from him, within the space above-written. In the which case, it is declared, That the partie redeemer, in the second, third, or fourth rowme, and so forth, so long as there are any Concreditors, shall be obliged not only to pay the fummes contained in the adjudication, obtained at the instance of the partie from whom he redeemeth: But also the whole fummes, which were paid by him unto the former Concreditors, for redemption of their Adjudication, with the annuel-rent, and expenses in manner above-specified.

IT IS alwayes Declared, That if the partie from whom the saids Adjudications shall be redeemed, did up-lift the Femmes, and duties of the landes and others, contained in the Adjudications: That then, and in that case, the partie redeemer shall not be holden to pay any annuel-rentes, or expenses: but in so farre as the same annuel-rentes, and expenses, exceede, and are more, than the Mailes, Femmes, and duties, intromitted with by the partie from whom the same is redeemed. AND if the saids Mailes, Femmes, and Duties, exceede both the annuel-rent and expenses, IT IS Declared, That the super-plus shall be allowed in the principal summe, by the sight of the Lords of Council; Consideration being had of the pryses of the Femmes, and Victual, as the same were commonly sold betuixt Zuile and Candlemesse, in the Sheriffdome where the lands lye. IT IS alwayes declared, That these presents shall no-ways be extended to Decretes, and Sentences of Adjudication already recovered.

AND sicklike, it is Declared, That in-case any Minor, who hath renounced in his Minoritie, be reponed [*in integrum*] against the same renunciation: That then, and in that case, he shall have place to redeeme from the whole Creditours, by payment of the saids whole fummes owing unto them, and where-upon they obtayned Adjudication in manner, and with the provisions above-specified. And all the rest of the Priviledges granted to Minors, in Comprisings, to be likewise granted in Adjudications: which are here holden as repaired.

ACT VIII.

Anent the Extracts of Infeimments, past upon Comprisings, fourth of the Privie Seale: where the same are not registered at the Great Seale.

OUR SOVERAIGNE LORD, and ESTATES of this present Parliament, Understanding that sundrie His Majesties Lieges, who for great fummes have comprised their debtors landes, are hecavily prejudged, through the fraudul abstracting, or destroying of the Writtes, Infeimments, or Confirmations of the saids comprised Landes: the saids Writtes, Infeimments, and Confirmations, not being registtated

registrated in the Register of the Great Seale. HEREFOR E, whereas any Creditour hath comprised lands holden of His Majestie, and cannot recover fourth of the persons hands, from whom the same are comprised, the KINGES right, and confirmation of the same Infestment, given unto them thereof, Lest the negligence of the partie, not registrating the Infestment, or Confirmation, after the passing thereof at the Great Seale: Secunded with the subseque[n]t fraude, in abstracting and destroying the principal Right and Confirmation, should unjustly in damage the true Creditor, and Compriser: His MAJESTIE, with advice and consent of the saids ESTATES, willes, and declares, That if the saids Infestments, and Confirmations of the saids persons, from whom the saids lands are comprised, have past the Privie Seale, and be registrated in the Register thereof: That notwithstanding the want of the Infestment and confirmation under the Great Seale, or the Extract thereof: the Extract of the said Infestment, or Confirmation, fourth of the Register of the Privie Seale: The same thereafter being past the Great Seale, at any time shall be a sufficient right to the Compriser, whereby to possesse and enjoy the landes comprised: conforme to the Lawes made anent Comprisings: as freely in all respectes, as if the saids Infestments and Confirmations were extant, and registrated in the Register of the Great Seale. Providing alwayes, That this present Act shall no wayes hurt nor prejudice any third person, who hath Infestment or Confirmation of the saids comprised lands, past the Great Seale; of an antieour date to the said Infestment, so past the Great Seale, in manner aforesaid: but shall be onely of force and effect against that person, from whom the landes are comprised, his Heires, and Successours.

ACT IX.

Anent giving of Licence to Bishops to set their Warde Lands in Few-Ferme.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, understanding, That a good number of Kirk-landes, pertaining unto Bishopricks, and their Chaptours, are disposed of older to be holden by Service of Warde, and Reliefe; Which forme of holding yeeldes no present nor constant rent and commoditie: but is onely a casualty which vaketh not often: and when it vaketh, is gifted and disposed by the present Titulars, to their owne particular use, without any benefite to rheir Successours. WHEREAS, if the saids Kirk-Landes were sette in Few-Ferme for a competent yearly Duerie, the same would not onely augment, and meliorate the Estate of the Benefice; but also diminish the occasion of applying of Kirk-rentes to particular uses. AND HIS MAJESTIE, out of his Royal care, and Princely disposition, intending the preservation of the Estate of the saids Bishopricks, and their Chaptours: and therefore being most earnest to avoide and remove this evil: HIS MAJESTIE, and ESTATES, statutes and Ordaines, That it shall be lawful for all Bishoppes, and Members of Chaptours, who have Landes holden of them by Service of Warde and Reliefe, to set the same in Few-Ferme, for payment of a competent Few-Ferme dutie, and doubling the same at the entry of the Heire: Providing that the said Few-Ferme dutie be answerable to the retoured dutie of the landes: And where the landes have not been retoured, that the retoure be ruled according to the custome of retoures of landes in the countrey of the like valour, where the saids landes lye: And declares, That this present Statute shall remaine in full force and effect, for the space of three yeares after the date hereof onely, and no longer, while farther order be taken thereanent.

ACT X.

Declaring summes Grafs, given to the Ministers, for their Gleybes to be Teynd-free.

OUR SOVERAIGNE LORD, and ESTATES of this present Parliament, considering in the fifth Parliament holden by his MAJESTIE, upon the twentie five day of Julie, in Anno one thousand, five hundredth, threescore, and eighteenth yeares: Chap. 62. His Highness with advice and consent of the ESTATES, Found, and declared, That the Ministers and Readers ought and should pay no Teynd for their Gleybes, and Kirke-landes, extending to foure Ackers of Land, designed unto them conforme to the Act of Parliament: But decerned and declared them to bee free of their saids Teyndes, and discharged them [*Simpliciter*] thereof in all time coming. LIKE AS in the Parliament holden at Perth, the ninth of Julie, in Anno one thousand six hundredth, and six yeares, Chap. 7. It is Ordained, That there shall be designed to the Ministers serving the cure at Kirkes, where there is no arable land adjacent there-unto, the number of four Summes Grafs for every Acker, of four Ackers of Gleybe, extending to sixteen summes Grafs, for the foure Ackers of Land, and that of the most commodious and best pasturage of any Kirk-landes, lying next adjacent, and most ewest to the Kirk: And ordained letters to be directed, for removing the possessours there-from: in sicklike forme as against the possessours of Manfs and Gleybes. And in respect that the Ministers Gleybes are Teynd-free, and that by consequence the summes Grafs above-mentioned, designed in steade thereof, where no arable land is adjacent unto Kirkes, ought likewise of all equitie and reason to be Teynd-free, in respect the same is dedicated and appointed ad
pior usus.

HERE

HEREFORE, Our said Sovereigne LORD, with advice and consent of the whole Estates of this present Parliament, by the tennour hereof, declares, That the Ministers and Readers ought, and should pay no Teynd for their fumes Grafs, designed unto them in place of their Gleybes, where no arable landes are adjacent to Kirkes. And decernes and declares them to be free of their Teynds, and discharges them [*Simpliciter*] of all payment thereof, in all time comming.

ACT XI.

Ratification and addition, to the Act of Parliament made anent Restitution of Chaptours.

OUR SOVERAIGNE LORD, and ESTATES of this present Parliament, ratifies, and approves the Act of Parliament made in the moneth of Junij, in the yeare of GOD one thousande, fixe hundredth, seaventeen yeares, anent restitution of Chaptours of Cathedral Kirkes, in all the Heads, Clauses, Exceptions, Limitations, and restrictions thereof. And further, Ordaines, and declares, That all Deeds, done since the date of the said Act, or to be done hereafter, whereby any member of any Cathedral Kirke, being an Office or dignitie, hath or shall be suppressed, or any Land Parsonage, Vicarage, or other Living, belonging to the said dignitie dissolved from the same, without ane expresse warrand from his Majestic, and consent of Parliament, are, and shall bee, with all that have followed, or shall follow thereupon, Null, and of no force, nor effect: and shall be so founde in all time hereafter, by way of Action, exception, or replye. Providing alwayes the Marquesse of HAMILTON His right to the Parsonage of *Hamilton* and *Dalserffe*: the Earle of MARRE His right to the Parsonage of *Carnwoth*: and any other Parson having lawful rights conforme to the Lawes of the countrey, before the Act of Parliament, in Anno one thousand, fixe hundredth, and seaventeene yeares, be no wayes hurt, or prejudged herein.

ACT XII.

Anent Packing, and Peyling.

FOR AS MUCH As by divers Actes of Parliament it is statuted and ordained, That no person use Packing nor Peyling of Wool, Hydes, nor Skinnies, losse nor layd out with Free Burrowes, and Priviledges of the same: Notwithstanding whereof, divers strangers, and other Inhabitantes, within this Realme, doe continually resort to the Yles, and other places thereabout, with their Shippes, Barks, and Crears, and other Vessels: and doe not only packe and peyle Skinnies and Hydes; but also do transport from thence Butter, Tallone, and other forbidden Goods, to the great contempt of the saids Lawes, and manifest defraud of Our Sovereigne Lord his customes.

For remeed whereof, OUR SOVERAIGNE LORD, With advice and consent of the ESTATES of this present Parliament, statutes, and ordaines, that no strangers, nor Inhabitantes within this Realme, take upon hand to packe or peyle any Hydes or Skins in the saids places of the Yles, out-with the Free-Burrowes: nor that they transport, take away, or carrie forth of this Cuntrey, any Butter, Talone, or other forbidden Goods, under the paine of tinsel and confiscation of the Hydes and Skinnies so packed and peyled by them: and oft tinsel and confiscation of the shippe and whole goods that the owner of the saids forbidden goods hath within the same. AND ORDAINES The Shircffes of the Shires and their Deputies and Over-Lotdes of the Landes where the saids Skinnies and Hydes are packed, and peyled, or from whence the saids forbidden goods are transported, To put this present Act to execution, as they will answere to his Majestic, upon their Office and Obedience.

ACT XIII.

Anent the discharging of protections.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, Understanding that there may fundrie protections bee sought by Banckruptes and others, who are addebted in great summes of money: whereby the execution due unto the Creditor, by the Lawes of the countrey, against the Debtor, may be frustrate, To the great Damage of the Creditour. FOR REMEEDE Whereof, IT IS Statuted, and Ordained, That hereafter the Lords of Session shall grant no protection from any Execution due and competent against any man of the Law. AND Declares, That if any shall be hereafter granted, the granter of the same shall be subject and lyable of the Law to the Creditor for the summe, from the which he hath granted protection.

ACT. XIII.

Auent playing at Cardes and Dyce, and Horfe-races.

OUR SOVERAIGNE LORD, And ESTATES of Parliament Considering the manifold evils, and inconveniencies, which ensue upon Carding and Dycing, and Horfe-races, which are now over-much frequented in this Country, to the great prejudice of the Lieges. And because honest men ought not to expect that any winning had at any of the Games above-written, can do them good, or prosper: HAVE therefore, statuted and ordained, That no man shall play at Cards nor Dyce in any common-house, Town, Hostellie, or Cookes houses, under the pain of forty pounds, money of this Realme; to be exacted of the keeper of the saids Inns, or common houses, for the first fault: and losse of their liberties for the next. Moreover, That it shall not be lawful to play in any other private mans house, but where the Master of the Family playeth himself. And if it shall happen any man to winne any summes of money, at Carding or Dycing, attour the summe of an hundredth Merks, within the space of twenty four houres: or to gaine at Wagers upon Horfe-races, any summe attour the said summe of an hundredth Merks; The super-plus shall be confiscated within twenty four houres thereafter, in the hands of the Thesaurer of the Kirk, if it be in *Edinburgh*: Or in the hands of such of the Kirk Session in the Countrey Parochines, as Collects and distributes money for the poor of the same; To be employed alwayes upon the poor of the Paroche, where such winning shall happen to fall out. And to the effect, that either excessie in play may be thus restrained: Or at the least, excessive winning may be employed as said is. OUR Sovereign Lord, by Act of his Supream Court of Parliament, Gives full power, and Commission, to the Bailies and Magistrates of Burrowes, the Sheriffs and Justices of Peace, in the Country, to pursue, and conveen all such persons, for all winning at Cardes, Dyce, and Horfe races, which shall happen to be made by any person, by and attour the said summe of an hundredth Merks, money aforesaid. And in case the Magistrate informed thereof refuse to pursue for the same, The party informer shall have action against the said Magistrate, for double the like summe: The one half whereof to be given to the poor, and the other halfe to the party informer.

ACT. XV.

Act declaring all Tacks set for longer space nor three years, without consent of the Patron, being persons under the degree of Prelates, since 1594. to be Null.

OUR SOVERAIGNE LORD, and ESTATES of this present Parliament, Understanding, That diverse beneficed persons, under the degree of Prelates, have taken occasion upon an Act made in our late Parliament, holden at *Edinburgh*, the twenty eight day of *Junii*, one thousand, six hundredth and seventeen years, Intituled, *Auent the setting of Tacks by Prelates, and other beneficed persons*: To sette Tacks and Affedations of Lands and Teynds of their saids Benefices, or some partes and portions thereof, unto diverse and sundry persons, for the said beneficed person his life time, and for the space of five years after his decease: without consent of the Patrone. Albeit the said Act of Parliament giveth no such liberty to any beneficed persons, under the degree of a Prelate, to sette such Tacks. But only declareth, for what spaces a Bishop or other Prelate may sette: and for what spaces a beneficed man, under the degree of a Prelate, may set. Which was done by the ESTATES, to restrict the unbounded libertie used in setting of Tacks for many life-rents, and nineteen years. And the said declaration no wayes taketh away the lawful solemnities, required to the setting of the said Tacks, either by consent of the Chapter, or Patrone. Which still remaineth in the own force, underogate. Otherwayes, it should be lawful for a Prelate, to set Tacks for nintene years, without consent of the Chaptour; which is altogether absurd.

And seeing by an expresse Act, made in our Sovereign Lords fourteenth Parliament, holden at *Edinburgh*, the eight day of *Junii*, 1594. IT IS found, and declared, That no beneficed man, under a Prelate, within this Realme, may in time thereafter, set longer Tacks of Teynds, or other pertinents of their Benefice, without consent of their Patrones, but for the space of three yeares only. Which Act standeth in full force, strength, and effect: and is no wayes annulled. nor taken away, by the said posterioir Act above specified.

THEREFORE, His Majestie and Estates foresaids, for eschewing of all controversie that may arise upon the said last Act, Declares, That the said last Act makes no derogation unto the said first Act: And that all Tackes sette by beneficed persons, under the degree of Prelates, since the said eight day of *Junii*, 1594. of any part of their saids benefices, longer then for the said space of three years, without consent of their patrones, are null, and of none avails, conforme unto the said first Act above specified.

ACT XVI.

Anent Mettes and Measures.

OUR SOVERAIGNE LORD, and **ESTATES** of Parliament, considering, that by the Act of Parliament holden in Junij, 1617. there was a Commission granted unto certaine persones therein nominare, for appoynting and establishing a constant Mette and Measure, for buying and selling of victual within this Realme. Which Commissioners gave out their sentence and determination, declaring the Measure and Furlot of Linlithgow, to be the just and only Furlot, which should be used by all his Majesties Lieges, in buying and selling of victual. Notwithstanding whereof, there are many and great abuses committed in this Kingdome, contrarie to the said Act and determination of the saids Commissioners: To the prejudice of His Majesties Lieges.

FOR REMED whereof, His Majestie, and Estates forsaids, have ratified, approved: and by the tenor hercof, ratifies, approves, and confirms, the Act and Statute [*respective*] above-written, in the whole Heads and conditions of the same: after the forme and tennour thereof. And commands and charges, all his Majesties Lieges, and subjectes, To acknowledge, imbrace, obey, and observe the same Act and Statute; [*respective*] in the whole heads and conditions of the same, in forme and manner specially and particularly mentioned and set downe there-inntil, after the formes and tenours thereof, under all highest paine, charge, and offence, which they may incurre, through their disobedience, and as they will be answerable thereanent.

ACT XVII.

Anent the discharging of a Peck to the Bow.

OUR SOVERAIGNE LORD, and **ESTATES** of Parliament, understanding of the fraude and frequent abuse, committed by many of His Majesties subjects, buyers and blockers of victual; who knowing that there are constant and setled measures, lawfully established, by the Lawes and statutes of this Kingdome: by the which all sortes of victual universally ought to be bought and sold, according to the quantitie appointed by the saids metts, without adding of any quantitie to the same, or diminishing therefrom. Yet not thelesse, when they make their bargaines and conditions anent the buying of any particular quantitie of victual, they by their undirect dealing, many times cause the Seller agree to super-adde, and deliver unto them, by and attour the true quantitie which is bought and sold at the prices conveened upon, some certaine farder quantitie of Victual, lesse or more, as they may best move the seller to condescend to, and for the which they are not subject in payment of any price, to the great prejudice of the Lieges, and the manifest abuse and elusion of the Law.

FOR REMED Whereof, It is statuted and ordained, That it shall not be lawful for any of his Majesties subjects, to blocke, or agree upon the price of Victual, more or lesse, except they first agree and condescend upon the price of the first boll of the bargain: which being so agreed upon, the said price shall rule the whole quantitie of the rest of the bolles to be received by the buyer, who shall have no eik, or addition of any further quantitie, except upon the payment of that same price, as is conditioned for the said first boll: And if any person contraven this present Act, hec shall pay the summe of Fourtie shillings for everie boll of Victual, received by him contrarie to the tennour of this Act: and that by and beside the prices of the Victual, the halfe of the said summe to his Majestie and his Thesaurer, and the other halfe thereof to the partie delator of the same.

ACT XVIII.

A Ratification of the Act of the Lords of Council and Session, made in Julie 1620. against unlawful Dispositions and Alienations, made by Dyvours and Banckrupts.

OUR SOVERAIGNE LORD, with advice and consent of the **ESTATES**, conveened in this present Parliament, ratifies, approves, and for his Highnesse, and his Successours, perpetually confirms the Act of the Lords of Council and Session, made against Dyvours and Banckrupts, at *Edinburgh*, the 12. daye of Julie, 1620. and ordaines the same to have, and take full effect, and execution, as a necessarie and profitable Law, for the weale of all his Highnesse Subjectes: Of the which Act the tenor followeth.

THE LORDS Of Council and Session understanding, by the grievous and just complaints of many of his Majesties good subjects, that the fraude, malice, and fallhood of a number of Dyvours and bankrupts, is become so frequent, and avowed, and hath already taken such progresse, to the overthrow

throw of many honest mens fortunes, and estates; that it is likely to dissolve trust, commerce, and faithful dealing amongst Subjects: Whereupon must ensue the ruine of the whole Estate, if the godlesse deceites of those be not prevented, and remedied; who by their apparent Wealth in Lands and goods, and by their shewe of Conscience, Credite, and Honesty; drawing into their hands upon trust the Money, Merchandize, and Goods, of well-meaning and credulous persons, doeno wayes intend to repay the same: but either to live ryetously by wasting other mens substance: or to enrich themselves, by that subtil stealth of true mens goods, and to withdraw themselves, and their goods forth of this Realme, to elude all execution of Justice: And to that effect, and in manifest defraud of their Creditors, do make simulate and fraudulent alienations, dispositions, and other securities, of their Lands, Reversions, Teyndes, Goods, Actions, Debtes, and others belonging unto them, to their Wives, Children, Kind-men, Alieyes, and other confident and interposed persons; without any true, lawful, or necessarie cause: and without any just or true price intervening in their saids bargaines: Whereby their just Creditors, and Cautioners, are falsly and godlesly defrauded of all payment of their just Debts; and many honest Families likely to come to utter ruine.

FOR remeedy whereof, the saids **LORDES**, according to the power given unto them by His Majestie and His most Noble Progenitors, to set downe orders for administration of Justice: meaning to follow and practise the good and commendable Lawes, Civil and Canon, made against fraudulent alienations, in prejudice of Creditors, and against the authors and partakers of such fraude; Statutes, ordaines, and declares, That in all actions, and causes depending, or to be intended by any true creditor, for recovery of his just debt, or satisfaction of his lawful action and right: They will decreee and decerne, all alienations, dispositions, assignations, and translations whatsoever, made by the debtor, of any of his lands, teindes; reversions, actions, debtes, or goods whatsoever, to any conjunct or confident person, without true, just, and necessarie causes, and without a just price really payed, the same being done after the contracting of lawful debts from true creditors: To have bene from the beginning, and to be in all times coming, Null, and of none avails, force, nor effect: at the instance of the true and just creditor, by way of action, exception, or reply: without further declaration. And in case any of His Majesties good subjectes (no wayes partakers of the saids fraudes) have lawfully purchased any of the saids Bankrupts landes or goods, by true bargaines, for just and competent prices, or in satisfaction of their lawful debts, from the interposed persons, trusted by the saids dyvours. In that case, the right lawfully acquired by him who is no-wayes partaker of the fraude, shall not be annulled in manner foresaid. But the receiver of the pryce of the saids lands, goods and others, from the buyer, shall be holden and obliged to make the same forth-comming to the behoove of the bankruptes trew creditors, in payment of their lawful debts. And it shall be sufficient probacion of the fraud intended against the creditors, if they, or any of them, shall be able to verifie by writte, or by oath, of the partie receiver of any securitie from the dyvour or bankrupt, that the same was made without any true, just, and necessarie cause, or without any true and competent price: Or that the landes and goods of the dyvour and bankrupt being sold by him who bought them from the said dyvour, the whole, or the most part of the price thereof was converted, or to be converted to the bankruptes profite and use. Providing alwayes, that so much of the saids landes and goods, or prices thereof so trusted by bankrupts to interposed persons, as hath bene really payed, or assigned by them to any of the bankrupts lawful creditors, shall be allowed unto them, they making the rest forth-comming to the remanent creditors, who want their due payments. And if in time coming any of the saids dyvours, or their interposed partakers of their fraude, shall make any voluntarie payment or right to any person, in defraude of the lawful, and more timely diligence of another creditor, having served Inhibition, or used horning, arrestment, comprizing, or other lawful meane, duly to affect the dyvours lands, or goods, or price thereof to his behoove. In that case the said dyvour, or interposed person, shall be holden to make the same forth-comming to the creditor, having used his first lawful diligence: who shall likewise bee preferred to the concreditor, who being posterior unto him in diligence, hath obtained payment by the partial favour of the debtor, or of his interposed confident: and shall have good action to recover from the said creditor that which was voluntarily payed in defraude of the persuers diligence.

Finally, **THE LORDES** declares all such bankrupts, and dyvours, and all interposed persons, for covering or executing their frauds, and all others, who shall give counsell, and wilful assistance unto the saids bankrupts, in the devising and practising of their saids fraudes and godlesse deceits, to the prejudice of their true creditors, shall be reputed and holden dishonest, false, and infamous persons, incapable of all honours, dignities, benefices, and offices: Or to passe upon inquestes, or Assyses: Or to beare witnesse in Judgement, or out-wit in any times coming.

A C T XIX.

*Ratification of the Act of Council, anent the pryces of Writtes, Seales, &c.
made 1606.*

OUR SOVERAIGNE LORD With Advice and Consent of the ESTATES of Parliament, Having considered the Act and Ordinance of Secret Council, made anent pryces, set down to be taken by all Writers, Clerkes, Keepers of Seales, and others, particularly expressed in the said Act. Which is of the date at *Edinburgh*, the fourth day of Februarie, one thousand six hundredth, and six yeares, Hath ratified and confirmed the same, in every poynt and Article thereof. Which all and sundry the premises, OUR SOVERAIGNE LORD with advice and consent foresaid, ratifieth, and approveth, in all poyntes, in manner as the same proportes: and gives unto them the strength of Lawes, and Actes of Parliament: and ordaines execution to passe upon the same as effieires. Of the which the tennor hereafter followeth.

Apud EDINBURGH, quarto die mensis Februarij, 1606.

THE LORDES of Secret Council and Session, considering the great extortion used by the Writers and Clerkes of all Judicatories within this Realme, in extorting from the subjectes of the Countrey, such unreasonable and exorbitant pryces, for their Writtes, as ought not to be suffered in a well-governed Common-wealth: Procuring thereby not onely private grudges, but publicke exclamations, against the with-gate and libertie granted unto such shameful scaffoldie and extortion, highlie to his Majesties offence, and contempt, hurt and prejudice of His Majesties good subjectes, and to the reproach and slander of the Judges, under whose Office and Judicatories the saids Clerkes and Writers serve.

FOR Remed whereof in times comming, The Lordes of Secret Council and Session, have set down the prices of all Letters, Actes, Insestments, and Writtes, proper unto whatsoever Clerkship within this Realme: together with the prices of the Signet, Privie and Great Seales. Whereby the subjectes of the Countrey may know, and understand, what prices they ought to give for everie Letter, Writte, Extract, and seale hereafter: and be no wayes subject to the indiscretion of the Writers, and Keepers of the Seales. Which prices now set down, by the saids Lordes, for the ease, benefite, and reliefe of the subjectes of the Countrey, The saids Lordes ordaines, and commandes, all, and sundrie Writers, and Clerkes, and the Keepers of the seales: everie one in their own severall Charge and Office. To observe and keepe, and in no wayes to exceede the saids prices, upon what soever colour or pretence: under the paine of Deprivation of the contraveener from the Office, and seale, which hee possesseth. And ordaines, and commandes, the saids Clerkes, and Writers, To write all their Letters, Actes, Writs, Registers, and such other things as passe thorow their Office and bandes, compactlie: and in no wayes to abuse the People with disperse writing: under the paine to be censured and punished, as abusers of His Majesties subjectes, and as contraveeners of the saids Lordes Ordinance, now set down anent the saids prices. Commanding and charging also all and sundrie Clerkes and Writers, bearing publick Function and Charge within this Kingdome, That they, & every one of them, within the space of a Moneth after the date hereof, have the just and authenticke double of this Act, and of the pryces following thereupon, affixed in some publick and patent place of their Buith, and chamber where they write: where thorow all his Majesties subjectes having adoe with them, may have inspection of the same: and accordingly, know what to pay. And that the saids Writers, and Clerkes, shall write upon the backs of all Writs to bee given out by them, the just and ordinarie price which they receive from the party for their pains: and subscribe the same with their bands, under the said paine of deprivation of the contraveener.

*The Pryces set down to the Clerkes of our Sovereaign Lordes Signet, to be taken hereafter
for all Signatures, to be formed, and written by them.*

A NE Signature of Escheat to pay	Ten shillings.
Ane Signature of Escheat and Life-tennt,	xx. shillings.
Ane signature of Warde, Non entres, Reliefe, and Marriage,	xx. shillings.
Ane signature of Marriage onely, Non entres onely, or Reliefe onely,	x. shillings.
Ane signature of whatsoever Insestment, Resignation, or Confirmation, or Erection, for the first sheet thereof,	xxx. shillings.
And for every sheet moe, beside the first sheere,	xx. shillings.
The Precepts upon the signatures to pay accordingly as the signature payeth.	
A Remission, or Respice,	x. shillings.
The Precept upon the Remission,	x. shillings.
Ane presentation to a Parsonage and Vicarage,	xiiij. shill. iv. d.
Ane signature of a Bishoppticke, or Abbacie, containing a sheete of paper,	xxx. shillings.
	And

And for every sheete more than one, which the signature contains, . . . xx. shillings.
 The Precept thereof to pay accordingly.
 Other common signatures of Penfions, Prebendaries, Chaplainries, or Giftes of Offices, . . . xij. shillings, iv. pennies.

Pryces set down to the Keeper of the Tresurers Register, to be taken hereafter of all such Gifts and Signatures as passe the said Register.

THE Escheat of any common man, . . . vj. shillings, viij. pennies.
 And for every person moe that shall be contained in the signature, . . . iij. shillings, iij. pennies.
 Providing that the payment [*per capita*] exceede not ten persons.
 Their Escheate and Life-rent to pay the double of the same summes.
 The Escheate of a Barron, . . . xij. shillings, iv. pennies.
 And for every person moe of that ranke, contained in the signature, . . . vj. shillings, viij. d.
 Providing that the payment [*per capita*] exceede not ten persons: and their Escheate and Life-rent, to pay the double of the same summes.
 The Escheat of a Lord of Parliament, . . . xl. shillings.
 And for every person moe of that ranke, containyd in the signature, . . . xx. shillings,
 Providing that the payment [*per capita*] exceede not ten persones: Their Escheate and Life-rent to pay the double of these summes.
 Ane Legittimation, . . . xij. shillings, iv. pennies.
 Ane Remission, or respite to a common man, . . . vj. shillings, viij. pennies.
 And for everie person moe of that ranke, containd in the said signature, . . . iij. shillings, iv. pennies.
 Theremission, or respite of a Barron, . . . xij. shillings, iv. pennies.
 And for everie person moe of that ranke, containyd in the signature, . . . vj. shillings, viij. pennies.
 The remission, or respite of a Lord of Parliament, . . . xl. shillings.
 And for everie person moe of that ranke, contained in the same signature, . . . xx. shillings.
 Ane signature of Infestment of a Five pound land, or under, . . . xx. shillings.
 Ane signature of Infestment of a Ten pound land, or under, . . . xxx. shillings.
 Ane signature of Infestment of all other lands, under a Barronie, or Thirtie pound land, . . . xl. shillings.
 The Infestment of a Barronie, . . . l. shillings.
 The Infestment of an Earledome, or Lordship, . . . iv. pounds.
 The Warde, Non entres, Reliefe, and Marriage of a Yeoman, . . . xij. shillings, iv. d.
 Of a Barronie, . . . xxvj. shillings, viij. pennies.
 Of a Lord of Parliament, . . . iv. pounds.

Pryces set down to the Keepers of the Collectors Register, to be taken hereafter of all such Letters as passe that Register.

ANE Infestment of a Five pound land, or under, . . . xx. shillings.
 Ane Infestment of a Ten pound land, or under, . . . xxx. shillings.
 Ane Infestment of all other lands, under a Thirtie pound land, or Barronie, . . . xl. shillings.
 The Infestment of a Barronie, . . . l. shillings.
 The Infestment of a Lordship of Parliament, . . . iv. pounds.

Pryces set down to the Keepers of the Register of Benefices, to be taken hereafter of all such Letters as passe that Register.

PRESENTATION to a Vicarage, with the Act of Caution, . . . xx. shillings.
 Presentation unto a Parsonage, with the Act of Caution, . . . xl. shillings.
 Ane Abbacie, . . . iv. pounds.
 Ane Bishopricke, . . . vj. pounds.

Pryces set down to the Writers to the privie Seale, to be taken hereafter of all such Letters and Writtes as passe that Office.

THE Escheate of a Common man, . . . xij. shillings, iv. pennies.
 And for every person moe of that ranke, contained in the signature, . . . vj. shillings, viij. pennies.
 Providing that their payment [*per capita*] exceede not ten persons: Their Escheate, and Life-rent, to pay the double of these summes.
 The Extract of the said Escheat, and Life-rent, . . . xij. shillings, iv. pennies.

The Escheat of a Barron,	xxvj. shillings, viij. pennies.
And for everie person moe of that ranke, contained in the signature,	xij. shillings, iv. pennies.
Providing alwayes that the payment [<i>per capita</i>] exceede not ten persons.	
Their Escheat, and Life-rent to pay the double of this summe.	
The Extract of this Escheat, and Life-rent,	
The Escheat of a Lord of Parliament,	xx. shillings.
And for everie person moe of that ranke, contained in the signature,	iv. pounds.
Providing that the payment [<i>per capita</i>] exceed not ten persons:	xl. shillings.
Their Escheat, and Life-rent to pay the double of the said summe.	
The Extract of this Escheat, and Life-rent, to pay	
Signature of a Vicarage,	xl. shillings.
Signature of a Parsonage,	xx. shillings.
Signature of a Bishopricke,	xl. shillings.
Signature of an Abbacie,	x. pounds.
Ane Legittimation,	vj. pounds.
Ane remission, or respite, to a common man,	xx. shillings.
And for everie person moe of that ranke, contained in the signature,	x. shillings.
A remission, or respite, to a Barron,	v. shillings.
And for everie person moe of that ranke, contained in the signature,	xx. shillings.
Ane remission, or respite, to a Lord of Parliament.	x. shillings.
And for every person moe of that ranke, contained in the signature,	ij. pounds.
Ane Infestment of a Five pound land, or under,	xxx. shillings.
Ane Infestment of a Ten pound land, or under,	xxx. shillings.
Ane Infestment of all other landes, under a Thirtie pound land, or Barronie,	xl. shillings.
Ane Infestment of a Bartonie,	ij. pounds.
Ane Infestment of a Lordship of Parliament,	iv. pounds.
The Warde, Non Entresse, Marriage, and Reliefe, of a common man,	vj. pounds.
Of a Barrone,	xx. shillings.
Of a Lord of Parliament,	xl. shillings.
	v. pounds, vj. shillings, viij. pennies.

Pryces set down to the Director of the Chancellarie, to be taken hereafter of all such Letters and Writtes as passe that Office.

L Egittimations,	xl. shillings.
Remissions to a Yeoman,	xl. shillings.
And for everie person moe then one contained therein,	xx. shillings.
Remission to a Barron,	iv. pounds.
And for every person of that Ranke, moe than one contained therein,	xl. shillings.
Remission to a Lord of Parliament,	vj. pounds.
And for everie person of that Ranke, moe than one contained therein.	ij. pounds.
The writting and registring of a Confirmation, or Infestment, of a five pound land, or under, with the	iv. pounds.
Precept of seasing there-upon: duely and orderly past the Quarter-seale,	v. pounds.
The writting and registring of a Confirmation or Infestment of a Ten pound Land, or under, with the	v. pounds.
precept of seasing following there-upon, duely and orderly past the Quarter-Seale,	vj. pounds.
The writting and registring of a Confirmation, or Infestment, of all other lands, under a Barronie,	vj. pounds.
or Thirtie pound land, with the precept of Seasing following there-upon, duely and orderly past the	x. pounds.
Quarter-seale,	v. pounds.
The writting and registring of an Infestment of a Barronie, with the precept of Seasing past the	xx. pounds.
Quarter-seale,	xx. pounds.
And for everie Barronie, moe then one contained therein,	l. pounds.
Providing that the whole payment exceed not	xl. shillings.
The writting and registring of an Infestment of a Lordship, or Earledome, with the precept of Seasing	ij. pounds.
past the Quarter-seale,	vj. pounds.
And for everie Barronie, moe then one contained therein.	xl. shillings.
Providing that the whole payment exceed not	xl. shillings.
Commissions orderly past the Quarter-seale, for serving of Brieves in favour of a Yeoman,	ij. pounds.
Commissions sealed in favours of a Barron,	vj. pounds.
Commissions sealed in favours of a Lord of Parliament,	xl. shillings.
Tutorie Datives, duely and orderly sealed,	
For the whole persons contained in the Tutorie.	
Presentations upon forefauler, or bastardie of small Annuel-rents, or lands within Burgh: and of small	
peeces of landes, for the writing and Quarter-seale;	xl. shillings.
	And

And of other lands of greater availe,	v. pounds.
Ane Brieve,	v. shillings.
Ane Attornie,	ij. shillings.
The registering of a Retour to a common man,	xij. shillings, iv. pennies.
To a Barton,	xxvj. shillings, viij. pennies.
To a Lord of Parliament,	xl. shillings.
Precepts upon the Retour for lands, under a Ten pound land,	xl. shillings.
And if the lands bee above a Ten pound, to pay accordingly: providing that the highest price exceed not	iiij. pounds.
The second and third Precepts,	xx. shillings.
The fourth Precept, conforme to the first Precept.	
Summonds of Errour, past the Quarter-Seale,	iv. pounds.
And in-case it containe many remissions, not to exceed,	vj. pounds.

Prices set down to the Writters to the Signet, to bee taken hereafter, of all Letters; Summonds, and Writtes, which passe their handes: Excepting alwayes Signatures, the prices whereof are already set down.

Advocations, and Suspensions,	xij. shillings, iv. pennies.
For the first sheete: and for everie sheete moe, which it containeth, besides the first sheet,	x. shillings.
All common Letters,	x. shillings.
Contractes, for the first sheet,	xxx. shillings.
And for every sheet moe, which it containeth,	xx. shillings.
Summonds, of a sheet of paper,	xij. shillings, iv. pennies.
And for everie sheet moe, which it containeth,	x. shillings.

Prices set down to the ordinarie Clerkes of the Session, to be taken hereafter of all such Letters, Actes, and Writtes, as passe that Office.

THE Registering of an Obligation,	xij. shillings, iv. pennies.
The Extract thereof,	xij. shillings, iv. pennies.
Act, and Letters,	xx. shillings.
An Act of <i>Litis Contestation</i> , in summare and common causes, for everie sheet of the Act, and of the Decreet,	xx. shillings.
And in matters of contentious Disputation, heard in presence of the saids Lordes, The pryce of the Act of <i>Litis Contestation</i> , to be at the discretion of the partie.	
Common and ordinarie Extracts, for every sheet extracted,	xij. shillings, iv. d.
The registration to pay as much.	

Prices set down to the Clerke of the Billes, before the Session, to be taken hereafter of all Billes and Actes proper to that Office.

BILLES,	iv. pennies.
Actes of Caution, with the reliefe,	xx. shillings.
Commissions,	xij. shillings, iv. pennies.
Dispensations in favours of a partie,	iv. pennies.
And for a Sherrisdome, Stewardrie, or Burgh,	vj. shillings, viij. d.
Actes of Law-burrowes, For everie person contained in the Act.	vj. shillings, viij. pennies.
Advocations,	xx. shillings.
Relaxations (<i>per se</i>)	vj. shillings, viij. pennies.
And for everie person contained therein accordingly.	

Prices set down to the Clerke of Privie Council, to be taken hereafter of all such Letters and Writtes as passe that Office.

LETTERS of Complaint, containing a sheet of Paper,	xx. shillings.
And for everie sheet attour the first sheet,	x. shillings.
	Letters

Letters of Law-burrowes,	xij. shillings. iv. pennies.
An Act of Caution, with the reliefe,	xx. shillings.
An Act of Law-Burrowes, for everie person contained in the Act,	vj. shillings, viij. pennies.
Decretes of a sheet of paper,	xxvj. shillings, viij. pennies.

Pryces set down to the Clerkes of the Exchequer, to bee taken hereafter of all writs which passe that Office.

I TEM, for writing, rolling, and extracting of a Sherriffes Compt,	iiij. pounds, vj. shillings, viij. p.
Item, for writing, rolling, and extracting of a Chamberlaines Compt,	iiij. pounds, vj. shillings, viij. p.
Item, for writing, rolling, and extracting of a Burrow compt,	xx. shillings.
Item, for writing an Extract of a Rental,	vj. shillings, viij. pennies.
Item, for writing of a compt unto any person, fourth of the compt-roller, or Thesaurers compts,	vj. shillings, viij. pennies.
Item, for allowance of a Gift in the Exchequer,	vj. shillings, viij. pennies.
Item, for writing, rolling, and extracting of a Custome compt,	xx. shillings.

Pryces set down to the Keeper of our Sovereigne Lordes Signet, to bee taken hereafter, for all Letters, and writtes, which passe the Signet.

F OR Summondes, of whatsoever qualitie,	x. shillings.
For letters of Inhibition, and arrestment,	xvj. shillings, viij. pennies.
For letters of Law-burrowes, and criminal letters, how many persons soever be insert,	x. shillings.
For Ministers Letters,	x. shillings.
For all letters of Horning, of whatsoever qualitie: Except letters of Law-burrowes, and criminal letters,	xxxj. shillings, viij. pennies.
A Relaxation,	x. shillings.
And accordingly for everie person relaxed: or composition, at the discretion of the Keeper of the Signet.	
For a Legitimation,	xx. shillings.
For ane Infeftment, or Confirmation, of a five pound land, or under,	xxx. shillings.
For ane Infeftment, or Confirmation, of a Ten pound land, or under,	xl. shillings.
For ane Infeftment, or Confirmation of other landes, under a Thirtie pound land, or Barronie,	l. shillings.
For ane Infeftment of ane Barronie,	iiij. pounds.
And of so many more different Barronies as are contained in the Signature,	iiij. pounds.
For ane Infeftment of ane Earledome, and Lordship of dignitie,	vj. pounds.
And for everie Barronie, beside, contained in the Signature,	iiij. pounds.
For comprysings,	xl. shillings.
For an Abbacie,	vj. pounds.
For a Bishopricke,	x. pounds.
For an Arch-bishopricke,	xij. pounds.
And if an Abbacie be included, to pay	vj. pounds.
For a Remission to a common man,	xx. shillings.
And accordingly for every person contained in the same remission, and for every crime.	
For a Remission unto a Barron,	xl. shillings.
And accordingly, for every person of that ranke, and for every cryme contained in the Signature.	
For a Remission to a Lord of Parliament,	iiij. pounds.
And accordingly, for every person of that ranke, and for everie cryme contained in the Signature.	
A Patronage being insert in a Barronie, to pay the halfe price that the Barronie payeth at the Signet.	
A Taxt Warde being insert, to pay likewise the halfe price that the Landes or Barronie payeth at the Signet.	
A Regalitie to pay the whole pryce that a Barronie payeth at the Signet.	

Pryces set down to the Keepers of the Privie Seale, to be taken hereafter for all Letters and Writtes that passe the seale.

FOR the Escheate of a common Man,	xxvj. shillings viij. d.
And for every person moe contained in the Signature,	xij. shillings. iv. pennies.
The life-rent, and Escheate to pay the double of this summe.	
For the Escheate of a Barron,	liij. shillings. iv. pennies.
And for every person moe of that ranke, contained in the Signature,	xxvj. shillings. viij. pennies.
Their Escheate and life-rent to pay the double of this summe.	
The Escheate of a Lord of Parliament,	vij. pounds.
And for every person moe of that ranke, contained in the Signature,	iv. pounds.
Their Escheate and life-rent to pay the double of this summe.	
For a Vicarage,	xl. shillings.
For a Parsonage,	iv. pounds.
For an Abbacie,	xij. pounds.
For a Bishopricke,	xx. pounds.
For an Arch-bishoprick,	xxiv. pounds.
And if an Abbacie be included, to pay	xij. pounds.
For a Legittimation,	xl. shillings.
For a Remission, or Respite, to a common man,	xl. shillings.
And accordingly, for everie person, and every crime, contained in the Signature.	
For a remission, or respite, to a Barron,	ij. pounds.
And accordingly, for every person moe of that ranke, and for everie crime contained in the signature.	
For a respite, or remission, to a Lord of Parliament,	vj. pounds.
And accordingly, for every person of that ranke, and for everie crime contained in the signature.	
For an Infeftment, or Confirmation of a five pound Land, or under,	ij. pounds.
For the Infeftment, or Confirmation of a Ten pound Land, or under,	iv. pounds.
For the Infeftment, or Confirmation, of all other landes, under a Thirtie pound land, or Barronie,	v. pounds.
For an infeftment, or confirmation of a Baronie,	vj. pounds.
And for every Bartony moe contained in the said Infeftment,	ij. pounds.
For an Infeftment, or Confirmation, of an Earledome, or Lordship of Dignitie,	xij. pounds.
And for every Baronie Beside, contained in the Infeftment,	vj. pounds.
For a Compyring,	iv. pounds.
For a Patronage, insert in a Barronie, the halfe price of the Privie Seale.	
For a Taxt Ward, the halfe price that the Land or Barronie payeth at the Privie Seale.	
For an Regalitie, the whole price that the Bartonie payeth at the Privie Seale.	
For the Warde, Non Entresse, Reliefe, and Marriage of men under Barrones,	xl. shillings.
For the Warde, Non Entresse, Reliefe, and Marriage of a Barrone,	iv. pounds.
For the Warde, Non Entresse, Reliefe, and Marriage of a Lord of Parliament,	x. pounds.
For the Warde only of a meane man,	xxx. shillings.
For the Warde only of a Barrone,	ij. pounds.
For the Warde only of a Lord of Parliament,	v. pounds.
For the Non Entresse only of men under Barrones,	xx. shillings.
For the Non Entresse only of Barrones,	xl. shillings.
For the Non Entresse only of Earles and Lords,	ij. pounds.
For the Marriage only of Men under Barrones,	xxx. shillings.
For the Marriage only of Barrones,	ij. pounds.
For the Marriage only of Lords of Parliament,	v. pounds.
For common Giftes of Prebendaries, Chaplainries, Penfions, or Offices,	xxx. shillings.

Pryces set down to the Great Seale, to be taken hereafter for all such Infeftments and Writtes, as passe that Seale.

THAT The Keeper of the Great Seale exceede not the Quadruple of the Privie Seale: but conforme himselfe thereunto in all poyntes.

Auent Chamber Fees.

THE Lords of Secret Council, and Session, findes, that in times by-gone, when the duty of the Chamber Fees first came in custome, That no Infestment, or signature payed chamber Fee: except only Resignations made in the KING'S Hands. And therefore the saids Lords declare, statute, and ordaine, That in all time coming, no Infestment, nor Signature, shall pay Chamber-fee: Except only Resignations of lands holden of his Majestic. And that the dutie of the Chamber-fee to be taken for the saids Resignations, shal be equal, and proportional unto the dutie and price due to the Privie Seale for the lands which shall be resigned. Commanding hereby, his Majesties Usheres, and their Deputies, appointed for collecting of their said Fee; That they in no wayes violate this present Act: but conforme themselves thereunto in all poynts, as they will answer upon their obedience. And that the keeper of the Signet and Privie Seale, in no wayes stay nor hinder any Letter, or Writte, at their Scales, for alledged nor payment of the Chamber Fee, under the paine of deprivation.

Pryces set down to the Procurators Fiscal, to be taken hereafter for forming of Testaments.

FOR small Testaments, wherein there is little Geate, and a meane Quote, xij. shillings, iv. pennies.
 For Testaments wherein there is much Geare, and a great Quote, xx. shillings.
 For the Testaments of Earles, Lordes, and great Barrones, for everie sheet xxx. shillings.

Pryces set down to the Commisarie Clerks, to be taken hereafter of all such Letters and Writtes as passe their Office.

ANE Summondes (*Ad instantiam*) with the Signet, viij. pennies.
 Ane libelled summonds, not exceeding halfe a sheet of paper, compactly written, ij. shillings.
 The libelled summondes, exceeding halfe a sheet of paper, ij. shillings.
 The putting of an Act into the Booke, iv. pennies.
 And further, as the writing shall be of quantitie, at the discretion of the Judge. And the Extract of the same as much: and further, at the discretion of the said Judge.
 The summonds, to summond Witnesses: whether the partie, or his procurator be warned, [*apud acta*] or not, viij. pennies.
 For pronouncing of sentences in small actions, of the availe of twentie pounds, or within: which were wont to be called Decretes, ij. shillings, iv. pennies.
 For pronouncing of sentences in causes of greater availe, vj. shillings, viij. d.
 The precept Executorial upon the sentence, ij. shillings.
 The Inhibition, ij. shillings.
 Precepts of arrestment, ij. shillings.
 For summondes to heare Executors (*Datives*) given, ij. shillings.
 For registring of Contractes, Obligations, or sicklike Evidents, not exceeding halfe a sheet of Paper, ij. shillings, iv. pennies.
 For registring of the same, exceeding halfe a sheet of Paper, vj. shillings, viij. d.
 The Extract thereof subscribed by the principal Clerke, halfe as much.
 The Transumpt of Evidents, or Writings, under the Seale of Office, xij. shillings, iv. pennies.
 The Extracting of Processe, written compactly: each lease on both the sides, ij. shillings.
 The Registring of a Testament, containing a sheete of Paper, xxvj. shillings, viij. d.
 And if it exceed a sheet, xxxij. shillings, iv. pennies.

Pryces set down to the Sherriffe-Clerks, Steward and Baillie-Clerks, and Clerks of Regalitie: and to Clerks in Services, by Commission, to be receaved by them, for all such Letters, Actes, and Writs, as passe their Offices.

FOR a libelled precept, being formed by the Clerk, sealed, and subscribed, xij. shillings, iv. pennies.
 And if it be not formed by the Clerk, for the subscribing and sealing, vj. shillings, viij. pennies.

For.

For a precept of arrestment, with the seale thereof,	vj. shillings, viij. d.
For an Act of lowfing of arrestment,	vj. shillings, viij. pennies.
For the Act of Law-burrowes, taken at the Barre,	vj. shillings, viij. pennies.
For an Act of Cyatorie, with the Edict, Processe, and Extract thereof,	xxvj. shillings, viij. pennies.
For an Act of Revocation, or Renunciation, given in Writte to be registrated,	vj. shillings, viij. pennies.
And the Lords of Secreet Council expressly prohibite, and discharge,	T H A T no Act of revocation, or renunciation, bee received by Judicial compearance, without a Warrant in Writte, bearing registration.
For Extract of the revocation, or renunciation,	vj. shillings, viij. pennies.
For Act and precept of Continuation, in all causes,	vj. shillings, viij. pennies.
For an Act of <i>Litis Contestation</i> , with the precept of Diligence, contayning a sheet of Paper, or within,	x. shillings.
And in case it be more then a sheet, that the payment exceed not	xx. shillings.
For booking and extracting of everie Decreet, within a sheet,	x. shillings.
And for every sheet more that exceeds the first sheet, written compactly,	vj. shillings, viij. pennies.
Providing alwayes that the decreet exceed not	xl. shillings.
How long soever the decreet be.	
For a precept to poynd, eject, and remove,	x. shillings.
For deducing of a Processe, to serve a general Heire: and for extracting and sealing the retour thereof,	xxx. shillings.
For the processe of a special service to Landes, with the retour extracted, and sealed thereupon, comprehending herein the opening and proclayming of the Brieves, Forming of the claymes, and all things to bee done in the processe, if the lands extend to a Fourtie pound land, or within,	iv. pounds.
And if it exceed a Fourtie pound land, to pay	xij. pounds.
For an Instrument of seasing upon the retour,	iv. pounds.
And if it be a Barronie, and Lordship of land, dispensing with the seasing, to be taken at a place, and if the landes lye <i>discontigue</i> , and farre from the Sherriffes residence: that they exceed not	x. pounds.
For registring of Letters of Horning, upon a simple charge, or four formes, as well in the Bookes of the Clerkes foresaids, as in the Clerk of Registers Books, for every sheet thereof	vj. shillings, viij. pennies.
And not to exceede	xx. shillings.
How long soever the horning be.	
For Inhibitions, and Relaxations, how long soever they be,	xx. shillings.
For every sheet of all extracted processees, which the Writter shall be holden to write compactly, under payn to be punished, in case he faile,	x. shillings.

Pryces set down to the Clerkes of the Admiraltie, to be taken hereafter for all such Letters, Actes, and Writtes, as passe that Office.

FOR a libelled precept, being formed and written by the Clerke, and sealed, and subscribed	xij. shillings, iv. pennies.
And if it bee not formed by the Clerk, for the subscribing, and sealing thereof,	vj. shillings, viij. pennies.
For the precept of arrestment, with the seale thereof,	vj. shillings, viij. pennies.
For the Act of lowfing of arrestment,	vj. shillings, viij. pennies.
For an Act and Procels of continuation, in all causes,	vj. shillings, viij. pennies.
For an Act of <i>Litis Contestation</i> , with the precept of Diligence, containing a sheet of paper, or within,	x. shillings.
And in case it be more then a sheet, that the payment exceed not	xx. shillings.
For Booking and extracting of every Decreet, within a sheet of paper,	x. shillings.
And for every halfe sheet more that exceedeth the first sheet, which the Lords ordaine to be compactly written,	vj. shillings, viij. pennies.
It is alwayes ordained, and commanded, by the saids Lords, That the payment exceed not	xl. shillings.
How long soever the decreet be.	

For a precept to poynd,

For every sheet of all extractd Proceses, which the Writer shall be holden to write compactly, under the pain to be punished, in case he faile,

x. shillings.
x. shillings.

Prices set down to the Keepers of the Secretaries Register, to be taken hereafter, for all such Letters as passe that Office.

THE Lords of Secret Council and Session, command, and Ordain the Clerks, Keepers of the saids Registers of the Secretary, That they and every one of them, conform themselves in their Prices, to the Acts of Parliament, made anent the prices of such Letters and Writtes, as passe through their Registers: And that they in no wayes presume to exceed the saids prices, under the pain of deprivation.

Prices set down unto the Clerks within Burgh, to be taken hereafter, for all such Letters, Actes, and Writtes, as passe the Office of common Clerkship within Burgh.

THE claime of debt, in matters of small importance,	
The Act of Court, The first day, and all Acts, before <i>Litis Contestation</i> ,	xii. pennies.
The Act of Interloquutor, or <i>Litis Contestation</i> ,	viii. pennies.
The Acts of probation, <i>usque ad sententiam</i>	xii. pennies.
The Extract thereof, for calling the action, and warning the partie, and Witnesse,	xii. pennies.
The sentence pronouncing in small causes,	xii. pennies.
And in great causes not to exceede	ii. shillings.
The Extract thereof,	vi. shillings, viii. pennies.
In great causes, exceeding xl. pounds.	vi. shillings, viii. pennies.
the claime being made by libelled precept, for every precept forming, and subscribing,	vi. shil. viii. pen.
The Acts thereof,	xii. pennies.
The Act of Interloquutor booking,	xii. pennies.
The Extract thereof,	iii. shillings, iii. pennies.
The sentence pronouncing and booking,	vi. shillings, viii. pennies.
The extract of each sheet thereof, compactly written,	vi. shillings, viii. pennies.
All the Acts in the Processe: every act	xii. pennies.
The precept of poynding,	ii. shillings.
The booking of Goods comprised by Officers,	vi. shillings, viii. pennies.
The Processe of comprising of Lands, or Annuel-rents, each sheet compactly written,	viii. shill. viii. pennies.
Every act thereof,	xii. pennies.
Every claime of Injury, which passeth not unto an Assyse, but witnesse examine thereupon,	xii. pennies.
Every Dittie of stroakes, and blood,	xii. pennies.
The depositions of Witnesse: every person	xii. pennies.
Commission for examination of Witnesse, direct to other Judges,	vi. shillings, viii. pennies.
For proclaiming of the Brieve,	vi. shillings, viii. pennies.
For indorsing of the Brieve,	iii. shillings, iv. pennies.
For making of the claime in a general service,	iii. shillings, iv. pennies.
For making of the claime in a special service,	vi. shillings, viii. pennies.
For the acts of objecting, and replies,	xii. pennies.
For booking and extracting of a general service, and directing of the retour,	xx. shillings.
For booking and extracting of a special service, and directing of the retour, for a tenement,	xxx. shillings.
For two tenements,	xl. shillings.
And if there be moe tenements, the whole payment not to exceede,	iii. pounds.
For an Instrument of leasing upon a general service,	iii. pounds.
For an Instrument of leasing upon a special service,	iv. pounds.
A Charter of Alienation,	xl. shillings.
And for every Land moe than one contained in the Charter,	vi. shillings, viii. pennies.
Providing that the whole payment exceed not	iii. pounds.
A Procuratory of resignation,	xxx. shillings.
And for each land moe than one contained in the Procuratory,	vi. shillings, viii. pennies.
And the whole payment not to exceed	xlvi. shillings, viii. pennies.
An Instrument of Resignation,	iii. pounds.
A Contract of Alienation, containing a sheet of paper,	xx. shillings.
And for every sheet moe than one,	x. shillings.

The

The Registring of every sheet thereof;	x. shillings.
The extract and subscribing of every sheet;	x. shillings.
For a Reversion, written upon parchment;	xl. shillings.
And in case of moe lands, not to exceed	liij. shillings, iv. pennies.
The booking and extracting of every sheet of whatsoever contract,	x. shillings.
Charter parties of each partie of two,	vj. shillings, viij. pennies.
Indentures of each partie of two,	vj. shillings, viij. pennies.
Booking of Prentises,	ij. shillings.
The Extract thereof.	ij. shillings.
Act of Creating of a Burgesse, and Extract thereof,	xij. shillings.
The Guilde Ticquets,	xij. shillings.
The Entry of Ships and Boates, and extract thereof,	ij. shillings, iv. pennies.

THE LORDS Of Secret Council, and Session, Ordaines and commandes, That no Proceſſe be granted before inferior Judges in the first summonds: but upon libelled Precepts, and Citation of fifteen dayes warning conforme to the Act of Parliament.
And Ordaines these presents to be published, and Imprinted.

ATTOUR OUR SOVERAIGNE LORD, with consent foresaid, hath [simpliciter] discharged the whole Subjects and Lieges of this Realme, of all such by-gone penalties, unfayes, and punishments, which they, or any of them have incurred through breaking and violating of the said Act of Council in any time by-gone, preceeding the date hereof: and decernes the same, to be of strength, force, and effect, against the transgressours thereof, in all time comming only.

AND FURTHER, OUR SOVERAIGNE LORD, with consent foresaid, Giveth, and granteth, full power and commission, unto the Lords of His Highnesse Privie Council, To take order for setting downe and appoynting of such particular prices, as are omitted to be set downe by the said Act of Council. And whatsoever the saids Lords of Privie Council, shall determine and ordaine in the premises, Decernes the same to have the strength and force of ane Act of Parliament, in all time thereafter.

A C T XX.

Act, ordaining Annual-rent to be due after Horning.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, considering the great prejudice which diverse of His Majesties Lieges sustaine by the want of their money, lent and given forth upon Band, or Contract, or otherwise justlie owing unto them, by their Debtors: who having used all Execution competent to them by Lawe, against their debtors, by charging, and putting of them to Horne: are forced, after many yeares, to receive their principal summe and penaltie, without any satisfaction of their annuel-rent, and interest of their money in the meane time. Which as it is a prejudice unto the true Creditors; so it is ane occasion to the debtors to contemne His Majesties charges, and Letters of Horning: who resolve in end to pay no more for reliefe of the Horning, after many yeares delay, then they were obliged unto at the beginning.

FOR remeedy whereof, His Majestie, with advice and consent of the Estates of Parliament, statuterh and ordaineth, That whensoever any person is denounced Rebel, and put to the Horne, for not payment of summes of money, owing by him, by band, contract, or otherwayes: That after the said denunciation, the said person so denounced, shall be subject in payment of Annuel-rent for the saids summes for the which he is put to the Horne, and that of all yeares and tearmes from the date of the said denunciation, unto the time of payment of the same: and that notwithstanding there be no paction, nor condition of Annuel-rent made betwixt the saids parties, which may binde the said partie who is denounced rebel, unto the payment thereof. And such persons as are now standing rebels, and at the Horne, This Act shall not worke against them, (*quoad preterita*,) But shall have strength and force against them in time comming, from the Feast of Martinmesse next in this instant yeare of GOD, one thousand, sixe hundred, twentie and one yeares: and they shall begin to be subject in payment of annuel-rent at that time, and yearly and yearly thereafter, until the payment of the principal summe.

A C T XXI.

Anent Servants, going lowse, and leaving their Masters service.

OUR SOVERAIGNE LORD, And ESTATES of Parliament, understanding the great straytes and necessities, whereunto poore Labourers of the Ground are driven, and contrayned; Especially by the fraud and malice of Servants, who either refuse to be hyred, without great and extraordinary Wages promised unto them: Or otherwise hyre themselves only from Martinmesse to Whitsonday:

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after

after the which Teatme of Whitfonday, they cast themselves lowfe, of purpose and intention, to make their gaine and advantage by the extraordinary workes which befall in that season, berwixt Whitfonday and Martinmesse: such as casting and winning of Peats, Turfs, Fewel, Divors, building of fold dykes, shearing in the harvest. For doing whereof, they know the saids Husband-men, who have necessarily adoe therewith, will be forced to hire them at daily and weekly wages, and such high rate as they please, to the great harme of the Labourers of the Ground, and all his Majesties subjects.

FOR remeede whereof it is statuted, and ordained, That it shall not be lawful for any hired servant, from Martinmesse to Whitfonday, to leave his Maister at the said teatme of Whitfonday, and to runne lowfe from that service: Except he be able to verifie to the Justice of Peace, or Constable of the bounds, that he is hyred unto another Master, from the said Feast of Whitfonday to Martinmesse thereafter. And if it be found, that he is not hyred to another Master: Then, and in that case, it is declared, That it shall be lawful unto his present Master to keep, and detain him, from the said Feast of Whitfonday unto Martinmesse, for payment to him of such Wages as he payed to him of before. And if he refuse to serve, that the Justice of Peace shall have power to compel him thereunto. And if the said servant of the quality foresaid, break lowfe from his Master, It shall be lawful for his master to take and apprehend him, wheresoever he findeth him, and present him unto the Constable, or Justice of Peace, upon the ground where he shall be found; who shall have power to compell the Servant to return unto his former Master, if it be found that he be Masterless, and none otherwayes.

AND such like, His Majesty, and Estates, findes, and declares, That it shall be lawful unto all his Majesties Lieges, who have necessarilie adoe with Labour, to take, apprehend, and imploy, in their Works, whatsoever lowfe and Masterlesse Men and Women, whom they shall find within their own Bounds. And suchlike, that the Justices of peace, and Constable, shall have power, at the instance and desire of whatsoever person His Majesties Lieges, to force, and compell all, and whatsoever lowfe Men and Women, to serve for competent hyre and Wages.

A C T. XXII.

Awent Counterfeiting, and making of false Writtes.

FOR Eschewing the danger wherein many of his Majesties Lieges stand, by counterfeiting and falsifying of Evidents: IT IS statuted and Ordained, That whosoever maketh and useth a false Writ, or is accessory to the making thereof, shall be punished with the paines due unto committers of False-hood. AND it shall not be lawful for any person counterfeiter, falsifier, or accessory whatsoever, to declare in judgement, that he passeth from the Writ, quarrelled of False-hood. But if after the tryal, the Writ quarrelled be found false, the passing from, or declaration of the patty, that he will not use the same, shall no wayes free him from the punishment which is due unto those who commit False-hood.

A C T. XXIII.

A general pardon for deedes done against penal statutes, (some few excepted) and a discharge of James Cranston his Commission.

OUR SOVERAIGNE LORD, and Estates of this present Parliament, considering the complaint made by the Barrons, Sheriffs, Stewards, Bailies, and other Free holders within this Kingdom, concerning the danger which all our Sovereigne Lords Lieges do daily underly, for having transgressed penal Statutes, which have a Pecunial, or arbitrary paine adjected thereunto: And the great hurt and prejudice sustained, by granting Commissions unto private persons, for execution of the same statutes, which have been used amongst the common people, at sundry times, with intollerable rigour, and execution, of before: HAVE discharged, freely pardoned, and remitted: DISCHARGES, freely pardons and remits, all contraveeners of any of the saids penal statutes, for all deedes done by them contrary to the tenor of the same statutes, in times by-gone. Except only the statutes concerning wearing and bearing of Hagbutts and Pistols: Taking of unlawful Usury: Transporting of Money and Gold: and slaying of red and black Fish: Which are no wayes discharged by this present Statute, not comprehended hereintill.

AS ALSO, Our said Sovereign Lord, with advice and consent of the saids Estates, Statutes, and declares, That hereafter Commission for putting of penal Statutes to execution, shall only be granted to honest men, of good quality: who shall be sufficiently authorized by the Lords of the Secret Council, for discharging of their Office. And absolutely discharges in time coming, James Cranston, his Deputies, or Officers, to call, or convene any person or persons, for slaying of red or black Fish. And from henceforth declares, The power of his Commission granted unto him for that effect, to be quite extinguished and abolished.

A C T. XXIV.

Ament Evidents past the great Seal, which are not Registrated.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, understanding, That there are sundry Infestments, and other Writtes, Which passe his Highnesse Great Scale, That in time by gone, after the expeding thereof, and appending of the Scale thereunto: Have, through the oversight, and negligence of the Receivers thereof, in the nor returning of the same to the Director of His Highnesse Chancellery, and his Deputies, Been omitted, to be registrated in their Books and Registers appointed for that effect. And considering, that the not registration of the same Infestments and Writs, rendeth to the great hurt and prejudice of the persons unto whom the same are granted, and pertaine.

THEREFORE, Our said Sovereign Lord, and Estates of Parliament, for remed hereof, statutes and Ordains, THAT in time coming, when any Infestment, or other Writ, or Evident, which passeth his Highnesse Great Scale, shall be formed and written by the Director of his Highnesse Chancellery, or his Deputies. The same after the writing thereof, shall be delivered by them unto the party, In-giver of the said Infestments, or others Writtes foresaids: To the effect he may get his Highnesse Great Scale thereunto appended. At the Delivery whereof, the party receiver of the same, shall only be holden and asstraitned to pay at that time to the Director of the Chancellery, or his Deputies, That one half of the prices allowed unto him by the Book of Rates for writing of Evidents to the Great Scale: And that only in consideration of the paines taken in forming and writing of the saids Writs and Evidents, without paying beforehand the other half of the saids prices, which hereby is appointed to be reserved unpaid, while the same be registrated in manner after mentioned. Which Infestments and Evidents being delivered to the Keeper of the great Scale, and he having appended the same Scale thereunto, and being satisfied of the price due to him therefore: Ordains the Keeper of the Great Scale, to return, and redeliver the same Infestment, or other Writ foresaid, so sealed by him back again, to the Director of his Highnesse Chancellery, or his Deputies: To the effect the same Infestments, Evidents, or other Writs foresaids, may be registrated by him in the Registers, and Books appointed for that effect. Which being so registrated, Ordains the Director of his Highnesse Chancellery, and his Deputies, to deliver the same to the party: He being satisfied of the other half of the price foresaid, retained by the party, and unpaid by him, at the time of the writing of the saids Evidents to the Great Scale, as due for the Registration thereof, in manner above written.

AND ALSO, Our said Sovereign Lord, statutes and ordains, all and whatsoever persons, who have any Infestments, Writs, or Securities, grauted unto them, and already past the Great Scale, and which are not as yet registrated, to returne the same back again, unto the Director of his Highnesse Chancellery, within the space of a yeare after the publication of this present Act: To the effect the saids Infestments, and Writs, may be registrated by the said Director of his Highnesse Chancellery, and his Deputies: and that (*gratis*) and without any payment to be given unto him therefore.

A C T. XXV.

Ament Banqueting, and Apparel.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, considering, the great hurt coming unto this Country, by the superfluous usage of unnecessary sumptuousness in Meate, Apparel, and otherwayes: and that by all sorts of people, promiseuously, without distinction of persons, of ranks or quality. For repressing of the said abuse in time coming, Do statute and Ordaine, THAT None of Our Sovereigne Lords Lieges, of whatsoever quality or degree, shall weare any cloathing of Gold or Silver Cloathe, or any Gold or Silver Lace upon their Apparels, or any part of their Bodies hereafter. And that no manner of person shall have any Apparel of Velvet, Sattin, or other Stuffs of silke, except Noble-men, Lords of Parliament, Prelates, His Majesties Counsellers, Lords of Session, Barrons of quality, having of free yearly rent fourscore Chalders Victual, or six thousand Merks of silver: and the Proveests of the principal Burrows within this Kingdom, or those who have been Proveests: with such also as shall happen to be, or have been, Proyeests, Bailies, Deans of Guilde, and Thesaurers, within the Towne of *Edinburgh*: excepting also Rectors of Universities.

AND IT IS statuted, and Ordained, That these persons which are permitted to weare the said Apparelling of Silke, shall no wayes have Embroydering, or any Lace, or Passements upon their cloathes: except only a plain Welting Lace of Silke upon the Seames, or borders of their Cloathes: with Belts, and Hat-bands embroydered with silke: and such-like, that the said apparel of silke be no wayes cut out upon other stusses of silke: except upon a single Tassatie. AND, that the Wives of the saids priviledged persons,

their

their eldest sonnes, and eldest daughters unmarried, and the children of all Noble Men, be licentiate to weare their apparel in manner aforesaid only, under the paine of a thousand pounds, *Toties, quoties.*

2. ITEM, That no person, of whatsoever degree, shall have Pearling, or ribbening upon their Ruffles, Sarkes, Napkins, and Sockes: Except the persons before privileged. And the Pearling and Ribbening to be so worne by them, (if any be) to be of those made within the Kingdome of SCOTLAND, under the payne of ane hundredth poundes, *toties, quoties.*

3. ITEM, That none weare upon their Heads, or Buskings, any Feathers. And notwithstanding, it is permitted, That any person may weare Chaines, or other Gold-smiths worke, having no stones, nor pearles, within the same. And that no person weare any pearles, nor precious stones: Except the persons before privileged: under the payne of a thousand Marks, to be payed by the contraveeners, *toties, quoties.*

4. And it is statuted, That no person, nor persons, (Except the privileged persons foresaids) weare Launes, or Cambricke. And that no person whatsoever weare upon their bodies, Tiffinies, Cobwebbe-Launes, or Slyres, under the paine of ane hundredth poundes, *toties, quoties.*

5. Neverthelesse, The Kings Majestie, Prince, and their ordinarie House-holde servants, are excoemed from this Act, and all the clauses thereof.

6. It is moreover statuted, That no servants, Men or Women, weare any clothing, except those that are made of Cloath, Fustcans, Canvas, or stufes made in the cuntry. And that they shall have no silk upon their cloathes: Except silke Buttones, and Button holes: and silk Garters, without pearling, or roses, under the paine of ane hundredth Markes, *toties, quoties.*

7. It is alwayes declared. That it may be lawful for them to weare their Maisters, or Mistresses old cloaths.

8. It is hereby ordained, That no cloathes bee guilded with Gold.

9. It is also declared, That Heralds, Pursevants, and likewise Trumpetters, be excoemed from this Act.

10. ITEM, it is such like statuted, That Minstrels be excoemed.

11. IT IS farther statuted, That none, except the Privileged persons foresaids, use Damaske Naprie, brought from beyond sea, under the paine of ane hundredth poundes, *toties, quoties.*

12. IT IS likewise stature, that no moe deule weedes be made at the death of any Earle, or Countesse, but twentie loure at the most: Or for ane Lord of Parliament, or ane Lords wife, but sixteene only, and for all other privileged persons before named, twelve at the most: And that none (except the privileged persons) have any honours carryed, and these according to their qualitates; and that no deule weedes be given to Heralds, Trumpetters, or Saullies, Except by the Earles and Lords, and their wives. And the number of the Saullies to be according to the number of the deule weedes, under the paine of ane thousand pounds, *toties, quoties.*

13. IT IS statuted, that the fashion of Cloathes now presently used, beenot chaunged by Men or Women, and the wearers thereof: under the paine of foresaultrie of the cloathes, and ane hundredth poundes, to be payed by the wearers, and as much by the makers of the saids cloathes, *toties, quoties.*

14. It is ordained, That no Castor Hats be used nor worne, but by the privileged persons: under the paine of ane hundredth poundes, *toties, quoties.*

15. It is further inacted, That no cloathes shall be made after the publication of this Act, but according to the manner and condition before expremed. And that none of the former discharged Cloathing be worne by no person after Martinmesse, the yeare of GOD, one thousand, sixe hundredth, twentie, and three yeares: under the paines [*respectively*] above set downe, *toties, quoties.*

16. ITEM, It is ordained, That the Husband-men, and Labourers of the Grownd, weare no cloathing but Graye, White, Blew, and selfe Black Cloath. made in SCOTLAND: And that their Wives and Children weare the like: under the paine of fourtie poundes, *toties, quoties.*

17. IT IS further statuted and ordained, That no person use any manner of Defert of Wette and dry Confections, at Banquettings, Mariages, Baptismes, Feastings, or any meales: Except the Fruites growing in SCOTLAND: As also Figs, Raisins, Plumbe-damies, Almondes, and other confectioned fruites: under the paine of a thousand Marks, *toties, quoties.* Excepting such like the use of the foresaids forbidden

confections to be lawful for the entertainment of His Majestie, Prince, and their Traines, being within the country, and for Ambassadours, or strangers of great qualitie.

18. And it is statute moreover, That no person of whatsoever qualitie, use any Feasting at Burials, or offer of other Mears, except bread and drinke. As Like-wife, no person use any eating or drinking at Night-wakings, or Licke-wakes: under the paine of a thousand Markes. *toties, quoties,*

A C T. XXVI.

Anent Thacking of Houses in Edinburgh, with Sklaite and Skailie.

OUR SOVERAIGNE LORD, and ESTATES of this present Parliament, considering that fundrie persons of meane qualitie, acquire unto themselves the heretable right of fundrie ruinous Landes, and Wastes, within the Towne of *Edinburgh*. And for want of meanes to build the same sufficiently, thaickes the same with strawe, and Deales, whereby the Landes next adjacent unto the same, builded upon the great charges and expences of the Heretors, are often-times brought in great hazard, and sometime to decay, in time of sudden Fyre. THEREFORE, and for further decoration of the said Burgh, being the Head-Burgh of this Realme, OUR SOVERAIGNE LORD, with consent of the saids Estates, statutes and ordaines, That in all time to come, no manner of person, or persones, shall be suffered; or permitted to builde any houses within the said Burgh of *Edinburgh*: But such as shall be covered With Sclaite, or Skallie, Lead, Tylde, or Thacke-stone. AND also, statutes, and ordaines, That the Heritors of such houses as are already thaicked with Thack and Straw, (if the same Thacke, and Straw-Roofs, shall hereafter at any time become ruinous) shall be astricted to thaick the same againe with Sklaite, or Skailie, Lead, Tylde, or Thacke-stone. AND Ordaines, Letters of Horning to be directed here-upon, against the Heritors of the saids lands, in forme as effeires. AND such-like, Ordaines the Provest and Baillies of the said Burgh, To put this Act to Execution.

A C T. XXVII.

*Anent Comprising from apparent Heyres, extended as well unto
Mens owne debts, as their Predecessors.*

OUR SOVERAIGNE LORD, and ESTATES of this present Parliament, Ratifies, approves, and confirms, the 106. Act of the seaventh Parliament of King JAMES the fifth, of worthy memory: Intituled [*The Creditor may pursue him, who is charged to enter, and entreth not,*] in all the Heads, Articles, and Clauses thereof. With the addition and explanation following: THAT the same shall be extended unto Debts owing by any person himselve, as well as to those which are addebred by his predecessors. For the which debt, it shall be as lawful for a Creditor, to charge any person to enter Heir to his predecessor, and with the like certification, as if the predecessor had been debtor thereintil. Where-upon comprising may follow in manner specified, in the said Act.

A C T. XXVIII.

Anent taking of Annual-rent before hand, to be Usurie.

OUR SOVERAIGNE LORD, and ESTATES of this present Parliament, considering, That notwithstanding Usurie, and raking unlawful Annual, more then ten for each hundreth, hath been by sundry Actes of before discharged, and forbidden: Yet it hath been usual, by ane evill and corrupt custome, to take, or retaine, the Annual-rent, the time of the borrowing the Money: Which in effecte is eleven of each hundreth, at least. For Avoyding whereof, statutes, and ordains, That no person, who lendes, or gives out money, and receaves Annual therefore, shall retaine the time of the lending, exact, crave, or receive, from their Debtors, the Annual of their lent summes, until the tearme of payment appoynted by their Bandes, be first come. And it shall be lawful, at the time of lending of Money, and making of Bands, to adde the annuel unto the principal summe: providing alwayes, neither principal nor annuel be exacted, or craved, before the tearme of payment appoynted to the said Band. And the contraveeners of this present statute shall be punished as unlawful Usurers.

ACT XXIX.

Ratification of the Act of Secret Council, Against Backsters, Brozzsters, Flesters, and Candle-makers of Edinburgh.

OUR SOVERAIGNE LORD, With advice and consent of the ESTATES of this present Parliament, By the Tenor hereof, Ratifies, Approves, and confirms, The Act of the Secret Council, of date the seaventeenth day of Februarie, one thousand, sixe hundreth, and eightene yeares: Made and set downe, by his Majestic, with consent of the Lords of His Highnesse Secret Council, against the Backsters, Brozzsters, Flesters, Candle-makers, and others therein contained, In-dwellers within *Edinburgh*: With the publication and proclamation following thereupon, In all, and fundrie heads, poynts, passages, circumstances, and others, specified there-intil: conforme to the Tenor thereof, in all poynts. AND Willes, and Declares, The same to have bene, in all time by-gone, since the making and publication thereof: And to be, and stand, in all time comming, good, valuable and effectual in it selfe: and to have the due benefite, and execution thereof, conforme thereunto: Against all who have transgressed: or shall happen to transgresse, and contraveen the Tenor of the same. Whereof the Tenor followeth. ●

Apud Edinburgh, decimo septimo Die Mensis Februarii, Anno Domini Millesimo, Sexcentesimo, decimo octavo.

FOR AS MUCH, As The Kings Majestic, And Lordes of His Privie Council, Considering the dangerous and fearful abuse, which hath bene of continuance these many yeares by-gone, within the Burgh of *Edinburgh*, by the Tollerance, Connivance, and over-sight, which hath bene given unto Backsters, Brozzsters, and others, to builde, and keep stacks of Hather, Broome, Whinnes, and other Fewel, in the heart of the said Burgh, and in the Vennalles and Cloasses of the same: where fundrie of His Majesties good subjects, Inhabitants of the said Burgh, have, with great charges and expences, builded many goodly Houses and buildings: to the credit of the said Burgh, and for the policie and decoration of the same. By the which stacks of Hather, Broome, Whinnes, and other Fewel, builded, and kept, within the said Burgh, not onely are the neighbours of the next adjacent parts thereunto, holden in continual feare, and dreadour, and are in very great hazard, and danger, if either by negligence, or wilful malice, (as GOD forbid) Fire should be set in/ the saids stacks: as fell out by the syring of some stacks in Peibles Wynde, in the 1584. yeare of GOD: But a great number of people, who are inclined, and disposed, to bestow some part of their Estate upon building within the said Burgh, are with-holden there-from, for feare of the saids stacks. And besides this abuse, which is both fearful, dangerous, and hath produced many inconveniences, and great skaith, from time to time, to the said Burgh: there is another shameful abuse there-in: which although it be not altogether so fearful and dangerous as the other, yet it is noysome to the whole civil and honest Neighbours, and to all the Nobilitie, and Countrie people, which come hither for their privadoes: And with that, it is detestable in the sight of strangers, corrupteth the aire, and carrieth many disgraceful and shameful imputations against the said Burgh, as being a puddle of filth and filthinesse: To wit, the over-sight which is given unto Candle-makers, to keep their shoppes and houses where they melt their Tallone, and Cracklings, within the Heart of the said Burgh: And to Flesters, to keep their Slaughter-shoppes within the Towne, and to tuime the filth of the slaughtered Goods upon the high Streets, and in open Vennalles, and Cloasses: whereby it often-times falleth out, that in many streetes and Vennalles of the said Burgh, the filth of slaughtered Goods is in such abundance exposed unto the view of the people: and the cloasses and streetes are so filled therewith, as there can no passage be had thorow the same. FOR removing of the which two abuses, so dangerous and disgraceful to the said Burgh, The Kings Majestic, with advice of the Lords of His Secret Council, hath resolved, concluded, commanded, and ordained, That from the first day of May next to come, there shall be no stacks of Hather, Broome, Whinnes, nor other Fewel, kept nor suffered to bee in any of the Vennalles, Wyndes, or Cloasses of the said Burgh, nor within Houses, nor upon the streetes of the same: and that no Flesters shall be suffered, by themselves, their servants, or others in their names, to keep any slaughter-houses within this Burgh, nor in any Wynde, Cloasse, or vennai of the same: nor to tuime the bloode, and filth of their slaughtered Goodes upon the streetes, or in Cloasses, or in Vennalles: Nor that no Candle-makers keep their melting Houses within the said Burgh: But that the saids stacks of Hather, Broome, Whinnes, and other Fewel, shall be carried, and set at some remote partes of the said Burgh, beside the Portes, Walles, or North-loch-side, where there are no Houses. And that the saids Flesters shall provide themselves of slaughter-houses, at the North-loch-side, where they may have the use of the water for the away taking of the filth of their slaughtered goodes. And that the Candle-makers provide themselves of houses, for melting of their Tallone and Cracklings, at some remote partes of the Towne, from the common-streetes, cloasses, and Vennalles of the same: AND ordaines Letters to bee directed, to make publication hereof, by open proclamation, at the Market-Crofs of *Edinburgh*; where throw none pretend

pretend ignorance of the same : and to command, charge, and inhibite, all and sundry persons, Inhabitants within the said Burgh, of what Trade or Calling soever they bee: That they, or none of them, nor none by their command, and direction, Found, build or keep any stackes, or ruckes of Hather, Broome, Whinnes, or other fewel, within any of the Cloasses, Vennalles, or waste places of the said Burgh, nor within their houses : And that they remove the stackes which they already have, and build the same at some remote places, about the portes and walles of the said Burgh, where there are no houses, or at the North-Loch-side: betwixt & the said first day of May, next to come: under the paine of confiscation of the same Hather, Broome & Whinnes, so to be stacked, against the meaning and intent of this Act, and further: under the paine of five hundredth poundes, to be payed by them, so oft as they shall happen to faile. And such like, to command all and sundry Fleishours, Inhabitants within the said Burgh, that they prepare themselves of Slaughtering-houses, at the North-Loch-side: where they may have the commoditie of water for their use; and that they in no wise presume, nor take upon hand, after the said day, to tuime the filth, -or blood of their slaughtered Goods upon the streetes, nor in the vennalles, cloasses, and wyndes of this Burgh. As also, To charge all Candle-makers, That they, betwixt and the day foresaid, provide themselves of houses, for melting of their Tallone, and Cracklings, at some remote partes of the Towne, from the common-streetes, cloasses, and vennalles of the same: under the paine of five hundredth poundes money, to be incurred by every person, Fleishour, or Candle-maker, so often as they shall faile. AND such like, to command, and charge the Provest and Baillies of Edinburgh, That they have a special care and regarde, to see this present Act to be precisely and inviolably kept: as they will answer to His Majestie, and the saids Lords, upon the ductifull discharge of their Office.

ACT. XXX.

Act restraining the buying and selling of certaine Wyld Fowles.

OUR SOVERAIGNE LORD, with advice and consent of the ESTATES of Parliament, Considering the great abuse and libertie, which hath beene used these divers yeares by-gone, by the subjects of this Realme, in buying and selling of wyld fowles, of the particular species following: to wit, Of Pouttes, Partrickes, Muire-fowles, Blacke-cockes, Gray-hennes, Termigantes, Quayllies, Caperkayllies, &c. For restraining of which abuse in time coming, OUR SOVERAIGNE LORD, with advice and consent foresaid, statutes and ordaines, That no person whatsoever within this Realme presume, nor take upon hand, to buy nor sell, at any time hereafter, any Wyld-fowles of the species foresaid, under the paine of one hundredth poundes money, to be incurred by the contraveener thereof, buyer or seller. AND Ordaines this present Act to have the strenth and force of an Act of Parliament, to be inviolably observed in all time hereafter, aye, and while the same be lawfully discharged, or altered.

ACT. XXXI.

Anent Hunting, and Hauking.

OUR SOVERAIGNE LORD, And ESTATES of this present Parliament, statutes and ordaines, That no man Hunt nor Hauk at any time hereafter, who hath not a Plough of land in Heritage, under the paine of one hundredth poundes. ORDAINES His Majestie to have the one halfe of the penaltie of the Contraveeners of this present Act: and the Dilator to have the other halfe of the said penaltie:

ACT XXXII.

Anent the harrying of Haulke Nests, and hunting in Snow.

OUR SOVERAIGNE LORD, And ESTATES of this present Parliament, Ratifies, and approves the Act of Parliament, made by King JAMES the Third of worthy memorie, in the seaventh Parliament, anent the unlaw of stealing of Haulkes, Houndes, Partrickes, and Duickes: in all and sundry points, heads, articles, and clauses thereof: With this addition, that the paine and penaltie of ten poundes therein contained; SHALL BE Now & in all time coming augmented against the contraveeners of the said Act: under the paine of one hundredth poundes money of this Realme. AND ALSO, ratifies, and approves, all Actes of Parliament, made of before by His Majesties most Noble Progenitours, anent the slaying and hunting of Hares, Does, and Rhoes in time of snow: And statutes, and ordaines the paine and penaltie against the contraveeners thereof: to be under the paine of one hundredth poundes money (*toties, quoties*) as they shall happen to contraven the same. And ordaines the one halfe of the paine to be incurred by the contraveeners of this present Act, to be given to His Majestie: and the other halfe to the persons Dilators of the contraveeners of the same.

A C T. XXXIII.

Salvo Jure Cujuslibet.

FOR AS MUCH, As in this present Session of Parliament, there are many Ratifications and Actes, in favours of particular persons past; wherein diverse and new Clauses are insert, which may be prejudicial to particular parties rights, and derogative unto many and sundry Lawes lawfully made, and established of before: albeit the meaning of the Estates be at this time, as it was ever in all preceeding Parliaments, That by no Act of Ratification, or Act granted unto any particular person, any other party should be hurt or prejudged. For remeedy whereof, it is statuted and ordained, That no Ratification, nor other Act, made in favours of any particular person, shall be prejudicial to any private parties right: But that the saids Ratifications and Actes, made in favours of particular persons, be alwayes understood, *Salvo Jure Cujuslibet.*

T H E P R I N T E D

A C T S A N D L A W S

Past in the XXIII. P A R L I A M E N T.

- 1 **A** Ratification of the five Articles of the General Assemblée of the Kirk, balden at Perth in the Month of August, 1618.
- 2 Anent the Taxation granted to his Majestie, of xxx. shillings Tearnlie, upon the pound Land; and the twentie pennie of all annuel-rents.
- 3 Anent the Collecting and in-bringing of the Taxation, and reliefe to Prelates.
- 4 Ane Act of Ratification in favour of the Prince his Highness.
- 5 Anent the plantation of Kirks, as yet unplanted.
- 6 Act anent comprysings.
- 7 Anent Adjudications.
- 8 Anent the Extraetes of Infeftments, past upon Comprysings, forth of the Privie Seale: where the same are not registrate at the Great Seale.
- 9 Anent giving of Licence to Bischops, to set their Ward lands in Few-ferme.
- 10 Act declaring summes Graß, given to the Ministers for their Gleibes to be Teynd-free.
- 11 Ratification and Addition to the Act of Parliament made anent Restitution of Chaptours.
- 12 Anent Packing and Peyling.
- 13 Anent the discharging of Protections.
- 14 Anent playing at Cardes and Dyce, and Hor-se-Races.
- 15 Act, declaring all Tackes sette for longer space then three yeares, without consent of the Patron, being persons under the degree of Prelates, since 1594. to be Null.
- 16 Anent Mettes and Measures.
- 17 Anent the discharging of a pecke to the Bow.
- 18 A Ratification of the Act of the Lords of Council and Session, made in July 1620. against unlawful Dispositions, and Alienations, made by Dycours and Bankrupts.
- 19 Ratification of the Act of Council, anent the pryces of Writtes, Seales, &c. made 1606.
- 20 Act, ordaining annuel-rent to be due after the Horning.
- 21 Anent servants going lowse, and leaving their Masters service.
- 22 Anent counterfeiting and making of false writtes.
- 23 A general pardon for deedes done against penal statutes: (some few excepted.) and a discharge of James Cranston his commission.
- 24 Anent Evidents past the great Seale, which are not Registrated.
- 25 Anent banquetting, and apparel.
- 26 Anent Thacking of Houses in Edinburgh, with Sklaite and Skayllie.
- 27 Anent comprysing from apparent Heires, extended aswel unto mens owne Debts, as their Predecessors.
- 28 Anent taking of annuel-rent before hand, to be usurie.
- 29 Ratification of the Act of Secret Council, against Baxsters, Browsters, Fleshers, and Candle-makers of Edinburgh.
- 30 Act restraining the buying and selling of certaine Wyld-Fowles.
- 31 Anent Hunting, and Haulking.
- 32 Anent the harrying of Hauke Nests: and Hunting in snow.
- 33 Act *Salvo Jure Cujuslibet.*

A N E T A B L E

Of the PARTICULAR ACTS and Others, Not Printed, past in the xxij Parliament, holden at Edinburgh, the 4. of August, 1621.

- 1 Commission anent Moneyes.
- 2 Commission anent the Taxt Rolle, within the Sherrifdome of Kincardin.
- 3 Commission anent Coales, and Coale-heughes.
- 4 Commission for modifying of Blench Dueties, and Ministers Stipends, in erected Prelacies.
- 5 Reference to the Secret Council, anent Maultsters.
- 6 Another anent the In-bringing of Water to *Edinburgh*.
- 7 Reference to the Secret Council, anent the *Clangregor*.
- 8 Reference to the Secret Council, anent the Taxation of the Sherrifdome of *Linkithgow*.
- 9 Reference to the Secret Council, anent the Professors of Medicine.
- 10 A Ratification in favours of the Marquis of *Hamilton*.
- 11 An Act Uniting the Provestrie of *Kirkc-begh*, unto the Archbishoprick of *Sant-Andrewes*, with diverse exceptions.
- 12 Ratification in favours of the Earle of *Angus*.
- 13 An Act in favours of the Earle of *Nithisdale*.
- 14 Act in Favours of the Earle of *Winton*, anent the Regalitie of *Sant-Andrewes*, on the Southside of *Forth*.
- 15 Protestation made for *John Murray of Lochmaben*, anent *Tunninghame*.
- 16 Ratification, and new dissolution of *Jedburgh* and *Cannobie*, in favours of the Earle of *Hume*.
- 17 Ratification in favours of the Earle of *Lowshan*.
- 18 Ratification in favours of the Earle of *Roxburgh*, anent *Kelfo* and *Lefmahago*, with a new dissolution.
- 19 Ratification in favours of the Earle of *Kellie*.
- 20 Ratification in favours of the Earle of *Melros*, of his infeftment of *Binning*, &c.
- 21 Another of the Earle of *Melros*, of his infeftment of *Melros*, with a new dissolution.
- 22 Act in favours of the Viscount *Lawderdale*, anent *Boitoun*.
- 23 Dissolution of the Priorie of *Haddington*, in favours of the Master of *Lawderdale*.
- 24 Dissolution of the Priorie of *Cauld-streame* in favours of Sir *John Hamilton of Trabroune*, Knight.
- 25 Annexation of the Chappel-Royal to the Bishopricke of *Dumblane*.
- 26 Ratification to *Alexander* Bishop of *Dunkeld*, of his infeftment of *Baltroddie*.
- 27 Ratification to the Bishop of *Dumblane*, of his infeftment of *Kilconquhar*.
- 28 Protestation made for the Lord of *Lorne*.
- 29 Dissolution of the Kirk of *Kilmachormik*, from the Abbacie of *Kilwinning*, and an union thereof to the Bishopricke of *Argyle*.
- 30 Act in favours of the Lord *Kilmawers*, anent the Kirk of *Dregborne*.
- 31 Ratification in favours of the Lord *Spytie*.
- 32 Ratification in favours of the Lord *Loudoun*, of his infeftment of *Kylesmuire*, &c.
- 33 Ratification to the Lord of *Scone*, of his infeftment of *Drunduffe*, &c.
- 34 Act in favours of Sir *Andro Ker*.
- 35 Ratification to the Lord of *Carnegie*, of his Barronie of *Ferne*, &c.
- 36 Act in favours of *John Stewart*, anent his Rehabilitation.
- 37 Erection of *Coldinghame*, in favours of *John Stewart*.
- 38 Diverse Protestations against the said Act, made in favours of *John Stewart*.
- 39 Act in favours of Sir *Richard Cockburne*, Lord Privie Seale.
- 40 Ratification to Sir *Robert Melvil*, of his Infeftment of *Lethun*, *Monimaile*, &c.
- 41 Ratification to Sir *George Hay*, of his infeftment of *Kilfarwes*, &c.
- 42 Ratification to Sir *William Oliphant*, and his sonnes, of their Infeftments of diverse landes.
- 43 Act in favours of Sir *Andro Hamilton*, of *Reidhouse*.
- 44 Ratification in favours of *John Murray*, of *Lochmaben*, of two Infeftments.
- 45 Ratification in favours of *John Livingston*, of his Infeftment of *Kinnaird*.
- 46 Ratification in favours of *John Achmutie*, of his Infeftment of *Scougal*.
- 47 Ratification of diverse Infeftments, granted to the Town of *Edinburgh*.
- 48 Ratification to the Town of *Edinburgh*, of the libertie of bearing a Sword of Justiciarie, of Peace, of Unlawes, the Exceyse of Wine, the Jadgerie, &c.
- 49 Ratification of diverse Infeftments granted to the Town of *Edinburgh*, for sustentation of Colledge, Ministers, and Hospitals.
- 50 Act

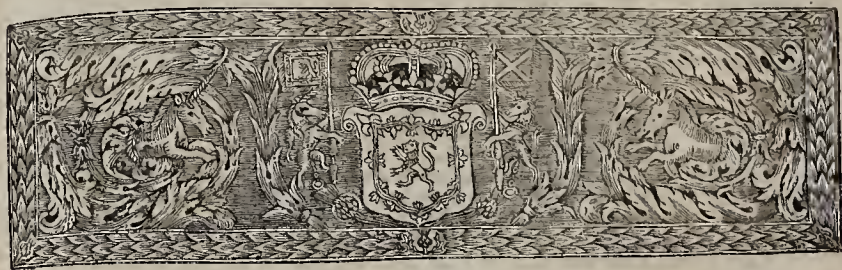
- 50 Act disjoyning the parts lying within the Ports of *Edinburgh*, from *Sanct-Cuthbert*, and *Holy-Rood-House*.
- 51 Act in favours of the Keepers of the Kings Castles.
- 52 Protestation made for the Earle of *Errole*, Great Constable.
- 53 Protestation made by the Earle *Marshall*.
- 54 Protestation made by the Earle of *Monteith*, and Lord of *Rosse*.
- 55 Protestation of the Town of *Leith*.
- 56 Declaration in favours of other Burrowes, anent the Actes granted in favours of *Edinburgh*.
- 57 Ratification in favours of Master *Alexander Gibson*, Laird of *Durie*.
- 58 Ratification in favours of the Laird of *Wanchtoun*.
- 59 Act in favours of the Laird of *Lochinvar*.
- 60 Act in favours of the Laird of *Caddel*.
- 61 Act in favours of the Laird of *Whittinghame*.
- 62 Act in favours of the Laird of *Corstorphin*.
- 63 Act in favours of the Laird of *Buchanane*.
- 64 Act in favours of the Laird of *Sanct-Monans*.
- 65 Act in favours of Sir *John Scot*, of *Scots-Tarvet*.
- 66 Two Actes in favours of *Alexander Cranston* of *Moreston*.
- 67 Act in favours of the Laird of *Ruchlaw*.
- 68 Act in favours of *William Barcklay*, of *Innergellie*.
- 69 Ratification to Master *Thomas Hope*, of *Craigbal*, of his Infeftment of *Arnydie*.
- 70 Act anent the Union of the Lands of *Kinnimouth*, &c. unto the Kirk of *Seres*.
- 71 Act in favours of the Univerſitie of *Sanct-Andrewes*.
- 72 Act in favours of Master *William Forbes*, of *Craigievar*.
- 73 Licence to Sir *George Hay*, anent ſelling of his Yron.
- 74 Ratification to *William Maxwell*, of his Infeftment of *Juſting Leys*, and Vicarage of *Kirkbennie*.
- 75 Ratification in favours of the Laird of *Corstorphin*.
- 76 Ratification of the Gift of the Chamberlainrie of *Fyffe*, granted unto umwhile Sir *James Hay*.
- 77 Commiſſion to the Lordes of Seſſion, in favours of the Lord of *Spynie*.
- 78 Act in favours of *James Winrame*.
- 79 Act in favours of Master *Walter Weitsfurde*, anent the Miniſterie of *Failsfurde*.
- 80 Act in favours of Sir *George Hume*, of *Manderston*.
- 81 Act in favours of Master *William Kellie*.
- 82 Act in favours of *William Dowglas*, of *Cayers*.
- 83 Ratification in favours of the Town of *Elgin*.
- 84 Act in favours of Sir *Iohn Campbel*, anent the Kirk of *Loudun*.
- 85 Ratification in favours of the Town of *Elgin*.
- 86 Acceptation by the Parliament of the Offer made by the Extraordinary Lords of Seſſion, anent their Taxation.
- 87 An Act and Commiſſion, granted by Parliament, upon the offer made by the Advocates, and other Members of the Colledge of Juſtice, anent their Taxation.

The end of the XXIII. and laſt Parliament, of Good King JAMES the Sixth.





*Carolus primus Dei gratia Magnæ
Britaniæ, Franciæ, & Hybernici Rex.*



T H E A C T S
 Made in the F I R S T
 P A R L I A M E N T
Of Our Most High and Dread Sovereign,
 C H A R L E S
 T H E F I R S T,

By the Grace of GOD, King of GREAT BRITAIN, FRANCE,
 and IRELAND, Defender of the Faith, &c.

*Holden by Himselfe, present in Person, With his Three Estates at Edinburgh, upon the
 Twentie eight day of June, Anno Domini, 1633.*

A C T I.

*Asent the Taxation granted to His Majestie of thirtie shillings Tearmly upon the pound
 Land, and the sixteenth pennie of all Annuel-rents.*



IN THE PARLIAMENT holden at *Edinburgh*, the twenty eight day of June, the year of God, 1633. THE THREE ESTATES of Parliament being assembled, having taken to their Consideration the many blessings, which this nation doth enjoy under his Majesties most wise, happy, and peaceable government, whereof each Estate is most sensible, his Majesties royal zeale for propagating the Gospel of JESUS CHRIST, his care for providing sufficient maintenance for the Clergie, his extraordinary paines taken for uniting the disjoynted members of this Common-wealth, and extirping of all roots of discords, relieving the oppressed, and with so even and fatherly a hand curing the wounds of this Common-wealth, as the wisest eye can finde no blemish in the temper of all his Royal Actions: And last, the great comfort they have by enjoying his Majesties Royal presence, paines

taken, and expences disbursed by his Majestie in this his Majesties journey: with a most thankful acknowledgement, are most earnestly and humbly to entreat his Sacred Majestie, to accept of this their voluntary offer of aue taxation to be imposed, collected, and payed to his gracious Majestie, in manner, and at the termes following: That is to say, The Dukes, Marquesses, Earles, Vicounts, Lords, and Commissioners of Shires for the temporal Estate, have granted, that there shall be uplifted of every pound land of old

old extent within this Kingdome, pertaining to Dukes, Marquesses, Earles, Vicounts, Lords, Barons, and Freeholders, and Fewers of his Majesties proper lands, the summe of thirty shillings money at every one of the six severall termes following, *viz.* The summe of thirty shillings money at the feast and terme of Martinmas, in the year of God, 1634. The summe of other thirtie shillings money at the feast and terme of Martinmas, in the year of God, 1635. The summe of other thirty shillings money at the feast and terme of Martinmas, in the year of God, 1636. The summe of other thirty shillings money at the feast and terme of Martinmas, in the year of God, 1637. The summe of other thirty shillings money at the feast and terme of Martinmas, in the year of God, 1638. And the summe of other thirty shillings money at the feast and terme of Martinmas, in the year of God, 1639. AND the Archbishops and Bishops for the Spiritual Estate, have granted that there shall be uplifted of all Archbishopsricks, Bishopsricks, Abbacies, Pryories, and other Inferiour Benefices, within this Kingdome, at every one of the six termes above-specified, the just taxation thereof, as they have been accustomed to be taxed unto in all time by-gone, whensoever the Temporal lands of this Kingdome were stinted to thirty shillings the pound land of old extent : And the same taxation to be payed at every one of the six severall termes above-specified. AND the Commissioners of Burrowes for their Estate have granted, that there shall be uplifted of all the Burrows within this Kingdome, at every one of the six termes above-specified, the just taxation thereof as they have been accustomed to be taxed unto, in all time by-gone, whensoever the Temporal Lands of this Kingdome were stinted to thirty shillings the pound land of old extent. And the said Taxation to be payed at every one of the six severall termes above-written. AND in regarde that his Majestie hath erected sundry Prelacies in temporal Lordships, whereby the owners thereof may claime to be taxed with the Barons of the Temporal Estate, and thereby his Majestie will be defrauded of a great part of the said Taxation.

THEREFORE THE SAIDS ESTATES Ordaine, that all erections of Prelacies, and other small Benefices, in whole or in part in Temporal Lordships, shall in payment of the said Taxation pay to the Collectour thereof so much of the same Taxation (*pro rata*) as if they were no wayes erected, and as they were subject to do before the erection of the same. AND likewise it is statute and ordained, that all dissolved Benefices within this Kingdome, in whole or in part, shall be subject in payment of so much of the same taxation (*pro rata*) as they would have been subject to pay, though the same had not been dissolved. And that those parties, who have gotten any part or portion of any Prelacies, or other Inferiour Benefices dissolved, and new securities made unto them by his Majestie of that part and portion thereof so dissolved, shall be subject in payment of the Taxation thereof to the Prelate or other beneficed person for his reliefe of the same Taxation, as they would have been, so the same had not been dissolved, notwithstanding of any condition contained in the infeofments and securities made by his Majestie to them in the contrary thereof.

AND FURTHER, his Majestie and the saids Estates annul and discharge all priviledges and immunities whatsoever, whereby any persons may think themselves free of payment of this present Taxation (The priviledges granted to the ordinary Lords and Senators of the Colledge of Justice, and the taxation of Benefices, given, disposed, and mortified for entertainment of the Universities, Colledges, and Hospitals within this Kingdome only excepted.) AND further, the saids Estates, for a more ample testification of their exceeding great affection to his Majesties service, have (beside and attour the ordinary taxation above-written) made a free and willing offer to his Majestie of one yearly extraordinary taxation of the sixteenth penny of all annual-rents which any person or persons within this Kingdome hath freely due and payable to them yearly or termly (Their own annual-rents, wherein they are debited to others being first deducted) : The first termes payment whereof shall bee, and begin at the Feast and terme of Martinmas, in the year of God, one thousand six hundred thirty four years, and so forth yearly and termly at Whitfunday, and Martimas for the space of six years, while the saids six yeares and twelve termes payment thereof be full and completely out-run.

AND For the better tryall of every man his annual-rents, which hee hath yearly or termly due to him : It is ordained, that this Act be published at the Market-Crosse of *Edinburgh*, and of the whole head burrowes of the Sherifedomes, Stewartries, Baileries, and Regalities, within this Kingdome, whereby all his Majesties Lieges may have true notice thereof. AND therewithal the saids Estates will, command, and ordaine all his Majesties subjects that have any annual-rents payable to them, That they compare within the Head burgh of the Sherifedome, Stewartrie, Baillerie, or Regalitie, or the Head-burgh of any of those Jurisdictions, wherein the head-Courts are holden, and where the saids annual-renters dwell, and have their ordinary residence, in any court day in one of the two last weeks immediately preceeding, and in one of the two first weeks immediately following Whitfunday, and Martimasse. At which time the Sheriffs, Stewards, Bailies, and Bailies of Regalities, and Provest, and Bailies of Free-burrows within the bounds of their Jurisdictions, shall be obliged to hold Courts weekly, to the effect after specified. And the Lieges resorting to the saids Courts, shall give up an inventar to the Clerk thereof, of the whole summes of money for which annual-rent is due to them yearly or termly, with the names of their Debtors, designed by name and surname, and the ordinarie place of their residence. As also the whole summes of money for which they are subject in payment of annual-rents to others, with the names of their creditors, to whom the same is due, designed likewise by name and surname, and the place of their

then ordinary residence, whether the same annual-rent be in victual, or in silver: the annual of victual to be esteemed according to the stock of money for which it is payed, at eight for ilk hundred thereof. And shall cause the parties, up-givers of the saids inventars, everie partie subscribe his own inventar himselfe, if hee can write; and if hee cannot write, the Clerk of the said Court shall subscribe the said inventar in face of the court before the members thereof. And also the Sheriffs, Stewards, Baillies, Bailies of Regalities, Provost, and Bailies of Free-burrowes within the bounds of their jurisdictions: And the Clerks themselves shall make and give up an inventar of the Debts owing to themselves, and by themselves, as said is. IT IS alwaies provided, that if any person impedit by reason of sickness, or distracted by some other just occasion, shall not be present himselfe to give up the said inventar, It shall be lawful for him to cause any honest responsal man within the jurisdiction where hee dwells, compeer and give up his inventar, providing the same be subscribed by himselfe, or any Notar at his command, which the ingiver shall declare to be one true deed, and shall abide at the same upon the like hazard and danger, as the principal partie should underlye: which shall be alsufficient, as if the inventar had been given personally up by the principal partie himselfe. And an inventar being once made and given up, shall still stand, and be a ground to charge any person, during the time of the six years of the said taxation, unless the partie change, or otherwaies employ his summes: and then he shall give up a new inventar, which shall be a new ground of a charge, and the former shall cease. And the said Clerk shall make a Record in his Register of the saids whole inventars: which inventars being so recorded, shall bee extracted by the said Clerk, and subscribed with his hand, And three extracts made of the same; one to be given to the partie, if he require the same; another to be sent by the said Clerk to the Collector of the said taxation; and the third to be sent by the said Clerk, to the CLERK of His MAJESTIES REGISTER, to be kept amongst the Records of his Majesties Exchequer, to the intent it may be known how far everie party is lyable in payment of the said extraordinary taxation. For the which extract and not made in Register, the said Clerk shall have of every person, up-giver of an inventar, the summe of four shillings money. And if by sloth or malice the Clerk shall happen to delay, or shift the Lieges, resorting to the saids courts to the effect foresaid, (complaint being made thereof to the Lords of his Majesties privie Council) the saids Clerks shall be punished accordingly, at the discretion of the saids Lords. And at any Court day, in any of the saids two Weekes preceeding or immediately following any terme, it shall be leaseome to any person to compeer and offer to give up his inventar (hee making payment of the taxation due for the same) which the Clerk & Judge shall be astricted to receive.

AND albeit it be declared, that an inventar once given up shall still stand, and be a ground to charge any person during the whole termes of the said taxation, except the same be changed in manner foresaid: Yet because sundry, who have this liberty, delay to make payment of the taxation of their moneys after the time be expired, THEREFORE It is provided and declared, that if they faillie to make payment of the due taxation of their moneys within twentie dayes after each terme, that the partie so faillying, shall be subject in payment of the triple of the said taxation, for each terme wherein he faillies, and letters shall be direct against them, for payment thereof in forme as effectis.

FURTHER, For the better observation of this Act, It is declared, that whosoever receaves, retaines, or conditions to receive any annual-rent, and concealeth the same, or any part thereof: Or in giving up his inventar of debts, and annualls owing by him to his just creditors, giveth up more than he is justly addebted, the up-giver thereof shall forfeit that termes annual to his Majesties use. AND whosoever first discovers, or reveales, either the annual concealed, or annual which is more than the up-givers just debt; shall for his reward have the halfe of that termes concealed annual, and as much as the halfe of that annual which shall be discovered to have been unjustly given up. AND In case it shall happen any person or persons whatsoever, by vertue of his up-given inventar, to be charged for payment of his taxation, and at the time of his charge to declare in presence of a Judge by his great Oath solemnly sworne, that his debter is a bankrupt, whereby he is disabled to make payment of his taxation, and is content the Kings Majesty shall have the whole annual-rent addebted to him by his bankrupt debtor for that terme, The said declaration shall bee a sufficient liberation to him of the same: AND For eschewing of malicious dilators of those who have omitted or concealed their summes, IT IS ordained, That whensoever any person shall accuse, or delate another of concealing, or omitting of summes, the time of making his inventar, he shall condiscend upon some probable cause of his delation, and shall find caution *de judicato solvi*, in case he faillie in providing that which hee delates. And there shall no such actions of delations bee lawful against dead persons, their heires, nor executors, except that the same hath been intended before the saids persons their deccase. Neither shall it be lawful after year and day after the expiring of the said taxation, to intend any such action. AND In case any person purchase wedset of Lands, and set the same back again in tacks to him who wedset the same, The tacksmen, possessors of the Lands, shall pay for the stent of the Lands, & the haver of the wedset shall pay for the annual-rent of his money which he hath on the Land, as if the same were employed for annual-rent. AT TOWR it shall not be lawful by no manner of way as if a creditor, to get reliefe of his debtor for this taxation which is imposed upon annual-rents, by this statute, under the paines contained in the Acts of Parliament made aient Usurers. AND concerning Minors, it is declared, That their minority shall no wayes privileged them, but their tutors and cutors shall

shall give up their inventars of their annual-rents in their names, which if the saids Tutors and Curators failie to do, the saids Minors shall incur the like danger as others, and at their perfect age, shall have action of relief against the saids Tutors and Curators for that cause. A N D in case any person depart out of this Kingdom after the publication of this present act, the same shall no wayes excuse him from giving up an inventar of his annual-rents, and payment of the said Taxation, and underlying of the danger contained in this present Act. But they who are presently forth of this Kingdom, and shall not return before the terme of Whitsunday, in the year of God, one thousand, six hundred, thirty five, they shall not come under the danger of this Act until the terme of Martinmasse thereafter, providing, that at that terme they give up their inventars, and pay their Taxation, as if they had been present within the Kingdom, before the foresaid terme of Martinmasse. A N D for uplifting of the same Taxation granted upon Annual-rents, and to the intent, his Majesties general Collector thereof, may know whom to crave and charge for the same; I T is statute and ordained, that within every Sheriffsdom, Stewartry, Bailiery, and Regality, where the Offices of Sheriffs, Stewarts, Bailiffs are heritable, and the Provost and Bailiffs of Free Burrows, these heritable Officers and their depures, for whom they shall be holden to answer, and Provost and Bailiffs of Free Burrows, shall collect the said Taxation, and make payment thereof to his Majesties Collector general of his saids Taxations. And where these Offices of Sheriffs, Stewarts, and Bailiffs, are not heritable but changeable; The Clerks within the saids jurisdictions (having their Offices *ad vitam*) shall be collectors thereof. And in case the saids Clerks have not already found sufficient caution for discharging of their Offices, they shall be holden before they have any intromission with the same Taxation, or exercise their Office of Sheriff-Clerk, after the foresaid Terme of Martinmasse, in the year of God, one thousand, six hundred, thirtie four years, to find sufficient Caution for that effect. A N D where there are no heritable Officers nor Clerks (having their Offices *ad vitam*) and have not found Caution in manner above written, the said Collector general of his Majesties Taxation, and his Depures in his name sufficiently authorized by him, and for whom he shall be holden to answer, And whose name he shall cause publish at the Market-cross of the head Burgh of that Jurisdiction, where there is no heritable Officers nor Clerks (*ad vitam*) that his Majesties Lieges may know to whom they shall make payment, shall collect and uplift the same Taxation; which payment being made, the receiver thereof shall be obliged to deliver to the payer thereof an acquittance upon the Receipt of the same, *gratis*, without paying any money for the same. I T IS likewise provided, that the Fees of the Collectors and Receivers of the same Taxation of annual-rents, shall be, like-as hereby they are remitted to the discretion and arbitrement of the Lords of his Majesties Privy Council, to be set down and agreed upon by them. A N D the saids Estates hereby deserne and declare, that all Burgeses and Freemen within Burgh, albeit they be taxed in the ordinary Taxation abovementioned, with their Neighbours, conform to the order prescribed for collecting of the burrows part of the said ordinary Taxation; yet the same shall no wayes liberate nor free them from payment of the said extraordinary Taxation, according to the proportion of the sixteenth penny of their annual-rents, but shall be lyable in payment thereof, as others his Majesties Lieges are. A T T O U R the saids Estates annull, and discharge all privileges, and immunities whatsoever, whereby any person may think themselves free of payment of any part of this present extraordinary Taxation, the privileges and immunities granted to the ordinary Lords of Session, with the annual-rents due to be payed to Colleged, Schools, and Hospitals, or mortified for sustentation and upholding of Kirks and Bridges, with the annual rent that might be claimed of poor people, whose stock exceeds not the summe of five hundred Merks Scots, only excepted.

A C T II.

Anent the Collecting and Inbringing of the Taxation, and reliefe to Prelates.

I N THE PARLIAMENT Holden at *Edinburgh* upon the twenty eight day of *June*, the year of God, 1633. The three Estates of the said Parliament being assembled, having taken to their consideration the many blessings which this nation doth enjoy under his Majesties most wise, happy, and peaceable government, wherof each Estate is most sensible, his Majesties royal zeale for propagating the Gospel of Jesus Christ, his care for providing sufficient maintenance for the Clergy, his extraordinary paines taken for uniting the disjoynted members of this Common-wealth, and extirping of all roots of discords, relieving the oppressed, and with so eaven and fatherly a hand, curing the wounds of this Common-wealth, as the wisest eye can finde no blemish in the temper of all his royal actions: And last, the great comfort they have had by enjoying his Majesties royal presence, paines taken, and expences disbursed by his Majesty in this his Majesties journey: with a most thankful acknowledgement, are most earnestly and humbly to intreat his sacred Majesty, to accept of this their voluntary offer of one Taxation ordinary to be imposed, collected, and payed to his gracious Majesty in manner, and at the termes following: That is to say, The summe of thirty shillings money at the Feast and Terme of Martinmasse,

masse, in the year of God, 1634. The summe of other thirtie shillings money at the feast and terme of Martinmasse, 1635. The summe of other thirtie shillings money at the feast and terme of Martinmasse, 1636. The summe of other thirtie shillings money at the Feast and terme of Martinmasse, 1637. The summe of other thirtie shillings money at the Feast and terme of Martinmasse, 1638. And the summe of other thirtie shillings money at the Feast and terme of Martinmasse, 1639. AND For the spiritual-men and Burrowes parts of the same taxation, That there shall be uplifted of everie Archbishoprick, Bishoprick, Abbacie, Pryorie, and other inferior benefice, and of everie Free-burgh within this Kingdome, at everie one of the saids six termes payment, the just taxation thereof, and as they have been accustomed to be taxt unto in all time by-gone, whensoever the Temporal-lands within this Kingdome were stented to thirtie shillings money the pound land of old extent. And the same taxation to be payed at every one of the six severall termes above-written. AND FOR inbringing of the spiritual-mens parts of the same taxation, Ordains letters to be direct, charging all and sundrie Archbishops, Bishops, Abbots, Priors, as likewise all Noblemen and others, in whose favours the erection of any prelacie, or other inferior benefice, or any part or portion thereof, be it in Lands, Kirks, or Teynds, Or in whose favours the patronage of any benefice, Kirks, or Teynds are past, and all other beneficed persons contained in the Taxt-rols, their heritable Baillies, Chamberlaines, Factors and intromettors with their rents and living, personally, or at their dwelling places, and by open proclamation at the Market-crosses of the Head-burrowes of the Sheriffdomes, Stewartries, and Bailleries, where the saids Prelacies, erected Lordships, and small Benefices lye, if they be within this Kingdome. And if they be without this Kingdome, by open proclamation at the Market-crosse of *Edinburgh*, Peir and Shore of *Leith*, upon threescore dayes warning, to make payment of that summe, that they and ilk one of them are taxt unto, for every one of the saids six termes, To the Collector general of the said taxation, appointed or to be appointed by his MAJESTIE, or his Deputes and Officers in his name, having his power and commission to receive the same, at the particular termes above-written, under the paine of Rebellion, and putting of them to the horne. And if they faillie therein, at the by-passing of every one of the saids termes, To denounce the disobeyers rebels, and put them to the horne, and to escheat, &c. And that the Prelates, and beneficed persons, and such Noblemen, and others, in whose favours the erections and patronages above-written are past, For their reliefe have letters, charging their Vassals, Sub-vassals, Ladies of terce, conjunct-feeers, and life-renters, Fewars, Tacksmen, and pensioners, to make payment of their part of the said Taxation ilk one of them (*pro rata*) according to the summe they shall be taxt unto; to the saids Prelates, and other beneficed persons, and to the saids Noblemen, and others, having power to receive the same, within twentie dayes next after the charge, under the paine of rebellion, &c. And if they faillie, &c. To denounce, &c. and Escheat, &c. And to poynd and distrenyie therefore, as they shall think most expedient: Providing alwaies, that the first termes payment of the said taxation be ever past, before the next termes payment be charged for. And the Estates declare, That the production of sufficient hornings against the saids Vassals, Fewars, Tackf-men and pensioners, shall be a reliefe to the saids Prelates, Lords of erection, and beneficed persons, and shall exoner them (*pro tanto*) from payment of the said taxation. Providing that the same hornings, with their Taxt-rols authentickly made and subscribed by the saids Prelates, Lords of Erections, and other beneficed persons, and by their Fewars, Vassals, Tackf-men and Pensioners in manner hereafter prescribed, containing the particular summe which each one of them are taxt unto, be delivered to the Collector of the same Taxation, within the space of threescore dayes after every Terme: Otherwise he shall be no wayes obliged to receive the same, neither shall the Prelate, Lord of erection, nor beneficed person be exoner by production of the same at any time thereafter.

And farther, that the saids Prelates and such Noblemen, and others in whose favours the Erections and Patronages above-written are past, and all other beneficed persons may have their reliefe of their Vassals, Sub-vassals, Ladies of terce, conjunct-feeers, life-renters, Fewars, Tackf-men, and pensioners: To the greater ease, and lesse trouble to their saids Vassals and others foresaid. And to the effect, that every one proportionally may pay his part of the said Taxation, according to the quantity and avails of the free-rent, which hee hath of his benefice, lands, pensions, Kirkes, and Teind-sheaves pertaining to him, alsweil Prelate, Lord of erection, Patron, and other beneficed persons themselves, as the Fewar, Tackf-man and Pensioner.

IT IS thought expedient, statute and ordained, that the saids Prelates and others above-rehearsed, every one of them severally shall convene his whole Fewars, Vassals, Tackf-men, and Pensioners at the particular places hereafter designed. They are to say, The Archbishop of *Sanct-Andrewes*, at the Citie of *Sanct-Andrewes*: the Archbishop of *Glasgow*, at the Citie of *Glasgow*: the Bishop of *Orkney*, at the town of *Kirkwall*: the Bishop of *Caithnes*, at the town of *Durnoch*: the Bishop of *Ross*, at the town of *Chanawrie* of *Ross*: the Bishop of *Murray*, at the town of *Elgin*: the Bishop of *Aberdeen*, at the burgh of *Aberdeen*: the Bishop of *Brechin*, at the Burgh of *Brechin*: the Bishop of *Dunkeld*, at the town of *Dunkeld*: the Bishop of *Dumblane*, at the town of *Dumblane*: The Bishop of *Galloway*, at the town of *Wigton*: The Bishop of *Argyle*, at the Town of *Inverara*: the Bishop of the *Isles*, at the Burgh of *Rutbefay* in *Bute*: the Abbot of *Icolmkil*, at the burgh of *Inverness*: the Pryor of *Ardebattan*, at the Burgh of *Inverara*: the Abbot of *Ferne*, at the Burgh of *Tayne*: the Lord of *Bevalie*, at the Burgh of *Inverness*: the Lord of *Kinloss*, at the Burgh of *Forres*: the Pryor of *Phisgarden*, at the Burgh of *Elgin*:

Elgin: the Lord of *Diene*, at the Town of *Peterhead*: the Pryor of *Fyvie*, at the Town of *Turreffe*: the Pryor of *Monymuske*, at the Town of *Monymuske*: the Lord of *Arbroth*, at the Burgh of *Arbroth*: the Lord of *Scoone* at the Burgh of *Perth*: the Lord of *Cowper*, at the Town of *Cowper* in *Angus*: the Pryor of *Ressemeth*, at the Burgh of *Forfar*: the Collector of the same Taxation in place of the Pryor of *Charterhouse*, the seat now vacant, at the Burgh of *Perth*: the Pryor of *Elcho*, at the same Burgh of *Perth*: the Pryor of *Strathbillane*, at the Kirke of *Comrie*: the Lord of *Inchechaffray*, at the burgh of *Perth*: the Pryor of *Inchmahomo*, at the Burgh of *Sterling*: the Pryor of *Sanct-Andrewes*, at the Citie of *Sanct-Andrewes*: the Baillie of the Regalirie of *Dunfermling*, at the burgh of *Dunfermling*: the Lord of *Bahnerinloch*, at the burgh of *Cowper* in *Fyfe*: the Lord of *Lundores*, at the Burgh of *Cowper* in *Fyfe*: the Masters of *Sanct-Leonards Colledge*, in *Sanct-Andrewes*: for the Pryorie of *Portmoeke*, at the burgh of *Cowper* in *Fyfe*: the Pryor of *Pettenweeme*, at the Burgh of *Pettenweeme*: the Lord of *Sanct-Colmbe*, at the Burgh of *Innerkeithing*: the Lord of *Culros*, at the burgh of *Culros*: the Abbot of *Cambuskyneth*, at the burgh of *Sterling*: the Lord of *Torphechin*, at the burgh of *Lintlithgow*: the Pryor of *Manwel*, at the burgh of *Lintlithgow*: the Lord *Holie-rud house*, at the Burgh of *Edinburgh*: the Lord *New-bottle*, at the Burgh of *Edinburgh*: the Pryores of *Haddingtown*, at the burgh of *Haddingtown*: the Lord of the Temporal lands of the Pryorie of *North-berwick*, at the burgh of *North-berwick*: the Patron and Parson of the Kirke of *Kilconehare* dissolved from the Pryorie of *Northberwick*, at the Town of *Elie*: the Patron and Parson of the Kirke of *Largo* dissolved from *North-berwick*, at the Town of *Largo*: the Patron and Parson of the Kirke of *Mayboil* dissolved from *North-berwick*, at the Town of *Mayboil*: the Patron and Parson of the Kirke of *Logie* dissolved from *North-berwick*, at the burgh of *Sterling*: the Lord of *Kelfo*, at the Town of *Kelfo*: the Lord *Caldinghame*, at the Town of *Eymouth*: the Lord of *Dryburgh*, at the Town of *Dryburgh*: the Pryor of *Eccles*, at the town of *Dunee*: the Pryor of *Cold-sreame*, at the burgh of *Dunee*: the Lord of *Jedburgh*, at the Town of *Jedburgh*: the Lord of *Melros*, at the Town of *Melros*: the Lord of *Paislay*, at the Town of *Paislay*: the Lord of *Blautyre*, at the burgh of *Glasgow*: the Lord & Baillie of the Temporal-lands of *Kilwyning* dissolved from the Abbacie of *Kilwyning*, at the burgh of *Irwang*: the Abbot of *Corraguel*, at the Town of *Mayboil*: the Pryor of *Whithorne*, at the burgh of *Whithorne*: the Abbot of *Saulsette*, at the burgh of *Whithorne*: the Pryor of *Sanct-Mary-Ile*, at the burgh of *Kirkcudbright*: the Lord of *Dundrennan*, at the burgh of *Kirkcudbright*: the Lord of *Glenluce*, at the burgh of *Wigtoun*: the Abbot of *Tungland*, at the burgh of *Wigtoun*: the Abbot of *New-abby*, at the burgh of *Dunfreis*: the Abbot of *Holie-wood*, at the burgh of *Dunfreis*: the Pryor of *Cannabie*, at the burgh of *Amand*: the Barron and Baillie of the Bationie of *Brughtoun*, dissolved from the Lordship of *Holie-rud-house*, at the Burgh of *Edinburgh*: the Heritors of the hundred pound land of the Barronie of *Monkland* dissolved from the Lordship of *Newbottle*, at the Citie of *Glasgow*: the Minister of *Felfoord* at the burgh of *Aire*, the Minister of *Scotland-wel*, at the burgh of *Sanct-Andrewes*: the Minister of the Crofs Kirke of *Peebles*, at the burgh of *Peebles*: the Patron and Parson of the Kirke of *Dundie* dissolved from the Abbacie of *Lyndores*, at the burgh of *Dundie*, and all other final beneficed persons at the parish Kirkes of their particular benefices: And that they convene to the effect above-written upon the thirteenth day of August, in the year of God, one thousand, six hundred, thirty four years: which is declared to be the precise day appointed for all their Vassals, Fewers, Tack-men, and pensioners to keep the said meeting, and that no further citation nor summoning shall be requisite, then this Proclamation and publication of this present Act at the Market-crosses of the Head-burrowes of this Kingdome.

AND here-with it is resolved by his Majestie and the saids Estates, that if any Vassals, Sub-vassals Fewers, Tack-men of Teinds, pensioners, or any other justly bound to make reliefe to Prelate, Lord of Ereccion, Patron, or other beneficed person of any part of the said Taxation, shall send any procurator in his name sufficiently authorized to the said meeting: the same shall not only excuse the principal parties absence, but the procurators shall be admitted in all things, and received to doe and performe in the distribution of the said Taxation, what could or lawfully might have bene done by him who sent him. §

IT IS Like-wise declared, that the Prelate, Lord of Ereccion, Patron, or other beneficed person, impedit by disease, or distracted upon some other necessary occasion from attending that meeting, having his absence supplied that day by a sufficient, worthy person whom he shall authorize and appoint to that effect, shall be as lawful as if he were personally present himselfe: and the party so authorized shall be admitted and received in all things, to doe and performe in the distribution of the same Taxation, what could or lawfully might have bene done by him who sent him.

IT IS further statute and ordained, that at the said day of meeting, the saids Prelates, Lords of erections, patrons, and other beneficed persons, shall by themselves, or by their procurators lawfully authorized, as said is, fence, and hold a Court, call by name and surname upon every one of their Vassals, Sub-vassals, Fewers, Tack-men of teinds, pensioners, and others obliged to relieve them of any part of the same Taxation, and lawful time and day being bidden: To shew to their saids Vassals, Fewers, Tack-men, and pensioners, or their procurators comparing for them, the quantitie of the Taxation imposed upon their Prelacie, erected Lordship, or other benefice authentickly subscribed by the Clerke of the same Taxation. And they all (at the least so many of them as shall convene for this effect with one consent) shall distribute the same to be payed by every man, as well by the Prelate, Lord of Ereccion, and present Possessor of final benefice, for the free rent that every one of them hath of their Prelacies, erected Lordships, and final benefices, as by the Vassal

Vassal, Fewer, Tackf-man, and pensioner, according to the great and small quantitie of the free rent, which every one of them hath either of their Lands, Teinds. or pensions; with certification to any of the said persons, Fewars, Vassals, Tackf-men, and Pensioners, that compare not by themselves or their procurators at the day and place above specified to the effect foresaid; That such as shall convene with the said Prelates, Lords of Erections, Patrons, or other beneficed persons, or their procurators, shall proceed in the equal distribution of the same Taxation, as well amongst them that are absent as present, and shall make and subscribe ane authentick Tax-roll there-upon. And in case none of the said Vassals, Fewars, Tackf-men, and pensioners, shall convene at the day and places above specified, to this effect by themselves or their procurators, but shall wilfullie absent themselves from the said meeting: It shall be lawful for the said Prelates, Lords of erections, Patrons, and other beneficed persons, being present by themselves or their procurators at the day and places above specified, to make, set down, and subscribe the same tax-roll: And in case any of the said Prelates, Lords of erections, Patrons, or other beneficed persons, shall not convene by themselves, or their procurators, at the day and places above specified, particularly designed to every one of them: It shall be lawful for the said Vassals; Fewars, Tackf-men, and pensioners, at the least so many of them as shall convene by themselves, or their procurators, to make, set down, and subscribe the said Tax-roll. Which tax-roll shall containe the particular summe that every one shall be found justly to be addebted to pay, the parties name addebted to pay the same, & the cause wherefore the same ought to be payed. And being so set down either by the Prelates, Lord of erection, Patron and other beneficed person, or their lawful procurators, with so many of their Vassals, Sub-vassals, Fewars, Tackf-men of teinds, pensioners, and others obliged to relieve them of any part of the same Taxation, as shall convene with them to this effect: And in case that none shall convene with them, the said roll being then set down by the Prelate, Lord of erection, Patron, or other beneficed person, or their lawful procurators, or in case of their absence being set down, made, and subscribed by the most part of the said Vassals, Fewars, Tackf-men, and pensioners by themselves, or their procurators as shall convene themselves for this effect; His Majestie and the said Estates decerne to be as lawful in all respects, as if the whole number of persons having interest therein, had convened, made, set down, and subscribed the same: which Tax-roll being so set down, made and subscribed in maner above-written (and no otherwise) and delivered to the Clerk of the Taxation; His Majestie and the said Estates Ordaine him to give warrant for giving of letters of reliefe there-upon, discharging him in any case to give warrant for giving of letters of reliefe upon any roll presented unto him, nor made and authentickly subscribed in forme above-written, as he will answer to the contrarie upon his peril.

IT is like-wise statute and ordained, That Tackf-men of Teinds shall have their reliefe of their Sub-tackf-men, [*pro tanto*,] respect being had to the person payed by the said Sub-tackf-men. AND FOR INBRINGING of the Barrons and free-holders part of the same Taxation, and of the Fewers and renttellers of Our Sovereigne Lords proper lands their parts thereof: Ordaine letters to be direct, charging al and sundrie Sheriffs, Stewarts, Baillies, their Deputes and Clerks, Fewars, Chamberlanes, and Receavers of Our Sovereigne Lords proper lands; that they and every one of them within the bounds of their proper offices, raise and up-lift the summe of thirtie shillings money of this Realme, of every pound land of old extent lying within the bounds of their Jurisdictions, for every one of the six termes above-specified. And inbring and deliver the same to the collector foresaid, or to his Deputes and Officers in his name, having his power to receive the same at the particular termes above-specified, under the paine of rebellion, &c. And if they faile at the by-passing of every one of the said termes, to denounce and escheat, &c.

And for their relief, that letters be direct, charging all and sundrie Dukes, Earles, Lords, Barrons, Free-holders, Fewars, and Renttellers of our Sovereigne Lords proper lands, personallie, or at their dwelling places, and by open proclamation at the Market-crosse of the head-burgh of the Sherifdome, Stewartrie, Baillierie, where their lands lye, if they be within the Kingdome, and if they be without the Kingdome, by open proclamation at the Market-crosse of *Edinburgh*, *Peir* and *Shore of Leith*, upon threescore dayes warning: to make payment to the saids Sheriffs, Stewarts, and Baillies, their Deputes and Clerks, Chamberlanes, and receivers of our Sovereigne Lords proper lands, every one of them for their own parts *respective*, of the said summe of thirtie shillings money foresaid, for every pound land of old extent, pertaining to them for everie one of the saids six termes payment. Within twentie dayes next after they be charged thereto, under the paine of rebellion, &c. And if they faile, &c. To denounce and escheat, &c. And if need bee, that the saids Sheriffs, Stewarts, Baillies, their Deputes and Clerks, Chamberlanes, and receivers of our Sovereigne Lords proper lands, poynd and distrenyie the readiest goods and geate being upon the saids lands therefore, as they shall think most expedient. And that the saids Earles, Lords, Barons and Free-holders, Fewars, and Renttallers of our Sovereigne Lords proper Lands have letters for their reliefe, to charge their Vassals, Sub-vassals, Ladies of Terce, Conjoint-feeats, and Life-rentets, to make payment of their parts of the said Taxation, within twentie dayes next after the charge, under the paine of rebellion, &c. And if they faile, &c. To denounce, &c. And escheat, &c. And if need bee, that they poynd, and distrenyie therefore. Providing alwaies, that the first termes payment of the said Taxation be ever past, before the next terme be charged for. AND for inbringing of the Burrowes part of the same taxation, ordains letters to be directed, charging the Provost and Baillies of ilk Burgh, to make payment

payment of the tax and stent thereof, to the Collector general aforesaid, his Deputies and Officers in his name, having his power to receive the same at the particular terms above-specified, under the pain of Rebellion, &c. And if they failie, &c. To denounce and escheat, &c. And for their relief, that letters be direct, charging the Provest, Bailiffs, and Council within each Burgh, to convene and elect certain persons to stent their neighbours. And the said election being made, to charge the persons elected, to accept the charge upon them, in setting of the said stent upon the inhabitants of every burgh, and to convene and set the same, and make a stent roll thereupon, as effectors, within twenty four hours next after their charge, under the pain of Rebellion, &c. And if they failie, &c. To denounce, and escheat, &c. And such like, the said stent Roll being made and set down, as said is, To charge the Burghesses, Indwellers, and Inhabitants within each burgh, to make payment of their part of the said stent, to the said Provest and Bailiffs, conform to the tax roll to be given out thereupon, within threedayes next after the charge, under the pain of Rebellion, &c. And if they failie, &c. To denounce, &c. and escheat, &c. And if need be, that the said Provest and Bailiffs poynd and distrenie therefore, as they shall think most expedient. IT IS alwayes provided, that no person whatsoever be stented or taxt within burgh, except according to the avails, and quantity of his rent, living, goods, and gearre, which he hath within Burgh: no wayes respecting his lands, nor possessions, which he hath to Landward; for the which he will be obliged to pay taxation to other Officers. Providing alwayes, that the first terms payment of the said taxation be ever past, before the next terme be charged for.

AT T O U R, His Majesty, and his saids Estates decerne and declare, that the charges to be given for payment of the said Taxation, shall be executed before the terms of payment above-specified, for every tetras payment particularly by it self: And that the denunciation of horning following thereupon, shall not be execute untill the termes payment be by-past, and twenty dayes thereafter. Which denunciation so following, upon the charges given before the saids termes of payment, His Majesty and Estates decerne and declare, to be valid and sufficient.

And his Majesty, and the saids Estates considering the great abuse which hath been used in all time by-gone, by sundry of the Lieges of this Kingdom, against all good conscience, in causing of their poor Farmerers, Tenants, and Labourers of the ground being removable, who are subject in payment of very deare Fermes and other duties, to relieve them of the whole burden of by-gone taxations, which hath been the occasion of impoverishing a number of the saids Farmerers, labourers, and tenants, and bringing of them to utter wrack and ruine, whereas of reason they should be altogether free from payment of any Taxations, And the same should be payed by such as have free rents, lands, and goods of their owne. FOR REMEDIE whereof, it is statute and ordained that no persons whatsoever exact or compel, his tenants, or farmerers removeable, who payes ferme, and other deare duties for the lands occupied by them, to pay any part of this present Taxation, or to seek relief at their hands of the same. And if the same be found done by any persons, that they shall be called and convened therefore, before his Majesties Justice, and his Deputes, or before his Majesties Council as violent and Masterful oppressors of his Majesties subjects, and punished therefore according to Justice.

AND FURTHER, the saids Estates, beside the ordinary taxation above-written, have for the space of six yeares next, and immediatly following the terme of Martinmasse, 1634. yeares, freely and voluntarily granted to his Majesty a yearly extraordinary taxation of the sixteenth penny of all annual rents, which any person or persons within this Kingdom hath freely due and payable unto them, yearly and termly, (their own annual rents, wherein they are adebted to others being first deduced.) The first termes payment whereof shall be, and begin at the said Feast and terme of Martinmasse, 1634. yeares: and so forth yearly and termly at Martinmasse and Whitunday, untill the said six yeares or twelve termes payment thereof be fully and completely out-run. And whereas his Majesty and Estates have by act of Parliament authorized all and sundry heretable Sheriffs, Stewarts, Bailiffs, and Bailiffs of Regalities, and their Deputes, and the Provests and Bailiffs of free Burrowes within the bounds of their jurisdictions, as likewise the Clerks within the jurisdictions where these Offices are not heretable: which Clerks have their Offices (*advitam*) To collect the said extraordinary taxation, and to make payment thereof to the Collector general of the same taxation. T H E R E F O R E, and for inbringing of the said extraordinary taxation, Ordains Letters to be direct, charging all and sundry the saids heretable Sheriffs, Stewards, Bailiffs, Bailiffs of Regalities, and their Deputes and Clerks, and the saids Provests and Bailiffs of free Burrowes, and their Clerks: as likewise the Clerks within the jurisdictions where these Offices are not heretable, that they and every one of them by North the water of *Dee* within the space of fifteen dayes after every terme of Martinmasse & Whitunday: And that they & every one of them, by south the water of *Dee*, within the space of ten dayes after every terme of Martinmasse & Whitunday, deliver to His Majesties said Collector general, a true & just accompt & inventar of the whole summes of Money due to be payed by any person within the bounds of their jurisdiction, for his part of the said extraordinary taxation, And that they give up the same compt and inventar upon their Oath, solemnly sworne, that the same is just and true: And to make payment to His Majesties said Collector general, or to his Deputes in his name, having his power to receive the same, of the whole moneys due to be payed to his Majesty, conform to the said compt and inventar, within twenty dayes after each terme, under the pain of Rebellion. And in case the saids Sheriffs, Stewards

warts, Bailiffs, Bailiffs of Regalities, their Deputes and Clerks failyc, &c. To denounce and escheat, &c. FOR WHOSE RELIEF that letters be direct, charging all and sundry the saids annual-renters, to make payment to the saids Sheriffs, Stewards, Bailiffs, Bailiffs of Regalities, their Deputes and Clerks, Provests and Bailiffs of Free Burrows, of the said sixteenth pennie of all annual-rents, free due and payable to them, within twentie dayes next after the Charge, under the pain of Rebellion, &c. And if they failyc, &c. To denounce, &c. And if need be, that the saids Sheriffs, Stewards, Bailiffs of Regalities, Clerks, Provests, and Bailiffs of Free Burrows, poynd and distrenye therfore, as they shall think most expedient.

AND HIS MAJESTIE and the saids Estates, ordaine the Lords of Session, to be only Judges to all suspensions to be craved and suted by any of our Sovereigne Lords Lieges, touching the saids taxations; Which suspensions, the saids Estates finde may be granted upon lawful and equitable reasons to be considered by them: And discharge all other Judges within this Kingdome, of granting of any suspensions thereanent. With power to the saids Lords, To delegate five at the least of their ordinary number, as they shall think expedient, To sit, cognosce, and decide the saids suspensions, in time of Vacance, if need be. And likewise, to depute Commissioners for trying and judging of concealments, with als ample and full power to be given to them, as the saids Lords of Session, by vertue of this present Act, have.

ACT III.

Anent his Majesties Royal Prerogative, and Apparel of Kirkmen.

OUR SOVERAIGNE LORD, With advice, consent, and assent of the whole Estates, acknowledging his Majesties Sovereigne Authoritie, Princely power, Royal Prerogative, and Priviledge of his Crown, over all Estates, Persons, and Causes whatsoever within this Kingdome, Ratifies and approves the Act of Parliament, made in the year 1606. anent the Kings Royal Prerogative, and perpetually confirms the same, for his Highnes, his Heires and Successors, als amply, absolutely and freely in all respects, as ever any of his Majesties Royal Progenitors did possesse, and exercise the same. And withal remembring, that in the Act of Parliament made in the year, 1609. anent the Apparel of Judges, Magistrates, and Kirk-men: IT WAS agreed, That what order soever his Majesties Father of blessed Memorie should prescribe for the apparel of Kirkmen, and send in Writ to his Clerk of Register, should bee a sufficient Warrant for inserting the same in the Bookes of Parliament, to have the strength of ane Act thereof: HAVE all consented, that the same Power shall remaine with the Person of Our Sovereigne Lord, and His Successors that now is, And with the same clause for execution thereof, as in the said Act is contained.

ACT IV.

Ratification of the Acts Touching Religion.

OUR SOVERAIGNE LORD, With advice and consent of the Estates, ratifies and approves all and whatsoever acts and statutes made before, anent the libettie and freedome of the true Kirk of God, and Religion presently professed within this Realme, And ordaines the same to stand in their full force and effect, as if they were specially mentioned, and set down herein.

ACT V.

Ratification of the Act of Council anent Plantation of Schooles.

OUR SOVERAIGNE LORD, with the Advice of the States, ratifies the Act of Secret Council, dated at *Edinburgh* the tenth day of December, one thousand, six hundred, and sixteen years, made anent the planting of schooles, with this addition, That the Bishops in their several Visitations shall have power with consent of the Heritors and most part of the Parishoners, And if the Heritor being lawfully warned refuses to appeare; Then with consent of the most part of the parishoners, to set down and stent upon every Plough or Husband-land, according to the worth, for maintenance and establishing of the saids Schooles. And if any person shall find himselfe grieved, it shall be lawful to him to have recourse to the Lords of Secret Council, for redresse of any prejudice he may or doth sustain. And ordaine letters to be direct for charging of the possessours for the time, to answer and obey the Schoole-masters of the duties that shall be appointed in manner foresaid.

ACT VI.

Against the Inverting of Pious Donations.

OUR SOVERAIGNE LORD, With the Advice of the Estates, understanding that certaine persons piously disposed, have of late bestowed certaine gifts in Lands, Heritages, and summes of money in favours of Colledges, Schooles, Hospitals, and other pious uses, which by the Administratours, and such others as they have entrusted with the managing thereof; are inverted to other uses then the Will of the disponer, upon some specious pretences, contrarie or different from the Disposers intention, to the evill example of others, and the hinderance of such and the like charitable works, against all reason and conscience. THEREFORE It is statute and ordained, thait it shall no-waies be lawful to alter, change or invert any of the saids gifts, legacies, and other pious donations, to any other use then that specifick use whereunto they are destinare by the disponer himselfe. And that the Heires, Executots, or others entrusted with the saids gifts and legacies shall be comptable for the same, to the use of the Kirkes, Colledges, and others to whom the saids dispositions were made: And that actions shall be competent either to the saids Kirkes, Colledges, and others, to whom the same were disposed, or to the Bishops and ordinaries within the Diocesses where the saids Kirkes, Schooles, and others above-specified lye, for compelling them to apply the same to the true use, And to make compt and payment of the ordinarie profits of everie years intromission, at the rate allowed by the Lawes of the Realme, by and attour the fulfilling of the Disposers Will. And this Act to be extended to all Dispositions made at any time since the majoritie of King JAMES the Sixth, or to be made hereafter in all time comming, And that letters of Horning be direct at their instance, by deliverance of the Lords of Session without citation of parties.

ACT VII.

Agent Invading of Ministers.

OUR SOVERAIGNE LORD, with the advice of the Estates, ratifies and approves the Act of Parliament made in the year of God one thousand, five hundred, fourescore and seven yeares, anent the Invaders of Ministers, with this explanation and addition, Thar whosoever invades any Minister, or puts any violent hands on him, by themselves, their men, tenants, servants, or any others by their hounding out, direction or allowance, for whatsoever cause or occasion; whirher the same be for the cause contained in the said Act, or for any other cause, otherwise then by order of Law; or doth offer violence to them, shall incur the like paine as is contained in the said Act, and shall be judged after the forme and manner therein prescribed. And declares, that the same shall be extended to all Arch-bishops, Bishops, and Ministers whatsoever, having power by lawful warrant to preach, and administer the Sacraments: And because the malice of some is such, that the invasion and violence foresaid may be committed by lawlesse and unresponsal men, the hounders out of whom cannot be gotten detected; so as the benefite of this Act, and the indemnitie, of the said Church-men & their foresaids may be frustrate. THEREFORE it is statute and ordained, That the Land-lords, and Heritors, and chiefe of Clanus, and others in whose bounds the saids offenders dwell, or haunt ordinarlie, shall be holden, upon the complaint of the partie offended to the Lords of His Majesties Secret Council, to exhibite and produce the saids malefactors before the saids Judges, to be censured and punished corporally, or otherwise in their estates, if they be responsal at the discretion of the saids Judges. And if it shall happen the saids offenders to absent and remove themselves out of the bounds of the saids Heritors and Land-lords, and others on whom they depend, so that the saids Land-lords, Heritors, and others foresaids, may pretend that it is not in their power to exhibite the foresaids delinquents: Therefore it is statute, thar if after the giving in of the said complaint before the saids Judges, and certiorating of the saids Land-lords, and others foresaid, either by citation, charge, or intimation, or any other Legal manner of way, if the saids delinquents shall be found within the bounds of the saids Land-lords, and others foresaids, haunting publicly and openly by the space of ten dayes; That then and in that case the saids Land-lords, and others foresaid, shall be esteemed as connivers with the delinquents, and be obliged under the like censure and punishment, to exhibite them to the Council.

ACT VIII.

Of Ratification of the Act of Commission anent the Ministers Provisions.

OUR SOVERAIGNE LORD, With the advice and consent of the Estates of Parliament, ratifies and approves the Act of Commission of Surrenders and Teinds, of the date at *Holy-rud-house* the twentic sixth day of June, the yeare of God 1627. yeares, whereof the Tenor follows. The Commissioners after

after reasoning upon the lowest proportion and provision, wherewith the Ministrie serving the Cure at each Kirke, shall be provided. Have found it meet and expedient, that the lowest proportion shall be eight Chalders of victual, where victual is payed, or proportionally in silver or victual, as the Commissioners shall appoint, at the settling of the Kirke, and according to the Estate of that part of the Countrey, where the payment of the stipend shall occurre. And thinke it meet, that the said proportion of eight Chalders of victual, or proportionally in silver, as said is, shall be the lowest maintenance to each Kirke, except such particular Kirkes occurre, wherein there shall be a just, reasonable, and expedient cause to goe beneath the quantitie now determined.

AND His Majestie, and Estates forefaids, referre to the Commissioners to be chosen by his Majestie, at this present Parliament. The consideration of the reasons and causes, which may move them (after the valuation of the true worth of the Teinds of ilke Parish be closed) To determine and modifie a lesse quantitie for the Ministers maintenance, nor the quantitie forefaide of eight Chalders of victual, or eight hundred markes in victual or money proportionally. And what the saids Commissioners shall determine therein, the same to stand notwithstanding of this present Ratification: And also his Majestie and Estates ratifie and approve the whole particular Acts of the said Commission of Surrenders and Teinds, whereby stipends are appointed and modified by the saids Commissioners alreadye. And ordaine the Ministers to whom the same is assigned, to have intromission therewith: And that the Lords of Session direct letters of horning and poynding, in favour of the said Ministers conforme thereto upon one simple charge of ten dayes allennerly. And also upon all other Acts to be made for plantation of Kirks by the Commissioners appointed by his Majestie and Estates for that effect. And it is declared, that these presents shall be without prejudice to the titulars and others having interest to pursue for rectifying of such valuations, as are or shall be enormely undervalued, and also without prejudice of the Ministers maintenance and augmentation proportionally effecting to the true and just worth of the Teind. &c.

A C T IX.

The Kings General Revocation.

FORSOMUCH As OUR SOVERAIGNE LORD, the Kings Majestie, shortly after the decease of his Majesties unwhyle dearest Father, King JAMES the sixt, of ever blessed memorie, for preserving of the libertie and priviledge due to his Majestie by the common Law, and by the Acts and statutes of the Kingdome; And following the laudable custome used before by his Majesties Predecessours; in making of their Revocations: Did upon the twelfth day of October; 1625. make and give forth his General Revocation under his Privie Seale, as the same, in the selfe, at more length beares: AND HIS MAJESTIE being now present in his Royal person, within this Kingdome, and having by Gods grace, favour, and blessing, and with the General acclamation, joy, and comfort of his Subjects, accepted the Crown thereof, wherein he is gloriously inaugurate, and now holding the first Parliament of his whole Estates of the said Kingdome, with whom his Majestie hath advised and resolved anent the said Revocation. Therefore his Majestie, with consent of the three Estates, and whole body of this present Parliament, hath statute, enacted, and ordained, and by these presents, statutes, enacts and ordaines in manner following.

IN the first, his Majestie and whole Estates of Parliament revokes, casses, and annuls all Infeittments, Charters, Precepts, Confirmations, Alienations, Gifts, Donations, Rights, Securities, and other Dispositions whatsoever, of any Rents, Lands, Lordships, Baronies, Heritages, Teinds, Patronages of Kirks, Offices, Priviledges, and others whatsoever annexed to the principality, or to the Prince, who is second person of the Realme, made, conveyed, signed, or consented unto by his Majesties selfe in his minority and lesse age, or by his Majesties unwhyle dearest Father, for himselfe, as Prince of Scotland; or as Father and lawful administrator to his Majestie, or to unwhyle Prince Henrie his Majesties Brother, of worthie memorie, or by the said unwhyle Prince Henrie himselfe, or made and granted by his Majesties said unwhyle dearest Father; or any other his Majesties predecessors, Kings of Scotland, in their times, to what soever person or persons, in hurt and prejudice of the Prince, second person forefaide: or made and granted by his Majestie at any time preceeding the date hereof, unlawfully, and against the lawes of the Kingdome, the same being tried and found to be so.

ITEM. His Majestie with consent of the said Estates, revokes, casses, annuls, retreats, and rescinds, all and sundrie Infeittments, grants, dispositions, confirmations, and other rights whatsoever, made by his Majestie induring his Minority and lesse age, to whatsoever person, or persons, in fee, frank-tenement or otherwise, of the lands, Kirks, Teinds, patronages, offices, and others pertaining to the Lordship of *Dunfermling*, to the which his Majestie succeeded as onely Son and Heire, to his Majesties unwhyle dearest Mother Queene *Anna*, who was heritably Infeitt in the said Lordship of *Dunfermling*. And sick-like, revokes all gifts, alienations, dispositions, and other rights whatsoever, made by his Majestie, or his said dearest Mother, unlawfully, and against the Lawes of the Kingdome, of the said Lordship, or of any lands, teinds, offices, Kirks, patronages, and others pertaining to the said Lordship, at any time preceeding the date hereof, the same being so found and verified before the ordinary Judge.

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ITEM, His Majestie and Estates foresaid, revokes, casses, annuls, retreats, and rescinds all and sundrie Infestments, charters, gifts, donations, confirmations, alienations, pensions and other dispositions whatsoever made, conveyed, signed, or consented unto by his Majestie, or by his Majesties umwhile dearest Father, or by any other his Majesties Predecessors in their severall times, to whatsoever person or persons, in any manner of way, in fee, few-ferme, frank-tenement or otherwise whatsoever, of any lands, rents, Lordships, Barronies, Patronages of Kirks, customes, annualls, fishings, liberties of fishings, burrow-mails, other rents, Castle-wards, or other whatsoever annex to the Crowne, offices of Justiciary, Stewarrie, and Bailliarie, within the same appertaining there-unto, contrarie to the Acts of annexation made there-upon of before. And where lawful dissolution of the said annexation was not made by his Majestie, his said umwhile dearest Father, and his saids predecessors, Kings of Scotland, in their majoritie, with consent of the three Estates of Parliament, in their severall times, for setting of the same in few-ferme, with augmentation of the rental: To the effect the same may be of none avails in time coming, after the date hereof, by way of action, exception, or reply.

ITEM, His Majestie with consent foresaid, revokes, annuls, retreats, and rescinds all infestments, donations, alienations, and other dispositions whatsoever made by his Majestie, or his said umwhile dearest Father, either in their Minoritie to their hurt and lesion, or in their Majoritie against the Lawes and Acts of Parliament, to whatsoever person, or persons, of whatsoever lands, rents, annualls, and renews not annex to the Crown, whereof his Majesties umwhile dearest Grand-mother Queen Mary, was in possession before the Coronation of his Majesties umwhile dearest Father of happy memorie. And of all offices, such as Chamberlanaries, Bailliarics, office of Customarie made for moe yeares, but from the Exchequer, till the compt be made in the Exchequer following, Constableries, Bailliarics, Tackes and rentals of his Majesties proper lands and rents, above the space of five yeares, made and granted contrary and against the Lawes and Acts of Parliament of the Kingdome, the same being so found and tryed.

ITEM, His Majestie with consent of the Estates, revokes, casses, annuls, retreats, and rescinds, all and whatsoever Infestments, rentals, and other rights whatsoever of any part of the annex property, or of the few-fermes of whatsoever proper lands annex to his Majesties Crowne, made to whatsoever person by his Majestie, or his umwhile dearest Father; or any other his Majesties predecessors, which are made in diminution of the rental, and hurt of the patrimonie of the Crowne, where the diminution may be proved and verified.

ITEM, His Majestie revokes, casses, annuls, retreats, and rescinds all and whatsoever Infestments, alienations, and dispositions, made by his Majestie, or by his umwhile dearest Father, or any other his Majesties Noble Progenitors, of the few-ferme vidual of any lands pertaining to the Crowne; which were lawfully set in few of before, for payment of the few-ferme vidual: and the same few-ferme vidual is set thereafter in few, or otherwise for silver payment; because such a set or few-ferme being so found and tryed, is clearly understood to be to the great abuse, hurt, and diminution of His Majesties Patrimonie and rent.

ITEM, His Majestie revokes, casses, annuls, retreats, and rescinds all Infestments, alienations, and dispositions, with all tackes, and assedations, and any other sort of conveyances whatsoever made by his Majestie, or his Majesties dearest Father, or any other His Majesties Predecessors, Kings of Scotland, against the Lawes of the Kingdome, to whatsoever persons, of his Majesties Castles, and Houses, or Places, and Roomes, whereupon the saids Castles and houses were situat, although now demolished by injury done to his Majestie and the said Crown. And sicklike, all Infestments, alienations, and dispositions, and all other sort of conveyances whatsoever, of any of his Majesties medowes, woods, and parks, with all tackes, assedations, and other dispositions thereof, made by his Majestie or his Predecessors foresaid, against the Lawes of the Kingdome, The same being so found and tryed.

ITEM, His Majestie, revokes, retreats, and rescinds all and sundrie Infestments, alienations, gifts, dispositions, or any other conveyances, whatsoever made by his Majesties said umwhile dearest Father, or any other his Majesties Predecessors, Kings of Scotland, induring their minoritie and lesse age, and not thereafter confirmed in their majoritie, to whatsoever person or persons in few-ferme or life-rent, of all lands, and annuall-rents which become in their hands, as propertie by right of the Crowne, through bastardrie, or being last Heire by recognition, or forfaulture, or otherwise with all confirmations, if any be granted in Parliament thereupon: providing that presentation to tennandries fallen by occasion foresaid, shall in no wayes come under this present Revocation, because the same being casualities, could not remaine in his Majestie, or his saids predecessors hands, in prejudice of the Superior of the saids tennandries, but of necessitie it behoved them to present heritable Tennants to the saids Superiours.

ITEM, His Majestie, with consent foresaid, revokes, casses, annuls, all new Infestments, confirmations, and other conveyances whatsoever given by his Majesties said umwhile dearest Father, or any other His Majesties predecessors, Kings of Scotland; to whatsoever person or persons, of any Lands, Baronies, Lordships, or other Heritages whatsoever: To be holden in blensh ferme, which were holden of his Majestie or his Predecessors of before, by service of ward and reliefe. And that in so farre as the same is, or may be found and verified, to have beene granted against the Lawes and Acts of Parliament of the Kingdome, without prejudiciall wayes to the heritable possessors, in case of reduction of their changed tenors

nors to brooke and hold their said lands heritable, as they were holden before the alteration of the said holding.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats, and rescinds all Regalities and gifts of Regalities, and all confirmations, and ratifications of the said gifts and regalities, made, given, or granted, or consented to by his Majestie, or his said umwhile dearest Father, or any other his Majesties Predecessors, Kings of *Scotland*, against the Acts and statutes, that no Regalities should be given in heritage, without advice & deliberation of the whole Parliament, together with all charters, infestments, confirmations, gifts *de novo damus*: And other rights whatsoever, made by his Majestie or his Predecessors above-named, of whatsoever heritable offices, against the lawes and Acts of Parliament of the Kingdome.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats, and rescinds all new creation of lands, baronies, and annexations, and unions of divers lands in fee, which are made by his Majestie, or his said umwhile dearest Father, or any other of his Majesties Predecessors, Kings of *Scotland*, in prejudice of their due service owing of before: Together with all discharges given of the said service, and futes of court due of old: And that in so farre as the same is, or may be found to be unlawfully made or against the lawes of the Kingdome.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats and rescinds, all new Infestments, made and given by his Majestie, or his said umwhile dearest Father, or any other his Majesties Predecessors, Kings of *Scotland*, of creation of Baronies, and Lordships annex to the Crowne foresaid, in favour of whatsoever person, in so farre as the same is, or may be verified, to have beene made and granted unlawfully, and against the lawes of the Kingdome.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats, and rescinds all Infestments, gifts, and dispositions whatsoever, set, given and granted by his Majestie, or his said umwhile dearest Father, or any other his Majesties Predecessors, Kings of *Scotland*, to whatsoever person or persons in fee, few-ferme, or life-rent, of whatsoever Hospitals, Mafondieus, lands, or rents appertaining thereto: In hurt or prejudice of their consciences, and against the lawes and Acts of Parliament of the Kingdome, to the end, that the said Hospitals may be reduced to the first institution, for upholding of the poore, so farre as may be done by the lawes of the Kingdome. Providing alwayes, that the rents of the Trinitie Colledge beside the burgh of *Edinburgh* and other rents assigned to the Hospitall and Colledge erected by the Provost, Bayliffes, and Councel of the burgh of *Edinburgh*, be no wayes comprehended under this present Revocation.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls retreats, and rescinds all and whatsoever gifts, pensions, gifts of fees, wages, liveries, and dispositions out of his Majesties casualties, and coffers given by his Majestie, or by any of his Majesties noble Progenitors (except such as shall be of new granted by his Majestie againe) together with all Presentations to offices and places, which by the lawes of the Realme fall under his Majesties Revocation, excepting alwayes the presentations, fees, and pensions given to the ordinary officers of the Crowne after specified, their Deputes, and Clerkes, and to the other persons after mentionate, which are declared no wayes to fall within this present Revocation: They are to say, The fees and pensions given and assigned to the Thesaurer, Comptroller, and Collector principal: And to his Majesties depure Thesaurer, and to their Deputes and Clerkes: To the Secretary principal, and his Deputes: To the Clerke of Registery, to his Majesties Advocat, & the Justice, Justice-Clerke, and their Deputes, and to the Master of Requests, and to the proctor for the poore, director of the Chancellerie, and dictator of the Rolls. And also declares the pensions and others underwritten, no wayes to fall under his Majesties Revocation, viz. The pension to the Duk of *Lennox*, his umwhile Father or Uncle: The pension to the Earle of *Morton*, with the tacke and asseidation of *Orkney* and *Zetland*: The pension to sir *Robert Ker* of *Ancrum*: the pension to Mr. *John Sandelands*: The pension to sir *James Lokart*: The pension to sir *James Livingston*: The pension to sir *William Balfour*: The pension to *Halbert Maxwell*: The pension to sir *James Carmichael*: The pension to sir *James Ramsay*: And the pension to sir *John Murray* of *Revilrige*, which his Majestie and Estates declare shall stand in effect, notwithstanding of this present Revocation.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats, and rescinds all gifts, pensions, and free discharges of the thirds of benefices, granted by his Majestie, or his said umwhile dearest Father, or any other his Majesties Predecessors, Kings of *Scotland*, to whatsoever person or persons, against the lawes and Acts of Parliament of the Kingdome, with all tacks of thirds of benefices whereby the rentall due is diminished, or where the whole benefice is set and disposed in diminution of the third thereof, in so farre as the same is contrarie to the lawes of the Kingdome, as said is.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats, and rescinds all and whatsoever Infestments made by his Majestie or his said umwhile dearest Father, or any other his Majesties predecessors, of any Church-lands, Fryer-lands, Monk-lands, or common-lands, which any wayes fell, and became in their hands as propertie, and that in so far, as the same is, or may be verified to be made contrary, and against the lawes and Acts of Parliament of the Kingdome, reserving alwayes the infestment made for erection and sustentation of Hospitals, and Ministers within burrows, where there is no assignation

assignation nor stipend allowed forth of the thirds of benefices, for sustentation of the Ministers thereof: And declares that all such Infeftments of church-lands as is before exprired, falls under this revocation, if the person or persons, and their successors, to whom the same have been disposed, have not answered and performed the cause and ends expressed in the saids Infeftments, and for the which the saids Infeftments was granted by his Majestie and his predecessors, as said is.

IT E M, His Majestie with consent foresaid, revokes, casses, annuls, retreats and rescinds all tackes, assedations whatsoever of any common Churches within the Realme of Scotland, made by his Majestie, or his said umwhile dearest Father, or any other his Majesties Predecessors, Kings of Scotland, in so far as the same is or may be found and verified to be made against the Lawes and Acts of Parliament of the Kingdome: Providing alwaies, that there shall be sufficient Ministers appointed to serve the saids Churches, who shall make residence, and shall be sufficiently sustained of the readiest fruits of the saids common Kirkes, according to the general order taken thereanent.

IT E M, His Majestie, with consent foresaid, revokes, casses, annuls, retreats and rescinds all gifts of Monkes portions, first fruits or silt penny of any benefices, whereunto His Majestie hath right by the Acts of Parliament made before to that end, And that in so farre as the saids gifts are or may be found to be granted against the Lawes of the Kingdome.

IT E M, His Majestie, with consent foresaid, revokes, casses, annuls, retreats and rescinds all gifts and Infeftments, made, done, and consented unto, to whatsoever person or persons by His Majestie, or his Majesties said umwhile dearest Father, or any other his Majesties predecessors, Kings of Scotland, of whatsoever advocation, donation, and right of Patronage given or annexed to any Lordships, Lands or Baronie where the said Patronage, Advocation and donation of benefice pertained not before of right, but which taketh the beginning and ground from any gift and Infeftment thereof made with this clause (*de novo damus*) where the purchaser of the said infeftment had no right to the said Patronage, Advocation and Donation of before. And that in so farre as the same is or may be found to be granted against the Lawes and Acts of Parliament of the Kingdome.

IT E M, His Majestie, with consent foresaid, revokes, casses, annuls, retreats and rescinds all gifts, dispositions of superplus omitted of the fruits of benefice, given by his Majestie, his said umwhile dearest Father or any other his Majesties Predecessors, Kings and Queens of Scotland, in so farre as the same is or may be found and verified to be granted against the Lawes and Acts of Parliament of the Kingdome.

IT E M, his Majestie, with consent of the Estates, revokes, casses, annuls, retreats and rescinds all grants and infeftments of erections, of whatsoever Abbacie or other Prelacie, in whole or in part, Temporalitie or Spiritualitie thereof, made and granted, or consented unto by his Majestie at any time preceeding the date hereof, to and in favour of whatsoever person or persons, and declares the same null and of none avail, by way of action, exception, or reply, and als his Majestie and Estates, revoke all infeftments of Erections made and granted by his Majesties said umwhile dearest Father, or any of his Majesties predecessors Kings or Queens of Scotland, of whatsoever Abbacie, Priorie, Nunnerie, Preceptorie, or any other Erected benefice whatsoever, of whatsoever nature, qualitie or condition whereof the presentation should pertain to his Majestie, if the same were not erected in a Temporal Baronie, Lordship, or Living, or of any part or pendicle thereof, either Spiritualitie or Temporalitie of the same to and in favour of whatsoever person or persons, And that in so farre as the same is, or may be verified to be granted, against the general Lawes and Acts of Parliament of the Kingdome. And to that effect revokes, casses, and annuls, retreats and rescinds all Acts, statutes, and dissolutions of any of the saids erected benefices, Lands or Teinds of the same, whereupon the saids infeftments of erections are, or have been founded: And that in so farre as the same is or may be found and verified to be contrarie to the general Lawes, Acts of Parliament, and statutes of the Kingdome, as said is.

AND, generally his Majestie, with consent foresaid, revokes, casses, annuls, retreats, and rescinds all Acts, constitutions, dispositions, grants, conveyances, ratifications, and all other things whatsoever done or consented unto by his Majestie at any time preceeding the date hereof, or by his umwhile dearest Father, or any other his Majesties predecessors, Kings and Queens of Scotland, in detriment of their soule and conscience: in hurt and detriment of the Crowne and Church, and contrarie to the Lawes and Actsof Parliament of the Kingdome. And wils and declares, that these presents shall be als amply extended, and to be of als great effect in general and special, as any revocation made by any of his Majesties Royal Predecessors before the date hereof, contained in the bookes of Parliament, which in all heads, clauses, and circumstances thereof are holden as here repeated.

AND also his Majestie, with consent of the Estates, ordaines and decetnes, that albe it shall happen his Majestie for any respect or consideration, to suffer any person or persons, to use or possesse any priviledges or possessions, lands, rents, offices, which are fallen under the compasse hereof, That it shall make no right to the users and holders thereof, but it shall be lawful to his Majestie and his successors to intromit therewith, when ever it shall please them by vertue of these present Acts and consuetudes of the Realme made before, without any obstacle, impediment or contradiction.

ACT X.

Anent Annexation of His Majesties Propertie.

OUR SOVERAIGNE LORD, With advice and consent of the Estates of this present Parliament, ratifies and approves the whole acts of annexation of whatsoever Lands, Lordships, and Baronies annex to the Crown by his Majesties unwhyle Father, or any other his Majesties Predecessors. And farther, his Majestic and Estates foresaids, and without derogation of the former annexations, of new annexes the same to the Crown; to remaine there-with for ever according to the conditions and provisions contained in the former Acts of annexation of Lands to the Crown; and specially of the Act of annexation made in the dayes of King *James* the second, in the Moneth of August, 1455.

AT TOWR, His Majestic with consent foresaid, declares the right and title of Superioritie, Of all and fundrie, Lands, Baronies, Milnes, Woods, Fishings, Towers, Fortalices, Manour-places, and whole pertinents thereof, pertaining to whatsoever Abbacies, Pryories, Pryoresses, Preceptories, and whatsoever other Benefices of whatsoever Estate, Degree, Title, Name, or Designation the same be of, erected in Temporal-Lordships, Baronies, or livings, before or after the general Act of annexation of Kirk-lands, made in the Moneth of July, 1587. yeares: together with the whole Few-mails, Few-fermes and other rents and duties of the saids superiorities To be annexed, and to remaine with the Crown for ever: Reserving to such Lords and Titulars of Erections, and each one of them, who have subscribed the general surrender, the Few-mails, and Few-fermes of their saids superiorities, aye and while they receive payment and satisfaction of the summe of a thousand markes, usual money of *Scotland*, for each chaldre of Few-ferme victual over-head, and for each hundreth markes of Few-mails, and for each hundreth markes worth of all other constant rent of the saids superiorities, not consisting in victual or money, and not being naked service of Vassals, according to the tenor of his Majesties general determination, and according to the conditions therein exprest: And reserving to them and to all other Titulars of Erektion, their propertie and proper lands to be holden of his Majestic and his Successors, in Few-ferme for payment of the Few-ferme duties, and other duties contained in the old infeftments made to them, their Predecessors, and authors before the said Act of annexation. Like-as his Majestic and Estates foresaid, findes and declares that all titulars of erektion without exception, shall hold their propertie and proper lands of his Majestic and his Successors, in Few-ferme, for payment of the Few-ferme duties contained in the infeftments granted to them and their foresaids, before the said Act of annexation, and no otherwise. And his Majestic and Estates declares all rights and deeds whatsoever, made and granted to whatsoever person or persons preceeding the date hereof, which may prejudice his Majestic and his Successors, in the peaceable brooking, enjoying, and possessing of the saids superiorities and Few-ferme duties above-specified (excepting and reserving as said is) To be null and of none avails, force nor effect by way of action, exception, or reply.

AND sikklike, his Majestic and Estates ratifies and approves the Acts of Parliament made by his Majesties said unwhyle dearest Father, of Eternal memorie: The fiftenth Parliament, Cap. 233. Intitulate, [*Anent the annexation of the Kings annexed propertie.*] Together with the 234. Act of the said Parliament, Intitulate [*The annexed propertie may not be disponed, but in Few-ferme allanerly.*] And also the 236. Act of the same Parliament, Intitulate [*Disposition of the annexed propertie, made before the dissolution, or not conforme to the conditions thereof is null.*] And sikklike, the 243. Act of the said fiftenth Parliament, Intitulate, [*Anent ratifications or dispositions made in Parliament:*] And ordaines the same to have full force and effect in all time coming. And declares all deeds done in contrary thereof, to be null and of none avails by way of action, exception, or reply. **IT IS** alwayes declared that under this present Act, nor no clause thereof, shall no wayes be comprehended the Temporal lands, superiorities, and others pertaining to whatsoever Arch-bishops, Bishops, and their Chaptors: but that the same shall remaine with them and their successors unhurt or prejudged by this present Act.

ACT XI.

OF DISSOLUTION.

FOR SO MUCH, As albeit the Lands, Lordships, Baronies, and others of old, are lately annex to the Crown, were and are, for great and weighty considerations, tending to the weale of the Crown and whole Realme, Ordained to remaine with **OUR SOVERAIGNE LORD**, and his Successors for ever. And not to be disposed nor annallied in fee nor life-rent, to whatsoever person or persons, without advice of the three Estates of Parliament, and for profitable and seene causes, tending to the weale of the whole Realme: Yet nevertheless, it hath been ever thought expedient in the dayes of **OUR SOVERAIGNE LORDS** most glorious Predecessors: And no wayes derogatorie to the conditions of the said annexations but agreeable thereto, as tending to the publique weale of the Crown and Kingdome; that the annex and proper lands should be set in Few-ferme for increase of policie and augmentation of the rental:

And his Majestie being well pleased to observe and follow the order kept by his Majesties Predecessors fore-
said, anent his Majesties annexed propertie.

THEREFORE His Majestie with consent of his three Estates of Parliament, statutes and ordaines, that it shall be lawful to his Majestie enduring his time, to set all and sundrie lands, Baronies, Lordships, milnes, fishings, and other his Majesties proper lands both of the old and new annexed propertie, and of the temporallitie of Kirk-lands; in Few-ferme, so that it be not in diminution of his Majesties rental, gressumes, and other duties: but in augmentation thereof, providing alwayes that this present dissolution shall no-wayes be extended to the setting in Few-ferme of any of OUR SOVERAIGNE LORDS Castles, Palaces, Yards, Woods, Parks, Forrests, pastures for sheepe and nolt, and in special the Lommonds of *Falkland*, Coalheuchies, and Offices: But the same to remaine inseparablie annext to the Crown, notwithstanding of this present dissolution. And declares that this present dissolution shall endure for the lifetime of OUR SOVERAIGNE LORD, the Kings Majestie, who now is allancely. So that the Lands and other foresaids, which he sets in Few-ferme in his time, with the condition foresaid, shall stand perpetuallie, to and in favours of the receivers thereof, their Heirs and Successors, and after his decease, the annexations made at this present Parliament, and of before shall returne to their owne nature.

ACT XII.

Ratification of the Acts of Interruption.

OUR SOVERAIGNE LORD, and Estates of Parliament, ratifies and approves the Act of the Lords of Council and Session, of the date at *Edinburgh*, the penult of March, 1630. yeares: anent the interruption of the Act of prescription, in favour of his Majestie and his Successors, together with the Act of Secret Council, of the date at *Holy-rude-house*, the twentie sixth day of May, 1630. yeares. Whereby the saids Lords of Secret Council have allowed and approved the said Act: And ordaines the saids Acts to be insert in this present Ratification. And his Majestie and Estates declares the saids Acts to have the full force effect and execution of a law, statute and Act of Parliament, in favour of his Majestie and his Successors in all time coming.

Followeth the tenor of the Act of Council and Session.

AT EDINBURGH, the penult day of March, the year of God, 1630. yeares. The which day in presence of the Lords of Council and Session compared personally, *Sir Thomas Hope of Craige-hal*, Knight Baronet, his Majesties Advocat, and presented a letter directed from his Sacred Majestie, whereof the tenor followeth.

REX. Right trustie, and right wel-beloved Cousin and Counciller, and trusty and wel-beloved, We greet you well. Whereas by Act of Parliament made in the Moneth of June, 1617. yeares, all heritable rights cled with fourtie yeares possession, are declared to be introduceable in all time coming, except the same be quarrelled within the space of fourtie yeares: And by the same Act there is libertie granted to all persons, who might be prejudged by the said prescription of fourtie yeares already run and expired, before the date of the said Act, To intend their actions within the space of thirteen yeares after the date of the said Act: And whereas we, shortly after the decease of our dearest Father, of Eternal memorie, made our general Revocation in the Moneth of October, 1625. yeares. Which revocation we by two special Letters of declaration, one of the date at *White-hal* the twentie sixth day of Januarie, 1626. yeares: And registre in the Bookes of Secret Council the ninth of February, 1626. yeares. And ane other of the date at *Wainstead*, the eleventh of July, 1626. yeares: And registre in the Bookes of Secret Council upon the twentie one of July, 1626. yeares. Have restricted to the annulling of rights of the propertie of the Crown, as well annexed as unannexed, whereof accompt hath been made in Exchequer, and of the Principalitie unlawfully disposed by our Predecessors: against the Lawes and Acts then standing, and to the annulling of erections and other dispositions of whatsoever lands, teinds, Patronages, and Benefices formerly belonging to the Kirk, and since annext to the Crown. And of any other lands and Benefices mortified and devoted to pious uses: And of Regalities and heritable offices, and of the change from the ancient holding of ward and reliefe to blensh or taxt ward, since the year of God, 1540. yeares. And because, We were unwilling to enter in processe with our Subjects anent the premises; but rather desired to take a faire course with all such as would voluntarily treat with Us or our Commissioners there-anent.

THEREFORE We were pleased by our Commission of the date at *White-hal* the seventeenth day of January, 1627. yeares, to appoint certaine of our Nobilitie, Clergie, Gentrie, Barons, and Burrowes, to be commissioners, to treat and deal betwixt Us and our Subjects, anent the premises. And albeit the said Commission hath made a good progresse in the said matter of crection and teinds: and that a great number of

of our Subjects, having interest therein, have subscribed to us general submissions, whereupon, We have given forth our several determinations for the good of our Subjects, and establishing of the perpetual quietness, and peace of that our ancient Kingdome; Yet it is certaine that many of these who have interest in erections and teinds, lye forth, and have not subscribed the said general submissions. Like-as also the remanent points of our said commission anent the Patronage of Kirkes, rights, and inseiments of our Propertie, and Principallitie, Regalities, Heritable offices, and Changed tenours of holding in blensh or taxt-Wards, are nor as yet begun to be handled and treated, and cannot be possibly finished and closed, before the expiring of the time and yeares of interruption, allowed by the said Act. And because, We will not suffer our selfe or our Successors to be prejudged by delay of the execution of the said commission of the lawful actions competent to us and them, for reducing of such rights of the premises, to the which We have undoubted interest. And seeing a multitude cannot be commodiously summoned and warned personally, or at their dwelling places in so short time as is to run of the said time of prescription. **THEREFORE** and for preservation of our rights and actions competent to us and our Successors anent the premises, Necessary it is, that some solemne Act be done by us, to rectifie our will and resolution, to prosecute our said actions in the owne time, if the same be not taken away and removed by the said commission, which we think cannot be more properly and conveniently done, nor by inserting of this our declaration in your Bookes of Session, and directing of Letters of publication thereupon; certifying all our Lieges who have interest in the premises, by open proclamation at the Market-crosse of our Burgh of *Edinburgh*, and other places needfull, of this our pleasure, will, and declaration. And that the same be declared by you, to have the strength, force, vertue, and power of a legal and perfect interruption. **AND THEREFORE**, We require you immediately after the sight hereof, to cause insert these presents in your Bookes of Session, and to declare the same to have the force of a Legal and lawful interruption, and to direct Letters of publication thereupon, in forme as effectes. Which, not doubting you will doe, We bid you, farewell. From our Court at *White-hall*, the twenty ninth day of November, 1629. yeares. With the which Letter, Tenor, Contents, and desire thereof, after that the same with the Act of Parliament whereunto it is relative, was read in their whole presence; The saids Lords being well and ripely advised, and having considered the Justice and Equitie of his Majesties will and pleasure therein contained: they have ordained and ordaine the said letter and declaration therein contained, to be insert, and registrate in their Bookes of *Sederunt*: and ordaine Letters of publication to be direct and passe thereupon, certifying all his Majesties Lieges who have interest, by open Proclamation at the Market-crosse of *Edinburgh*, and other Market-crosses of the Kingdome, where the Lands, Baronies, and others underwritten lye: or where the persons and subjects dwell and remaine, against whom the said declaration is to have the effect of a Legal interruption, in manner following. **AND** by open Proclamation at the said Market-crosse of *Edinburgh*, Pier and Shore of *Leith*, for all such of his Majesties Lieges, who are forth of this Realme, Of his Majesties pleasure, will, and declaration, and of the saids Lords their decreet, and authoritie interponed thereto. Like-as the saids Lords declare, That the said declaration registrate, as said is, and to be published in manner foresaid, shall have the strength, force, and power of a Legal and perfect interruption, against all persons having interest: and that in so farre allannerly as may be extended to the particulars following: To wit, to his Majesties annexed propertie, and his Majesties propertie unannexed, whereof the fermes duties or Fewfermes have been computed in his Majesties Exchequer, since the Moneth of August, 1455. yeares, and unlawfully disposed by his Majesties Predecessors, against the Acts of Parliament and Lawes of the Kingdome: and to the principalitie unlawfully disposed by his Majesties Predecessors, against the Acts of Parliament and Lawes of this Kingdome, and to the reduction of whatsoever erections, of whatsoever benefices, spiritualitie or temporality thereof, against the Laws and Acts of Parliament: and to the reduction of whatsoever patronages of Kirkes pertaining to his Majestie and his Predecessors, and unlawfully disposed by them against the Acts of Parliament: and against unlawful dispositions of whatsoever lands, Teinds, or Rents doted to Hospitalities, or Mason-dieus, and unlawfully disposed against the Acts of Parliament: and against Regalities and heretable offices unlawfully disposed, contrarie the Acts of Parliament: and against all changed tenors of holding from ward to blensh or taxt ward, granted by the Kings and Princes in their minorities, and not granted or ratified by any King or Prince being Major: with this declaration, like-as the saids Lords declare, that the same shall not prejudice any person whatsoever of their lawfull defence competent to them, against any Action to be intended hereafter, at his Majesties instance and his Successors; except in so far as concerne the said Act of prescription, whereupon the saids Lords declare, that no exception shall be founded in prejudice of his Majestie and his Successors, concerning the premises.

Followeth the Tenor of the Act of Secret Council.

A *Pad Holy-rude-house vicesimo sexto die mensis Maij, Anno Domini millesimo sexcentesimo tricesimo.*
THE Which day, in presence of the Lords of Secret Council, compeared personally Sir Thomas Hope, of *Craige-hall*, Knight Baronet, his Majesties Advocat, and gave in the Act of Session underwritten, made in favour of his Majestie, anent the Interruption of the Act of prescription, and desired the same to be insert

insert and registrate in the books of privie Council, and the Lords authority to be interponed thereto: Which Act of Session being read, heard, and considered by the said Lords, and they being there-with, and with the desire of the said Advocat well advised: The Lords of Secret Councell thinke the course and order taken by the said Lords of Session for interrupting of the said Act of prescription, to be just and reasonable: And therefore, they ordaine the said Act of Session to be insert and registrate in the bookes of privie Council, whereof the tenor followeth.

At *Edinburgh*, the penult day of March, the yeare of God, 1630 yeares: The which day in presence of the Lords of Councell compared personally Sir *Thomas Hope of Craige-hall*, Knight Baronet, his Majesties Advocat, and presented a Letter direct from his sacred Majestic, whereof the tenor followeth.

CHARLES REX: Right trustie, and right well-beloved Cousin, and Counciller, and right trustie and well-beloved, We greet you well. Whereas by Act of Parliament made in the moneth of June, 1617 yeares, All heritable rights cled with fourtie yeares possession, are declared to be irreduceable in all time coming, except the same be quarrelled within the space of fourtie yeares: And by the same Act there is libertie granted to all persons, who might be prejudged by the said prescription of fourtie yeares already run and expired before the date of the said Act; To intend their actions within the space of thirteene yeares after the date of the said Act. And whereas We, shortly after the decease of our dearest Father of eternal memorie, made our general revocation in the moneth of October, 1625. Which revocation we by two special Letters of declaration, one of the date at *White-hall* the twenty sixth day of January, 1626 yeares, And registrate in the bookes of our secret Council the ninth day of February, 1626 yeares; And another of the date at *Wainsseed* the eleventh day of July, 1626 yeares, and registrate in the bookes of our secret Council upon the twentie one day of July, 1626 yeares; Have restricted to the annulling of rights of the propertie of our Crowne, as well annexed as unannexed, whereof accompt hath beene made in our Exchequer; And of the principality unlawfully disposed by our Predecessors against the lawes and Acts then standing; And to the annulling of erections and other dispositions of whatsoever lands, teinds, patronages, and benefices formerly belonging to the Kirke, and since annexed to the Crowne; And of any other lands and patronages, which any wayes should justly belong to the Kirke or Crowne; and of whatsoever lands and benefices mortified and devoted to pious uses; And of Regalities and heritable offices; And of the change of holdings from the ancient holding of ward and reliefe to blenish and taxt ward, since the yeare of God, 1540 yeares. And because We were unwilling to enter in processe with our Subjects anent the premisses, but rather desired to take a faire course with all such as would voluntarily treat with Us or our commissioners there-anent.

THEREFORE We were pleased by our commission of the date at *White-hall* the seventeenth day of January, 1627 yeares; To appoint certain of our Nobilitie, Clergie, Gentry, Barons, and Burrowes, to be commissioners to treat and deal betwixt Us and our Subjects, in the premisses. And albeit the said commission hath made a good progresse in the said matter of erections and teinds, and that a great number of our subjects having interest therein, have subscribed unto us generall submissions, whereupon We have given forth our several determinations for the good of our subjects, and establishing the perpetual quietnesse and peace of that our ancient Kingdome; Yet it is certain, that many of these who have interest in erections and teinds, lye forth, and have not subscribed the said general submissions: Like-as also the remanent points of our said commission anent the patronage of Kirks, rights, inletsments of our Propertie and Principallitie, Regalities, Heritable offices, and Changed tenour of holdings in blenish, or taxt Wards, are not as yet begun to be handled and treated, and cannot possibly be finished and closed, before the expiring of the time and yeares of the interruption allowed by the said Act. And because we will not suffer our self nor our successors to be prejudged, by delay of the execution of the said commission, of the lawful actions competent to Us and them for reducing such rights of the premisses, unto the which we have undoubted interest; And seeing a multitude cannot be commodiously summoned and warned personally, and at their dwelling places, in so short time as is to run of the said time of prescription: Therefore, and for preservation of our rights and actions competent to Us and our successors anent the premisses, necessarie it is, that some solemn Act be done by Us, to testifie our will and resolution, to prosecute our said actions in the owne time, if the same be not taken away and removed by the said commission, which we thinke cannot be more properly and conveniently done, nor by inserting of that our declaration in your books of Session, and directing of Letters of publication thereupon; Certifying all our Lieges who have interest in the premisses, by open proclamation at the market crosse of *Edinburgh*, and other places needful, of that our pleasure, and declaration: And that the same be declared by you, to have the strength, force, power, and vertue of a legall and perfect interruption. And therefore, We require you immediately after the sight hereof, to cause insert the premisses in your books of Session; and to declare the same to have the force of a legall and lawful interruption, and to direct Letters of publication thereupon, in forme as effect is Which not doubting you will doe, We bid you fare-well. From our court, at *White-hall*, the twentie ninth day of November, 1629 yeares. with the Which Letter, tenor, contentes, and desire thereof, after the same with the Act of Parliament whereunto it is relative, were read in their whole presence, The said Lords being well and ripe advised, and having considered the justice and equitie of his Majesties will and declaration contained therein, They have ordained, and ordaine the said letter and declaration therein contained to be in-

sert and registrate in their bookes of *Sederunt*; and ordaine letters of publication to be direct and passe thereupon, certifying all his Majesties Lieges, who have interest, by open proclamation at the market Crosse of *Edinburgh*, and other market Cresses of the Kingdome, where the lands, Baronies, and others lye, or where the persons and subjects dwell and remaine, against whom the said declaration is to have effect of a legal interruption in manner following. And by open Proclamation at the said market Crosse of *Edinburgh*, Pier and shore of *Leith*, for all such of his Majesties subjects as are forth of this Realme. Of his Majesties pleasure, will and declaration, and of the saids Lords their decret and authoritie interponed thereto. Like as the saids Lords declare, That the said declaration registrate, as said is, and to be published in manner foresaid, Shall have the strength, force and power of a legall and perfect interruption against all parties having interest, and that in so farre alennerly as may be extended to the particulars following, *viz.* To his Majesties annexed propertie, and his Majesties propertie unannexed, whereof the ferme duties or scw-fermes have bene compted in his Majesties Exchequer, since the moneth of August, 1455. yeares, and unlawfully disponed by his Majesties Predecessors against the Acts of Parliament, and Lawes of the Kingdome: And to the principalitie unlawfully disponed against the Acts of Parliament and Lawes of this Kingdome: And to the reduction of whatsoever erections, of whatsoever benefices, Spiritualitie and Temporalitie thereof unlawfully disponed against the Laws and Acts of Parliament: And to the reduction of whatsoever patronages of Kirks, pertaining to his Majestie and his Predecessors, and unlawfully disponed by them against the Acts of Parliament: And against unlawful dispositions of whatsoever Teinds, Lands, and Rents doted to Hospitals, and masondieus, and unlawfully disponed against the Acts of Parliament: And against Regalities and Heritable Offices unlawfully disponed, contrary to the Acts of Parliament: And against all changed tenours of holdings from ward to blensh or taxt ward, granted by the Kings and Princes in their minorities, and not granted or ratified by any King or Prince being major. With this declaration like as the saids Lords declare, that the same shall not prejudice any person whatsoever of their lawfull defences competent to them, against any action to be intended hereafter at his Majesties instance, and his successors, except in so far as concerns the said Act of prescription, whereupon the saids Lords declare, that no exception shall be found in prejudice of his Majestie, and his Successors concerning the premises.

A C T XIII.

Anent Regalities of Erections.

OUR SOVERAIGNE LORD, With advice and consent of the Estates of Parliament, Ratifies and approves that head and article of the Act of Parliament made in the moneth of July, 1587. years, 29. cap. anent the annexation of the temporalitie of benefices to the Crown, whereby the right and privilege of regality, which pertained to whatsoever Abbacie, Priorie, Prioreffe, or other benefice whatsoever, is annexed to the Crown: with this declaration, That the heirs of the vassals of the heritable tenants shall be entred by briefes forth of his Majesties Chancelarie, to be direct to the Provost and Baillies of the Burrowes of the saids Regalities. But prejudice alwaies to heritable Baillies and Stewarts of the saids regalities, their heirs and successors, of their rights and infestments granted to them of the saids Bailleries and Stewartries of Regality, which shall remaine with them in the same condition they were before the same Act of annexation, except in the change of their Superior, *viz.* in the Kings Majestie, and his Successors, who in all times thereafter shall be their superiour, as in the said Act of Parliament of the date foresaid, at more length is contained.

AND farther, his Majestie, with consent of the Estates of Parliament, casses, annuls, retreats and rescinds all rights and titles made and granted by his Majestie, or his Majesties unwhille Father, or by unwhille Queene *Marie* his Grand-mother, to whatsoever person or persons, of the right and privilege of Regality, pertaining to whatsoever Abbot, Pryor, Pryoreffe, Preceptor, or other beneficed person whatsoever, at any time preceeding the date hereof: And declares the right and title of all and whatsoever Regalities within the Kingdome, which pertained to whatsoever benefice particularly or generally above specified, at any time preceeding the general annexation of Kirk-lands, without respect to any exception mentioned in the said Act of annexation, to pertaine to his Majestie and his Successors in all time coming. Reserving alwaies to all heritable Baillies and Stewarts of the saids Regalities, their rights and infestments of the saids Bailleries and Stewartries, granted to them by the saids beneficed persons, at any time preceeding the date of the erections of the saids Abbacies, Priories, and others foresaid in Temporal Lordships. And it is declared, that these presents shall no waies be extended to the right of Regality of whatsoever Lands, and Superiorities, pertaining to the Arch-bishops and bishops of this Kingdome, by vertue of their gifts and provisions, granted to them or their predecessors thereupon, which shall remaine with them unhurt or prejudged by this present Act.

AND also it is declared, decerned and ordained, that the lands and Baronie of *Broughton*, comprehending the Towns, lands, burgh in baronie, milnes, and others mentioned in the infestments granted by his Majestie under his Highnesse great Seale, To his Highnesse right trustie Cousin and Counsellor

Y y y

Robert

Robert Earle of Roxburgh, of the date, the day of one thousand, six hundred, thirtie years, shall not be comprehended herein, excluding the same allutterly there-from, To remaine with the said Earle, his Heires and Successors, after the forme and renour of the Infeftments made to him and his authors of the same.

ACT XIV.

Anent Superiorities of Kirk-lands.

OUR SOVERAIGNE LORD, With advice and consent of the Estates of Parliament findes, declares, and ordaines, that his Majestie and his Successors, have and shall have good and undoubted right to the superioritie of all and sundrie Lands, Baronies, Milnes, woods, fishings, Towers, Fortalices, manour places and whole pertinents thereof, pertaining to whatsoever Abbacies, Priors, Priories, Preceptories, and whatsoever other Benefices, of whatsoever Estate, degree, Title, Name, or designation the same bee of, Erected in Temporal Lordships, Baronies, or livings, before or after the general annexation of Kirk-landes, made in the Moneth of July, one thousand, five hundred, fourscore and seven years, And to the whole casualities of the saids superiorities, nor disposed before the date of the general Commission, which is of the date at *White-hall*, the seventeenth of Januarie, 1627. yeares; And also to the whole Few-mails, Few-fermes, and other rents and duries of the saids superiorities, of all yeares after the date of the said Commission: Reserving to such Lords and Titulars of Erections who have subscribed the general Surrender, the Few-mails, and Few-fermes of their saids superiorities, ay and while they receive payment and satisfaction of the sum of one thousand markes usual money of Scotland, for ilk Chalder of Few-ferme victual over-head; And for ilk hundreth markes of Few-mails, and for ilk hundreth markes worth of all other constant rent of the saids superiorities (not consisting in victual or money, and not being naked service of Vassals) according to the tenour of his Majesties general determination, and conform to the conditions therein contained, which are holden as repeated and exprest here. And sicklike with this declaration, that these presents shall be without prejudice to the saids Lords, and Titulars of erection, of whatsoever Lands, Baronies, Woods, Fishings, Manour-places, Milnes, Multors, and others of the said erected Benefices, pertaining to those who have Surrendered, as said is, in propertie; And whereof they had the right of propertie, the time of the said general surrender acquired by them, either before or since the saids erections, by whatsoever maner of way according to the Lawes of the Kingdome. Providing they hold the said propertie of his Majestie and his Successors, as the same were holden before the date of the saids erections, And for payment of the Few-mails, Few-fermes, and other duties mentioned in the old Infeftments of the saids lands before the date of the saids erections.

AND His Majestie and Estates declare all rights and deeds whatsoever granted by his Majestie, or his unwhile dearest Father, or Grand-mother, *Queene Marie*, to whatsoever Titulars of Erections which may prejudice his Majestie and his Successors, in the peaceable brooking, joying and possessing of the saids Superiorities, and whole benefit thereof above-specified (under the exceptions alwaies and provisions above-written) To be null, and of none avail, force nor effect by way of action, exception, or reply: And also findes and declares that the saids Lords and Titulars of erection shall hold their propertie and proper lands, Of his Majestie and his Successors, as the same were holden before the date of the saids erections. And for payment of the Few-mails, Few-fermes, and other duties mentioned in the old Infeftments of the saids Lands granted to them and their authors before the date of the saids erections: IT IS alwayes provided, and declared, that these presents, nor no clause therein contained, shall be extended to the superiorities of whatsoever lands, Baronies, and others, pertaining to whatsoever Archbishop, Bishop, and their Chapters: but that the same shall remaine with them and their Successors unhurt or prejudged by this present Act.

ACT XV.

Anent his Majesties Annuittie of Teinds.

OUR SOVERAIGNE LORD, And Estates of Parliament, Ratifies and approves the Act of the General Commission of Teinds and Surrenders, Of the date at *Holy-rude-house* the twenty ninth of May, 1627. yeares, whereby it is found and ordained, That his Majestie and his Successors shall have the constant rent and dutie following, payed out of the Teind Bolls of Victual, And out of the Bodie of the rest of the Teinds of the Kingdome redacted in money, Except the Teind-bolls and silver payed to the Bishops, being the rent pertaining to them, in the Estate wherein the same is presently payed or presently payable to them: And except the Teind-bolls and silver payed to Ministers in name of stipend for serving the cure; and to the Colledges, Hospitals, and other pious uses: That is to say, Of every Teind-boll of the best Wheat ten shillings; Of every Boll of the best Teind-beare, eight shillings; And of every Boll of the best Teind Oates, meale, pease and rye, six shillings: And where oates are of that

that nature that they will not render above half mcale, the rent to be three shillings: And where the bolls of victual are of inferior goodnes, worth and price nor the best, That his Majesties annuities forth thereof shall be modified proportionally. And where the rent doth not consist in victual but in money, that his Majestie and his Successors shall have of every hundred marks of Parsonage and Vicarage reind, not consisting in victual rent, the summe of six markes money. Together with the Act of the said commission of the date at holy-rudehouse, the eight of August, 1628. Whereby it is ordained, that the payment of the said annuities shall have the beginning of the crop and yeare of God, 1628. Together with another Act of the said commission, of the date at Holy-rudehouse the fourteenth day of July, 1630. Whereby letters of homing are ordained to be direct at the instance of his Majesties Thesaurer, for payment of the said annuities of the crops, 1628 and 1629. And yearly in time coming. Together with an Act of the convention of the Estates, of the date at Holy-rudehouse the twentieth ninth of July, 1630 yeares, whereby the said Estates have ratified and approved the said Act of the date and tenour foresaid, anent letters of homing, to be direct at the instance of his Majesties thesaurer, for payment of his Majesties annuities of the crops and yeares of God, 1628 and 1629. And yearly in time coming. And sikelike ratifies and approves the Act of the said commission, of the date the twentieth third of March, 1631 yeares. Whereby it is ordained, that in all teinds which shall be unvalued betwixt and the first of August thereafter, that the heritor shall pay his just teind according to the fifth part of the present rent, ay and while the constant rent be determined. And whereby it is statute and ordained, that his Majestie shall have right to uplift his annuity according to the said fifth part of the present rent, ay and while the said constant rent be determined, Together with another Act of the said Commission of teinds and surrenders of the date at Holy-rudehouse the fourteenth of December, 1631 yeares. And ratified by the Lords of secret Councell upon the twentieth day of the said month of December. Whereby it is statute and ordained for an *interim*, that the annuities of teinds, consisting in victual, shall be payed to his Majestie of all yeares by gone, and in time coming conforme to the tenour of the said last Act: And that according to the just and true prices of the victual in ilk part of the Country, computing for ilk hundred markes of the prices of the said victual being redacted in money six markes for his Majesties annuities. Which Act is thereafter upon the twentieth of December, 1631. ratified by the Lords of secret Councell. And letters of homing and poynding ordained to be direct thereupon, and thereafter ratified by the Lords of Exchequer upon the twentieth third of the said moneth of December. And his Majestie and Estates statute and ordaine the said annuities forth of the teinds to be payed to his Majestie and his Successors, of the said crop and year of God, 1628. And of all yeares sennice and in time coming. And that aswell out of the unvalued as valued teinds conforme to the tenours of the said Acts of convention, secret Councell and Exchequer. And ordaines letters of homing and poynding to be direct by the Lords of his Majesties Exchequer at the instance of his Majesties Thesaurer, principal and depute, for payment of the said annuities of all yeares by gone and in time coming. And ordaines the Lords of his Majesties Exchequer, to sit at all convenient times for granting and discussing of suspensions, touching the said annuities of teinds. It is alwaies declared, that the last clause and article contained in the said Act of annuities, whereby the Commissioners thinke fit that the said annuities of teinds shall bee annexed to the Crowne, is no waies ratified by this present Act, nor no clause thereof. And that his Majestie takes to his own gracious consideration what to do thereanent in whole or in part, as his Majestie in his royall wisdom shall thinke most expedient. And whatever his Majestie shall do now or hereafter thereanent, shall be as valid and effectual, as if the same had been particularly exprest in this present Act.

A C T X V I.

Anent Vassals Holding Ward.

OUR SOVERAIGNE LORD, And Estates of this present Parliament, ratifie and approve the Act of Parliament made by his Majesties umywhyle Father, of eternal memorie, 18, Parliament, cap. 12. intituled, Act anent setting of fewes to sub-vassals of ward lands in the whole heads and articles thereof. And farther, his Majestie with consent of the said Estates, hath extended and doth extend the said Act of Parliament and benefit thereof, in favour of his sacred Majestie and of the Prince of Scotland and their Successors in all time coming: And statutes and ordains, that it shall no wayes be lawful to whatsoever Vassals, holding lands of his Majestie or of the Prince of Scotland, or of any Duke, Marquess, Earle, Vicount, Lord, Prelate, Baron, or any other person whatsoever, holding their land of their Superiours by service of ward and reliefe, to feir their said lands, baronies, milnes, fishings, or any other lands or heritages whatsoever holding ward, as said is, To any other person or persons in Few for payment of a Fewferme due, or in any manner of holding in prejudice of the said ward holding, without special advice and consent of their superiours, of whom they hold the same *respective*: And rescinds and annuls all former Acts of Parliament of whatsoever date or tenor, which may in any sort derogate to this present Act. And findes & declares that all & whatsoever intseiments to be granted otherwise, without consent of the said superiours *respective*, or their confirmation obtained thereto, doth no wayes stop the ward of the said lands, nor hinders the course of recognition

dition vacand, or which shall happen to vake in the superiours hands, in-case of alienation of the same either of the whole, or of the most part thereof, according to the course of the common Law, without consent of their superiours, but prejudice to their said superiours *respective*, and their Successors, of the benefit of the said Act of Parliament, 1606: whereby all such infeftments and grants without consent, as said is, are declared to be null by way of action, exception, or reply. Which clause shall stand in favour of his Majesty, and in favour of the Prince, and their Successors, and other superiours *respective* foresaid; sicklike, and in the same manner as if the said clause were insert in this present Act, and this Act shall not be extended to deeds lawfully done in time by-gone, before the date of this present Act, but only *ad futura*.

ACT XVII.

Anent the Rate and Price of Teinds.

FOR-SO-MUCH As OUR SOVERAIGNE LORD out of his Royal and Fatherly care, rendering the publike good of this his ancient Kingdome, did immediately after his happie attaining to the Crown, publish and give forth his Royal declaration anent the reforming of the abuses used in leading of teinds, wherein his Majesties umwhile Father, of Eternal and blessed memorie, laboured so much in his time, and for provision and maintenance of Kirks, and other pious uses forth of the saids teinds: And now his Majestie being by Gods gracious providence present in his Royal Person within this his Majesties ancient Kingdome, and holding this his first Parliament of his whole Estates of the same, with whom his Majestie hath advised and resolved, to put that glorious work anent the Teinds to a full perfection.

THEREFORE, His Majestie with consent of the three Estates, by these presents statutes, ordaines, and declares, that there shall be no Teind theaves, or other Teinds, Parsonage or Vicarage led and drawn within the Kingdome, but that each heritor and Life-renter of Lands shall have the leading and drawing of their owne Teind, the same being first truly and lawfully valued, and they paying therefore the price after-specified, in case they be willing to buy the same: or otherwise paying therefore the rate of Teind after-specified. Like-as his Majestie and Estates find and declare, that the just and true rate of Teinds, is and shall be the fifth part of the constant rent which each land payeth in stock and teind where the same are valued joyntly, and where the Teinds are valued apart and severally, that the just rate thereof, is and shall be such as the same is already or shall be hereafter valued, and proved before the saids Commissioners or Sub-commissioners, deducing the fifth part thereof for the ease of the heritors, reserving alwayes liberty to such as shall finde themselves enormely hurt by the leading of the saids Valuations, to pursue for rectifying of the same, before the Commissioners appointed by his Majestie and Estates for that effect. And also his Majestie, with consent of the three Estates, findes and declares, that the price of all Teinds which may be sold and annalied, consisting either in money, victual, or other bodies of goods, is and shall be ruled and estimate according to nine yeares purchase, the prices of victual and other bodies of goods whereof the Teind consists, being redacted in money, according to the worth and price of victual and goods in each part of the Countrey, to the which the same is, and shall be prized and estimate by his Majesties Commissioners already appointed or to be appointed to that effect. And findes and declares that each Heritor in the Kingdome, being willing to buy his owne Teind from the Titulars, having power to sell the same, shall be obliged to buy the Teinds of his own lands, except so much as shall be locally assigned to the Minister, serving the cure of the Kirk, for his maintenance, and to pay the prices foresaid, betwixt and the terme of Martinmasse, in the yeare of God, 1635. zeares, where the Valuation of the Teinds is made and approved before the date hereof, and where the same is not yet valued and approved within the space of two yeares after the same be valued and approved by the Commissioners, to be appointed by his Majestie and Estates to that effect: after the expiring of the which time, his Majestie and Estates declare that the saids titulars shall not be compelled to sell the same, except they doe it of their own good will and consent. With this declaration alwayes, that in case the impediment of not selling, induring the space foresaid, flow from the Titular by reason of his minority or other inhabilitie, in that case the Heritor who offereth himselfe ready to buy his owne Teind within the space foresaid, shall have place so soone as the impediment is removed, to buy his Teinds, notwithstanding of the expiring of the yeares and space above-expressed. And it is declared, that if the Heritor be minor, and his Tutors neglect the buying of his Teinds within the space foresaid, the minor shall have action against his Tutors *pro damno & interesse*, but no action to compel the titular after the expiring of the space foresaid, for selling of the saids Teinds: And where the saids Teinds are coast by the Heritors, as said is, finde that the Heritor shall be obliged to give to the Life-renter of the saids lands, having right thereto by contract of marriage, Life-rent, Infeftment, Conjunct-fee, or Reservation forth of the Infeftment of Fee, the leading of the Teinds of their saids Life-rent Lands, for payment of the rate of the Teind of the same. And sicklike findes that in all cases where Teinds are not coast, that the Heritors or Life-renters of Lands, who have the leading of their own Teinds by themselves, their Tennants, and others in their name, shall be obliged to pay to the Titulars of Teinds the yearly rate thereof, according to the valuation of the same made or to be made, and to give securitie thereof, according to the order set down and

and prescribed by the Commissioners of surrenders and Teinds, or to be set down by the Commissioners appointed, or to be appointed by his Majesty with consent of the Estates of this present Parliament, deducting so much thereof as shall be assigned to the Minister for his maintenance. IT IS alwayes declared, whether the saids Teinds be sold or not, his Majesty shall have his annuities forth of the same, according to the Tenor of the Act of Annuities: And because sundrie questions may arise both anent the Valuation of Teinds, and Price of the same in divers parts of the Countrey, and anent the securities to be made by the Titulars to the Heritors who buy their Teinds, and by the Heritors to the Titulars of the price to be payed for the same where the Teinds are sold, or for payment of the rate of Teind where the same is not sold: And sicklike anent the provision of the Kirkes, with competent maintenance, and for division of the price of Teinds betwixt the Heritors and Life-renters, and rectifying of Valuations already led to the enorme hurt and prejudice of these, having interest. THEREFORE His Majesty and Estates have referred, and refer the determination of the saids particulars, and all others concerning the Teinds to the Commissioners appointed by his Majesty and Estates in this present Parliament. IT IS alwayes declared, that this present Act shall be no farther obligatory against whatsoever Arch-bishops, Bishops, Parsons, Vicars, and other beneficed persons, being Ministers, nor their Successors, but according to the provisions and conditions expressed in the submission, made by the Bishops to his Majesty, which is of the date the day of 1628. yeares, and registrate in the Bookes of Commission of Surrenders and Teinds, upon the thirteenth day of July, 1631. yeares: Which provisions and conditions are holden as expressed herein. And also it is declared, that the Vicarages of each Kirk being a several Benefice and Title from the Parsonage, shall be severally valued, to the effect the Titulars or Ministers serving the cure, who have right to the saids Vicarages, be not frustrate of the true worth of the saids Vicarages.

ACT XVIII.

Anent the Exchequer.

OUR SOVERAIGNE LORD, and Estates of this present Parliament, ratifie and approve that head and clause of Parliament, made upon the twentieth day of May, 1584; Whereby his Majesties umwhile Father of Eternal memorie, with consent of the Estates, hath appointed and ordained, that all causes concerning his Majesties property, whether the same be suspensions, letters conforme, breaking of arrestment, deforcement of Officers in the premisses, or any thing depending thereupon, shall be discussed before his Majesties Exchequer in the Exchequer-house. And sicklike, his Majesty with consent of the Estates, statutes and ordaines, that the Lords of Exchequer appointed, or to be appointed by his Majesty, shall have undoubted power, warrant, and authority, to sit, cognosce and decide in all the foresaid causes, concerning his Majesties propertie, and others depending thereupon: And also in all causes concerning his Majesties annuities forth of the Teinds, and ordaines them to sit at all convenient times for passing and discussing of suspensions, and for deciding of all other actions concerning the said propertie and annuities of Teinds. And to direct letters of horning and poinding, and other execution necessary upon the decreets pronounced by them, of or concerning the premisses, and the horning to passe upon a simple charge of ten dayes, upon this side of the water of Dee: And upon twenty dayes by North Dee allannerly, at the discretion of the saids Lords of Exchequer.

ACT XIX.

Commission for Valuation of Teinds not valued, rectifying the Valuations of the same already made, and other particulars therein contained.

FOR SO MUCH As OUR SOVERAIGNE LORD, immediately after his happy attaining to the Crown of this his Ancient and Native Kingdome, did out of his Royal and Fatherly care to the publique good thereof, give forth his Royal declaration, anent the reforming of the abuses used in leading of teinds, and for provision and maintenance of Kirks and other pious uses forth of the saids teinds. And also for restoring the Crown to the superiorities of whatsoever benefices and temporalities thereof erected in temporal livings, and against other prejudices and detriments done to the Crowne, mentioned in the said declaration. And albeit his Majesty hath bene still urging and following the performance of the particulars foresaid these five yeares by-gone, or thereabout, by Commissions direct by his Majesty under his great Scale, to that effect, wherein there hath bene good progresse made, yet the same could not take a full end without the authoritie of a Parliament: Like-as his Majesty out of his earnest and tender affection to the publique good of this his native Kingdome; And for advancing the saids great and glorious works intended by his Majesty, as said is, hath taken the pains to come hither in his Royal person, where his Majesty being present in solemn Parliament, with his three Estates of his said ancient Kingdome: Have resolved and concluded upon the particular Acts and Statutes after following, tending to the publique good, peace, ease, and

comfort of his said Kingdome and subjects thereof: *viz.* His Majestie and Estates foresaid have ratified the Act of Commission of surrenders and teinds, of the date at *Holy-rude-house* the twentie sixth day of June, 1627. yeares, whereby it is found meete and expedient, that the lowest proportion for maintenance of Ministers shall be eight chalders of victual, or eight hundred marks proportionally, except such particular Kirkes occur, wherein there shall be a just, reasonable, and expedient cause to go beneath the foresaid quantitie; And hath referred the consideration of the reasons and causes thereof to the Commissioners to be chosen by his Majestie, with consent of the Estates in manner contained in the said Act. Like-as also his Majestie and Estates by another Act and Ordinance, hath statute, ordained, and declared that each Heritor and Life-renter of Lands *respectively*, shall have the leading and drawing of their owne teinds, the same being first truly and lawfully valued, and they paying therefore the price after-specified, in case they be willing to buy the same, or otherwise, for the yearly payment of the rate of Teinds after-specified. Like-as his Majestie and Estates have by the said Act, found and declared, that the true and just rate of Teind is, and shall be the fifth part of the constant rent, which ilk land payes in Stock and Teind where the same are valued joyntly. And where the Teinds are valued apart and severally, that the just rate thereof is and shall be such, as the same is already by vertue of the former general Commission of Surrenders and Teinds proved and valued to, Or else shall be hereafter valued and proved before the Commissioners to be appointed by his Majestie with consent of the Estates, deducing the fifth part thereof for the ease of the Heritors: Reserving alwaies libertie to such as shall finde themselves enormously hurt by the leading of the saids valuations, to pursue for rectifying of the same before the saids Commissioners to be appointed by his Majestie and Estates foresaid; like-as his Majestie and Estates have by the said Act found and declared, that the price of all Teinds which may be sold and annaied, consisting either in money, victual, or other bodies of goods, is, and shall be ruled and estimate according to nine yeares purchase. The prices of victual and other bodies of goods, whereof the Teinds consist being redacted in money according to the worth and prices of victual and goods in ilk part of the Countrie, To the which the same is and shall be prized and estimate by the said former Commissions of Surrenders and Teinds, or by the Commissioners to be appointed by his Majestie, with consent of the Estates: And also have found and declared, that ilk Heritor in the Kingdome being willing to buy his own Teind from the Titulars, having power to sell the same, shall be obliged to buy the Teind of his own Lands, except so much as shall be locally assigned to the Minister serving the Cure for his maintenance: And to pay the prices foresaid to the Titulars betwixt and twa particular times and diets expressit in the said Act. And also have found that the Heritors shall bee obliged to give to the Life-renter of the lands, the leading of their own teinds for payment of the rate of Teind of the same. And also have found, tharin all cases where Teinds are not coft, that the Heritors or Life-renters of lands who have the leading of their own Teinds by themselves, their tennants, and others in their names, shall be obliged to pay to the Titulars of the saids Teinds the yearly rate thereof, according to the order set down and prescribed by the former Commissions, or to be set down by the Commissioners to be appointed by his Majestie, with consent of the Estates, deducing so much thereof as shall be assigned to the Ministers for their maintenance.

AND Because sundrie questions may arise anent the valuations of Teinds and prices thereof, and anent the securities to be made by the Titulars to the Heritors who buy their Teinds; and by the Heritors to the Titulars of the price to be payed for the same, when the Teinds are coft, or for payment of the rate of Teind where the same is not coft; And anent the provisions of the Kirkes, with competent maintenance, and other particulars mentioned in the said Act. THEREFORE His Majestie and Estates, by the said Act did referre the determination thereof to the Commissioners to be appointed by his Majestie and Estates, With these declarations alwaies, that his Majestie shall have his annuities payed forth of the Teinds according to the tenour of the said Act of annuities; And that the Archbishops, Bishops, Parsons, Vicars, and other beneficed persons being Ministers, and their Successors, should be no farther obliged in any of the premises, But according to the provisions and conditions expressit in the submission made by the Bishops to his Majestie, which is of the date the _____ day of _____ 1628. yeares. And registrate in the saids Books of Surrenders and Teinds, upon the thirteenth of July, 1631. yeares. And that the Vicarages of ilk Kirk being a several Benefice and Tide, should be severally valued, to the effect the Titulars and Ministers serving the Cure, who have right to the saids Vicarages, should not bee frustrate of the true worth of the saids Vicarages. And likewise, His Majestie and Estates by another Act have found and declared, that his Majestie and his Successors have and shall have undoubted right to the superiorities of whatsoever erections, Few-mails, Few-fermes, and other casualties thereof, Reserving to such Lords and Titulars of erection who subscribed the general Surrender, the Few-mails, and Few-fermes of their saids Superiorities, ay and while they receive payment and satisfaction of the summe of one thousand marks usual money of Scotland, for ilk Chalders of Few-ferme victual; and for ilk hundred marks of Few-mails, and for ilk hundred marks of all other constant rent of the saids Superiorities, not consisting in victual or money; and not being naked service of vassals, according to the tenour of his Majesties general determination; and conforme to the conditions therein contained, as in the saids three Acts of this present Parliament at more length is expressit.

AND Forasmuch as it is necessarie for determination of the particulars foresaid, and of all such other points which are fit and expedient for the finishing and full perfection of the said glorious worke, auncient teinds, maintenance of Ministers and others foresaid, That a commission be granted by his Majestie, with consent of the Estates, and by authority of this present Parliament: THEREFORE His Majestie, with consent of the said Estates, hath granted, and by these presents granteth full power and commission to the persons after following: To wit, Nine of the Clergie, nine of the Nobilitie, nine of the small Barons, and nine of the Burgeses; Together with my Lord Chancellor, and eight officers of Estate, viz. *George Earle of Kinnorell Chancellor, William Earle of Morton Treasurer, Iohn Archbishop of Saint Andrews, Thomas Earle of Haddington Lord Privie Seale, Patrick Archbishop of Glasgow, William Earle Marshall, George Earle of Wintown, Iohn Earle of Perth, Iohn Earl of Kinghorne, William Earle of Dumfreis, William Earle of Sterling Secretary, David Earle of Southesk, Iohn Earle of Traquair Treasurer Depute, Iohn Earle of Weymes, Archibald Lord Napier, George Lord Corstonpheine, Alexander Bishop of Dunell, Iohn Bishop of Murray, Iohn Bishop of Ross, Adam Bishop of Dunblane, David Bishop of Breichen, Andrew Bishop of Argyll, George Bishop of Orkney, Sir Iohn Hay Clerke of Register, Sir Thomas Hope Advocate, Sir George Elphinstone Justice Clerk, Sir James Galloway Master of Requests, Sir Robert Spotswood, Sir James Learmonth, Sir James Lockhart younger of Ley, Sir Iohn Charters, Sir Robert Grier, Iohn Boyll of Kelburne, Sir William Douglas of Cavers, The Laird of Inchmartine, the Laird of Lugtown, Iohn Sinklar, Iohn Macknacht, Archibald Tod, Edward Edger, Master Alexander Gutbrie, Gabriel Cuninghame, Robert Taityeor, William Mickle-Iohn, and Master Robert Cuninghame, or any fittene of them, there being three of every Estate, with three of his Majesties officers of Estate. Of which number of fifteen, the Lords Chancellor, Treasurer, and Privie seale, Archbishops of Saint Andrews or Glasgow, Earle Marshall, and Earle of Wintown, or any one of them shall be one, to meet and convene at Holyrudehouse, or Edinburgh at such times and places as they shall think fit; And there to prosecute and follow forth the valuation of whatsoever teinds, parsonage or vicarage within the Kingdome, which are as yet unvalued. And also to receive the reports from the Subcommissioners, appointed within ilke presbiterie, of the valuation of whatsoever teinds, led and deduced before them, according to the tenor of the subcommissions direct to that effect. And to allow or disallow the same, according as the same shall bee found agreeable or disagreeable from the tenour of their subcommissions. And also with power to rectifie whatsoever valuations, led or to be led, to the enorme prejudice of the titulars, and to the hurt and detriment of the Kirke, and prejudice of the Ministers maintenance and provisions, or of his Majesties annuitie. And for the better expediting and advancing of the said valuations, with power to appoint Committies, or Subcommitties of their owne number, To receive the reports of the said valuations made or to be made; And to receive, admit and examine witnesses, and to take parties oathes, with their depositions, where the same is referred to oath; And to give such farther power to the said Committies or Subcommitties of their owne number, as they shall think fit for the good of the worke, and speedy finishing of the same; And sicklike, with power to them if need be, to appoint Subcommissioners, not being of their owne number within any parochin or presbiterie of the Countrie, for leading and deducing of the said valuations, and to receive the reports thereof, allow or disallow of the same: And generally with power to them, to set downe whatsoever other order or course which shall be thought fit and expedient for dispatch of the said valuations rectifying thereof for finally closing of the same. And sicklike, with power to the said Commissioners, or any fifteen of them, as said is, there being three of ilk Estate, with any one of the persons of the *quorum* above-specified, after the closing and allowance of the valuations of ilk Kirke and Parochin, To appoint, modifie, and set downe a constant and local stipend and maintenance to ilk Minister, to be payed out of the teinds of ilk parochin, according to the tenour of the Acts above-specified. Referring like as his Majestie referres with consent of the said Estates; to the said commissioners, the tryal of the reasons and causes which may move the said Commissioners to goe beneath the quantitie of eight chalders of victual, or of eight hundred markes of money proportionally, in manner contained in the said Act. And sicklike, with power to the said Commissioners, to divide ample and spacious parochines, where the same shall be found necessarie and expedient, or to unite divers Kirks in whole or in part to others; And to ratifie and allow after tryal and consideration such union or disincorporing of Parochines, as hath beene formerly made by vertue of the former Commissions. And sicklike with power to them, to appoint and provide for such other pious uses in each parochin, as the estate thereof may bear. And sicklike, with power to the said Commissioners, as said is, to take order that every heritor and life-renter of lands, shall have the leading of their own teinds, parsonage and vicarage thereof, they paying the price contained in the Act above-specified, in case they be willing to buy the same from the titular, having power to sell, or otherwise paying the rate of teind exprest in the foresaid Act; And to that effect, with power to the said Commissioners to set downe the prices of sellable teinds, according to the worth thereof in each part of the countrey, where the same grow and are bred; And also with power to them to set downe such good and ample securities, as may stand by law, both for the buyers of teinds, to the effect, the titulars may be fully denuded in their favour: And also for securitie to the titulars and sellers of the price due to be payed to them for the said teinds; And also to set downe the securitie in favour of the titulars and of the Ministers, so farre as concerns the maintenance assigned to them for good, thankful, and timous payment of the rate of teind, whete the same are not, or cannot be fold. And sicklike with power to the said*

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commissioners, to discusse and determine all questions which may arise betwixt the titulars and heritors anent the price of teinds, according to the nature and qualitie of the rights to be sold, whether the same be heritable or temporal, and to proportionare the price accordingly; And also to divide the price of tiends betwixt heritors and life-renters, thereof; And betwixt titulars, tacksmen, and others who have severall and distinct rights to the said teinds sellable, according to the qualitie of their rights: And also with power to them, to cause the titulars who sell their said teinds, to exhibit their rights and titles, to the effect that they may be lawfully denuded thereof, in favour of the said heritors and life-renters *respective*, without prejudice alwayes to his Majesties annuities, to be payed forth of the said teinds by the said titulars of teinds, or heritors, or life-renters of lands, according to the tenor of the said Act of annuities; And generally with power to the said Commissioners, to decide and determine in all other points, which may concerne the leading and drawing of teinds, the selling and buying of the same, or payment of the rate thereof, contained in the Acts of Parliament above specified, or set downe in his Majesties general determination; with this provision and declaration alwayes, that the Archbishops, Bishops, Parsons, Vicars, and other beneficed persons, being Ministers, and their successors, shall be no farther bound but according to the provisions and conditions expressed in the submission made by the Bishops to his Majestie, which is of the date the day of 1628 yeares, and registrate in the bookes of commission of surrenders and teinds, upon the thirteenth day of July, 1631: Which provisions and conditions are holden as exprest herein; And also with this provision, that the Vicarages of each Kirke being a severall benefice and title from the Parsonage, shall be severally valued, to the effect the titulars or Ministers serving the cure, who have right to the said Vicarages, be not frustrated of the true worth of the said Vicarages; And sikelike, because by the Act above specified, made anent superiorities of erections in favour of his Majestie, there is special reservation made to such titulars and Lords of erection, as have subscribed the general surrender of the few-mails, few-fermes, and other constant rent of the said superiorities, aye and while they be payed of the price thereof contained in his Majesties general determination, and according to the provisions specified therein. Therefore his Majestie and Estates give full power to the said commissioners or any fiftene of them, as said is, to call and convene before them the Lords of erection, and others having right to the said few-mails and few-fermes, and other constant rent of the superiorities of Kirke-lands, at such particular diets as they shall appoint, and to urge the said Lords of erection and others foresaid, to give up their rentals of their said few-mails, few-fermes, and other constant rent foresaid of their said superiorities, conforme to his Majesties decreete and determination, given out thereanent; And with certification as is therein contained, and to liquidat the other constant rent of the said superiorities, not consisting in victual or silver: To the effect that after the full tryall of the said rental and liquidation thereof, the said Lords of erection may receive the price of a thousand marks for each chaldre of few-fermes, and for each hundredth markes of the other constant rent, being redacted in money in whole or in part proportionally, from his Majesties Thesaurers, principal, or depute, and in case of the absence and refusal of the saids titulars and Lords of erection, that the same may be consigned in the hands of the Clerke to the said commissioners, to remaine consigned for their behave; After the which consignment, it shall be lawful to his Majesties Thesaurers, principal or depute, to up-lift, receive, and intromet with the said few-mails, few-fermes, and other constant rent foresaid, of all yeares and termes after the said consignment, according to the tenor of the said general determination; And also with power to the said commissioners as said is, to discusse and determine all questions that may arise betwixt the said Lords of erection and the heritors of the ground, pensioners, life-renters, and others pretending right to the said few-mails, & few-fermes, and to divide the price amongst them, according to the qualitie of their rights, and all other questions anent the few-mails, few-fermes, and other constant rent foresaid: Which by his Majesties general determination is referred to the determination of the commissioners to be appointed to that effect; And whereas it may fall out that some of the commissioners now appointed by his Majestie and Estates, may be unable to attend the service, through death, sickness, or some other notour and knowne impediments; Therefore his Majestie reserves to himselfe the nomination of such other persons in their places, as his Majesty shall think fit, whom his Majestie by his Letters shall recommend to the said commissioners, to the intent they may receive and admit them upon the said commission, and take their oathes for faithful discharge of the same. And his Majestie and Estates ordaine this present commission to endure unto the last day of December in the yeare of God, 1635 yeares: And farther induring his Majesties pleasure, and aye and while the same be expressly discharged by his Majesties warrant, or letter to that effect. And his Majestie with consent of the Estates foresaid, findes, declares, and ordaines the Acts, decreets, and ordinances of the commissioners foresaid, and of the other persons, who shall be surrogate in their places by his Majestie in manner foresaid, in the whole particulars above-specified, and every one of them; To have the strength, force, and authoritie of a decreete, sentence, and Act of Parliament, and ordaines the Lords of Session to grant and direct letters of homing, poinding, and others thereupon, upon a simple charge of ten dayes, or otherwise as shall be found necessary. Attour for clearing of all doubts and difficulties which may arise anent the rectifying of valuations, or other particular heads following: His Majestie and Estates have declared and declare, that where valuations are lawfully led against all parties having interest, and allowed by the former commissioners according to the order observed by them, that the same shall not be drawne in question nor rectified upon pretence of enormelion, at the instance of the Minister, not being titular, or at the instance of his Majesty

Majesties Advocat, for and in respect of his Majesties annuitie, except it be proved that collusion was used betwixt the titular and heritor, or betwixt the procurator fiscal and the titulars, and heritors, which collusion is declared to be where the valuation is led, with diminution of the third of the just rent presently payed, and which diminution shall be proved by the parties oathes. And likewise it is declared that the provisions contained in the foresaid submission made by the Bishops, whereof mention is made in the foresaid Act of Tithes, and which is repeated in this commission, shall be restricted to that whereof Archbishops, Bishops, Parsons, vicars, or other beneficed persons being Ministers, Colledges, Hospitals, and other donations to pious uses were in actual and real possession the time of the said submission, which shall remaine with them in quantity and quality, according to the tenor of the said provision: And if any question shall arise betwixt the said Arch-bishops, Bishops, Parsons, Vicars, and other beneficed persons foresaid anent the leading of teinds, that the same shall be referred to his sacred Majestie, and to his Royal pleasure to be signified thereanent. And also anent laick patronages pertaining to any his Majesties subjects, before the yeare of God, 1561 yeares: His Majestie and Estates declare that the same falls within the compass of the general submission made to his Majestie, And his Majesties determination given thereupon, and that alienarily in so farre as concerns a competent maintenance, to be locally payed forth of each Church, to the Minister and his successors; And anent the teinds of other mens lands; And anent the annuitie to be payed to his Majestie forth of the teinds of the said Kirk: And as to the remanent teinds the same to pertaine to laick patrons in price or rate thereof in all cases, where the foresaid laick patrons were in possession of the teinds thereof, by the space of seven yeares within the fifteen yeares immediately preceding the date of the said general submission: With this declaration, that where the titulars or the Ministers provided to the said laick patronages and Kirks thereof, were in possession of the benefices foresaid, and fruites and rents thereof, either by leading of the teinds, or by up-lifting and intronetting with the whole rents thereof, by the space of seven yeares of fifteen yeares immediately preceding the said submission; in these cases, the difference betwixt the said laick Patrons, and the Titulars, and Ministers, shall be referred to his sacred Majestie, and to his Royal declaration to be given thereanent, and ordaines all former commissions anent the premisses, to cease in time coming, and this onely to stand in force in time to come.

A C T X X.

Anent the King His Designation of The Names to be insert in the Commissions anent the Tithes and Lawes.

OUR SOVERAIGNE LORD, And Estates of Parliament, considering that the Designation of the particular persons necessarie to be ingross in the two severall commissions granted in this present Parliament; The one anent the teinds; And the other anent the survey of the Laws which was by the said Estates referred to his sacred Majestie. THEREFORE the said Estates appoint and ordaine the clerke of this Highnesse Register to insert in the said two severall commissions such particular persons names as his Majestie by his warrant, signed with his hand, shall appoint and ordaine to be insert thereunto. For doing whereof declares this present Act to beals sufficient a warrant to the clerke of Register, as if the said commissioners names had been now presently insert in the said two severall commissions by his Majestie and estates of Parliament.

A C T X X I.

Anent the Anwei of Eight to be taken of ilk hundred in time to come alemnely, suspending the same for three yeares, and in the interim two of ten to be payed for the said space to his

MAJESTIE.

IN THE PARLIAMENT Holden at *Edinburgh*, upon the twentie eight day of June, the yeare of God 1633. For so much as his Majesties Lieges and good Subjects are heavily oppress and burdened with exorbitant annual-rents, and interest taken for the use of money, far exceeding the rate and proportion taken in *England*, *France*, and other neighbour countries: THEREFORE His Majestie, with advice of the Estates, statutes and ordains, that notwithstanding of any former Act of Parliament, allowing ten pounds to be taken for each hundredth pounds in a yeare: Yet that no person after the date hereof take more then eight pounds for the use of the hundredth pounds in a yeare, and so proportionally in lesser or greater sums, under the paines contained in the former Acts of Parliament made against usurers.

AND forso much as his Majestie, out of his gracious goodness, with consent of the Estates, hath reduced the interest and profit of money from ten of the hundred to eight, conforme to this present Act. Therefore the Estates of Parliament presently convened, being sensible of the great good ensuing thereby, to this whole Kingdome in all times to come; Make a voluntary and humble offer to his Majestie, that of the said ten payed by borrowers for each hundred, during the space of three yeares next ensuing: Two shall

be payed to his Majestie, during the said space (by and attour the twentieth penny presently payed to his Majestie in this present running Taxation) and that for the tearmes of Martinmasse next, 1633. yeares, and Whitfunday, 1634. yeares. And by and attour the sixteenth penny of the extraordinary Taxation now presently granted to his Majestie in this Parliament, to begin at Martinmasse 1634. yeares. And hereby it is declared, that those who formerly borrowed moneys for eight of the hundred, shall be free of payment of the said two of ten; for such and the same quantities as they have formerly borrowed, and are presently adebted by them, for payment of eight of the hundred allenerly: and those who formerly borrowed for nine of the hundred, and are presently owing by them, shall be only lyable to pay one to his Majestie of nine, during the said space, for such and the same quantitie of summes, as were formerly borrowed at nine for the hundred.

And it is further declared, that those who never borrowed moneys before the date of this Act, and shall happen to borrow any summes of money hereafter (they being equally participant of the benefite of the said Act, and his Majesties gracious favour thereby extended to them with his other Subjects) shall be subject in payment of the said proportion of two of ten, during the space of three years, as said is: And ordains the lenders to pay the same yearly and tearmly, during the said space of three years, together and in one summe, with the twentieth penny of this present running extraordinary Taxation, for the said tearme of Martinmasse next, 1633. yeares, and Whitfonday 1634. yeares. and together and in one summe with the sixteenth penny granted in this present Parliament, for the tearmes of Martinmasse, 1634. Whitfunday and Martinmasse, 1635. and Whitfunday, 1636. beginning the first tearmes payment of the said two of ten, at Martinmasse next, and so tearmly thereafter, during the said space of three years and six tearmes. And the saids Estates have agreed all in one voice to suspend, like-as by these presents they doe suspend the execution of the said act, for the space of three years, after the date hereof: and by these presents declare that it shall be lawful (notwithstanding of the said Act) to all subjects within this Realme, to take ten markes for each hundred markes of their lent moneys, put out, or to be put out upon annual-rent, conforme to the preceeding Acts of Parliament, during the said space of three years next after the date hereof. And for inbringing of the said Taxation of two markes of ten, ordain letters to be direct in the same forme and manner as is direct for collecting the foresaid extraordinary Taxations of the twentieth and sixteenth penny. And the same to be payed together, and in one summe to his Majesties Collector-general, to be appointed, or to his Deputes in his name, having his power to receive the same.

ACT XXII.

Anent the Lords of Session, their Taxation of Ten shillings to be imposed upon everie Pound Land of old extent.

IN THE PARLIAMENT holden at Edinburgh upon the twentie eighth of June, the yeare of God, 1633. OUR SOVERAIGNE LORD the Kings Sacred Majestie, and Estates of Parliament presently convened: Remembling that at the first institution of the Colledge of Justice, and divers times thereafter in the Parliaments ratifying the same, his Majesties Royall Antecessors, and Estates of the Realme then assembled, found the erection of that Honourable Consistorie (which is a bidding monument of the Glorie of their Reignes) not onely to be most useful for Royall service, but also necessary and profitable for the peace of the Kingdome, and to the seene good and comfort of all the Subjects. And considering that the provision allowed of before to the Lords of Session, was no waies sufficient for defraying of their charges, and that through their continual attendance, their privat affaires are neglected, and great losses thereby sustained by them.

TH E R E F O R E, and to the effect the saids Senators, and Lords of Session present and to come, may be more encouraged to goe on, and to persist as they doe in their zeale and affections to his Majesties service, and in faithful ministracion of Justice, to the general weal of the Realme, and all the Lieges. The saids Estates with the special approbation and gracious good liking of the Kings Sacred Majestie, have most freely condiscended, statute and enacted, that a Taxation be presently imposed upon their Lands and Meanes, which with his Majesties consent foresaid, they ordaine to be collected and payed to the effect, in manner, and at the tearmes following. That is to say, the Dukes, Marqueses, Earles, Vicounts, Lords, and Commissioners of Shyres for the temporal Estate, have granted that their shall be up-lifted of every pound land of old extent within this Kingdome, pertaining to Dukes, Marqueses, Vicounts, Lords, Barons, and Free-holders, and Feuars of his Majesties proper Lands, the sume of ten shillings money, at everie one of the four tearmes following, *viz.* The sume of ten shillings money at the Feast and tearme of Martinmasse next to come, in this instant year of God, 1633. yeares: the sume of other ten shillings money, at the Feast and tearme of Martinmas, 1634. yeares: the sume of other ten shillings money, at the Feast and tearme of Martinmas, 1635. yeares: and the sume of other ten shillings money, at the Feast & tearme of Martinmas, 1636. yeares. And the Arch-bishops, & Bishops for the Spiritual Estate have granted that there shall be up-lifted of all Arch-bishopricks, Bishopricks, Abbacies, Pryories, and other inferior Benefices, within this Kingdome, at everie one of the four tearmes above-specified, the just taxatione thereof, as they have been accustomed to be taxed in

all time by-gone, whensoever the temporal lands of this Kingome were stented to ten shillings the pound land of old extent: And the same taxation to be payed at everie one of the four rearmes above-specified. And the Commissioners for Burrowes for their Estate have granted, that there shall be up-lifted of all the Burrowes within this Kingdome, at everie one of the four rearmes above-written, the just taxation thereof, as they have bene accustomed to be taxed unto in all time by-gone, whensoever the Temporal lands of this Kingdome were stented to ten shillings the pound land of old extent: And the said taxation to be payed at everie one of the saids four rearmes above-written. And in regard that his Majestie hath erected sundrie Prelacies in Temporal Lordships, whereby the owners thereof may claime to be taxed with the Barons of the Temporal Estate, whereby the saids Lords of the Session would be defrauded of a great part of the said taxation, destinate and appointed, as said is.

Therefore the saids Estates ordaine that all erections of Prelacies, and other small benefices, in whole or in part, in Temporal Lordships, shall in payment of the said taxation, pay to the Collectors thereof, so much of the said Taxation, (*pro rata*) as if they were no waies erected, and as they were subject to do before the erection of the same. And sicklike, it is statute and ordained, that all dissolved Benefices within this Kingdome in whole or in part, shall be subject in payment of so much of the same Taxation (*pro rata*) as they would have bene subject to pay, though the same had not bene dissolved. And that the parties who have gotten any part or portion of any Prelacies, or other inferior benefices dissolved, and new securities made unto them by his Majestie, of that part and portion thereof dissolved, shall be subject in payment of the Taxation thereof to the Prelate, or other Beneficed person for his reliefe of the same Taxation, as they would have bene, so the same had not been dissolved, notwithstanding of any condition contained in the Inselements and securities made by his Majestie to them in the contrary thereof. And farther, the saids Estates annul and discharge all privileges and immunities whatsoever, whereby any persons may thinke themselves free of payment of this present Taxation: the privileges granted to the ordinarie Lords and Senators of the Colledge of Justice; and the Taxation of the Benefices given, disposed, and mortified for intertainment of the Universities, Colledges, and Hospitalls within this Kingdome, onely excepted. Attour, Our said Sovereigne Lord, and Estates foresaid, have given and granted, and by these presents give and grant full power and authority to the saids Lords of Session, to nominate, appoint, and elect their owne Collectors, one or moe, as they shall thinke most expedient for up-lifting of the foresaid Taxation, to the effect foresaid. Which summes of money, after they shall be in-gathered, as is before appointed; Our Sovereigne Lord, and the Estates foresaid destinate and ordaine to be mortified by employment upon Land heritably, or for annual-rent, or other sufficient security, as may conveniently be found, for the use and benefit of the saids ordinarie Lords of Session, present, and to come: To the effect, that the yearly profit and annual of the saids lands or moneys, (as the same shall happen to be employed) may be received by them and their successors in their saids Offices, yearly and termly, after the termes of payment of the same, and applied to their behove, in manner, and conforme to the consuetude of the divisione of the yearly duety, presently allowed and received by them: and that by and attour the present provision and rents allotted to them by Parliaments heretofore. And to that effect, the saids ordinarie Lords of Session, shall with all convenient diligence make, subscribe, and deliver to his Majesties Thesaurer Principal and Depute, a sufficient and valide security by band or contract, made by the sight and advice of his Majesties Advocat, for employing of the said Taxation, and whole benefit thereof, in whole or in part, as the same shall be up-lifted to the use and effect above-specified. And ordaine the particulare forme and manner of up-lifting and in-gathering of the said Taxation, and reliefe of the Prelars, Lords of erections, and other Beneficed persons, to be conforme to his Majesties owne Taxation, granted in this present Parliament in all points, except in so farre as concerneth the particular day to be appointed to the Vassals, for conveying with the Prelats, Lords of erections, and other beneficed persons, for appointing and setting down of their due and right proportions of the saids Taxations, which they ordaine to be upon the *seventeenth* day of *September* next to come, which is declared to be the precise day of meeting, to the effect foresaid; And that no farther citation, nor summoning shall be requisite to that effect, then the publication and Proclamation of this present Act, at the Market-Crosses of the head Burrowes of this Realme, and holdeth the whole remnant clauses, and provisions of the Act of reliefe of his Majesties Taxations, as here repeated. And ordaines letters to be direct here-upon.

A C T XXIII.

Ratification of the liberties of the Colledge of Justice.

OUR SOVERAIGNE LORD, with advice and consent of the Estates of Parliament ratifies; approves, and confirms all Acts of Parliament, gifts, grants and donations whatsoever, of all privileges, freedoms and immunities, made, given, granted, or conceived in favour of the Senators of the Colledge of Justice, by any of his Majesties Royal predecessors, or in any Parliament holden by them, dispensing alwaies with the generalitie hereof; And holding this general Ratification as sufficient, as if the whole privileges, freedoms, and immunities, Acts, and grants thereof were specially and at length insert hereintil.

ACT XXIV.

Ratification of the Priviledges of the free Royal Burrowes.

OUR SOVERAIGNE LORD, And Estates of this present Parliament, Have ratified and approved, and by the tenour hereof ratifie and approve of new, all Acts and constitutions of Parliament made by his Majesties Predecessours, in favour of the Free-burrowes of this Realme, and Burgeses and Inhabitants within the same, with all Priviledges, Freedomes, Liberties and Immunities granted and given to the whole Burrows in general in any time by-past, by any of OUR SOVERAIGNE LORD his Majesties Noble Progenitors, with all that hath followed or may follow thereupon. And decernes and declares the same to have full strength, force and effect in all times hereafter; so that the same may be put to full and due execution in all points. And specially, without prejudice of the generalitie above-written, His Majestic and Estates Ratifie the Act of Parliament made by his Highnesse Grand-father, umwhile King *James* the Third, 1466. His second Parliament, Cap. 11: Ordaining that none saile nor passe in Merchandise out of the Realme but Free-men, Burgeses dwelling within Burgh, or their Familiar Factors, Servants being with them in Household at Meat and Drink (excepting and reserving to the Prelates, Lords, Barons and Clerks, as in the said Act is contained: and all other exceptions contained in any Act of Parliament in force, preceeding the day and date hereof) And sicklike the Act of Parliament made by King *James* the Fourth of worthie memorie, in the Parliament holden at *Edinburgh* the Elleventh day of March, 1503. yeares, Cap. 84. Ordaining that no person dwelling out of Burrowes, use any Merchandise, nor yet buy nor sell Wine, Wax, Silkes, Spicerie, Wad, nor sicklike stuffe, nor yet Itaple goods: And that none Pack nor Peill in *Leith*, nor other places without the Kings Burrowes, under the paine of Escheat of the goods that be Topped, Sould, Packed, or Peilled, contrary to that statute. And sicklike the 152. Act of umwhile King *James* the Sixth, His 12. Parliament: Ordaining that no person exercise the traffique of Merchandise, but Burgeses of Free-burrows, under paine of Escheat of their whole goods and geare, the one halfe to his Majestic, and the other halfe to the Burgh apprehender. And giving power to every Burgh by themselves or a Collector, or Commissioner depute by them to search the saids un-freemens goods, intronnet therewith as Escheat, either within the Countrey, or any other part to arcaist, call, follow and pursue before un-suspect Baillies to be creat by them. As also the Sixth Act of King *JAMES* the Sixth, His ninth Parliament, Ordaining letters of Horning to be direct against un-freemen, not being Burgeses of the Free Royal Burrowes, to finde caution for desisting from usurping of their Liberties, in all the Heads, Clauses, Articles and circumstances thereof: Like-as his Majestic and Estates declare, that the saids Liberties and Priviledges, mentioned in the saids Acts are only proper and competent to the Free-burrowes Royal, that have vote in Parliament, and beare burden with the rest of the Burrowes, and to no others. Prohibiting and discharging all persons who are not Burgeses of the saids Free-Royal-Burrowes, and beare no burden with the rest, Of all using and exercising of the Liberties and Priviledges foresaids, in all time comming. And ordaine, that Letters of Horning may be direct by the Lords of Council at the instance of all Burrowes upon the foresaids Priviledges and former Acts of Parliament made thereupon: And this present Act in all times to come, for putting of the same to due execution with all rigour against them that do, or come in the contrary of the Acts and Priviledges foresaids, without calling of any partie.

ACT XXV.

Ratification of the Acts made in favour of the Justices of Peace, and their Constables; and Commission to the Lords of Secret Council thereanent.

OUR SOVERAIGNE LORD, and Estates of Parliament, ratifie, approve, and confirme the eight Act of the twentie two Parliament, holden by King *JAMES* the Sixth of Eternal memorie, Intitulate, [*Auent the Justices for keeping of the Kings Peace, and their Constables.*] In the whole Heads, Articles and Clauses therein contained, admitting the generalitie hereof to be als valide and sufficient, as if the same were all herein *per expressum* ingroft. Attour his Majestic, and Estates foresaid, give full power, authoritie and commission to the Lords of his Majesties Privie Council, to set down and impose penalties upon such of the Justices of Peace as shall not keep and observe the diets prefixed for their several and particular meetings. And with power likewise to the saids Lords of privie Council to enlarge and amplifie the power and authoritie of the saids Justices of Peace, if they shall finde it necessarie and expedient; and what they shall decrete and determine thereanent, finde and declare that the same shall have the force, strength and power of an Act of Parliament.

ACT XXVI.

Explanation of the Acts of Parliament made in favour of the Lords of Session, anent twelve pennies of the pound to be payed in decreetes, to be given by the saids Lords hereafter.

OUR SOVERAIGNE LORD, And Estates of Parliament, for explanation of the former Acts of Parliament, made in favours of the Lords of Session, anent twelve pennies of the pound: Statute and ordaine, that whensoever the saids Lords shall decerne and ordaine 12. pennies of the pound to be payed in any decreet or sentence to be given or pronounced by them at any time hereafter; The same shall no wayes be payed by the parties, purchasurs and obtainers of the saids decreetes and sentences, but by these parties aliennerly, against whom the saids decreets and sentences shall happen to be obtained and purchasid: And the booking and extracting of the sentences shall not be stayed for the not payment making of the twelve pennies of the pound, by the purchasurs and obtainers of the saids decreets.

ACT XXVII.

Pardon of Penal Statutes.

OUR SOVERAIGNE LORD, Considering that the precise and rigorous exaction of the pains arbitrarie and pecunial, adjected to penal statutes heretofore made, would prove a burden to his Majesties Lieges heave and insupportable, if by his Majesties grace and favour they should not be eased and liberate of the same; In consideration whereof his Majestie in this his first Parliament, holden in this his ancient and native Kingdome, being willing to give ease and reliefe to his subjects of the foresaid burden: Hath therefore been graciously pleased with consent of the Estates of Parliament, to discharge, freely pardon and remit, and by these presents discharges, freely pardons and remits all contraveners of any of the saids penal statutes for all deeds done by them contrary to the renour of the same statutes in time by-gone. Except only the statutes concerning wearing and bearing of Hagbuts and Pistols, Taking of unlawfull usurie, Transporting of money and gold, Slaying of red and black fish, with the penalties incurred by the concealers of annual-rents, and wrongous up-givers of the inventars of their moneys. Which are no-wayes discharged by this present Act, nor comprehended under the same.

ACT XXVIII.

Ratification in favour of the Vicount of Sterling, of the Infestments and signature granted to him of the Dominions of new Scotland and Canada in America, and Priviledges therein contained, and of the dignity and order of Knight Baronets, and Act of Convention of Estates made thereanent.

OUR SOVERAIGNE LORD, and Estates of this present Parliament, ratific and approve all Letters Patents, and Infestments granted by King JAMES the Sixth, of blessed memorie, or by our said Sovereigne Lord, unto William Vicount of Sterling, and to his Heires and Assigneis of the Territories and Dominions of new Scotland and Canada in America; and especially the Patent, Charter, and Infestment granted by his Majesties umwhile dearest Father of worthie memorie, of new Scotland, of the date the tenth day of September, the year of God, 1621. Item, another charter of the same, granted by his Majestie, under the great Seale, of the date the twelfth day of July, 1625. yeares. Item, another Charter and Infestment granted by his Majestie of the Countrie and Dominion of new Scotland under the great Seale, of the date the third day of May, 1627. yeares; Item, another Charter and Infestment granted by his Majestie under the great Seale, of the River and Gulf of Canada, bounds, and priviledges thereof, mentioned in the said Patent, of the date the second day of Februarie, 1628. yeares. Item, a Signature past under his Majesties hand of the said Countrie and Dominion, which is to be with all diligence expedit through the Seales, of the date at White-hall the twenty fourth day of April, 1633. yeares. With all Liberties, Priviledges, Honours, Jurisdictions and dignities *respective* therein mentioned. Together also with all execution, precepts, Instrumts of sealings, and sealings following, or that shall happen to follow thereupon. And also ratifies and approves the Act of general Convention of Estates; at Holy-rude-bourse, the sixth day of July, the year of God, 1630. Whereby the saids Estates have ratified and approving the dignities and order of Knight Baronet; With all the Acts of Secret Council, and Prolamations folowing thereupon, made for maintaining of the said dignitie, place and precedencie thereof. And his Majestie and Estates foresaid, will, statute, and ordaine, that the saids Letters Patents, Charters, and Infestments; and the said dignitie, title, and order of Baronets, and all Letters Patents and Infestments of Lands, and dignities granted therewith, to any person whatsoever, shall stand and continue in full force; with all Liberties, Priviledges and precedencies thereof, according to the Tenour of the same. And in als ample

ample maner as if the bodies of the said letters patents, infeftments, and signature above mentioned were herein particularly ingroft and exprest. And ordaine intimation to be made hereof by open proclamation to all his Majesties Lieges, at the market crosse of *Edinburgh*, and other places needful, that none pretend ignorance hereof.

ACT XXIX.

In Favour of the Earle of Mortoun, and the Lord Dalkeith his Sonne; Auent the Loch of Leiven, and preservation of the fishings thereof.

OUR SOVERAIGNE LORD, And Estates of this present Parliament, considering that the Loch of *Loch Leiven* pertaines heritably in propertie to his Majesties right trustie Cousin and Counsellor *William* Earle of *Mortoun*, Lord great Thesaurer of this Realme, and *Robert* Lord *Dalkeith* his Sonne; And that the said Loch is well plenished and furnished with Pykes, Perches, and Trouts of divers kinds: And that when the fish ascend forth of the said Loch, to the waters, burnes, and strypes that fall in the same to spawn therein, There is great slaughter and destruction of them committed by the country people about, whereby the said Loch and fishing thereof is not of such worth to the heritors of the said Loch, nor to the country about, as it would be if the said fishes were not slain in the said waters, burnes, and strypes. For remedy whereof, his Majestie, with advice and consent of the Estates of this present Parliament, statutes and ordaines that none of his Majesties Lieges slay any Pykes, Perches, Trouts, or any other fishes in the waters, strypes, or burnes, that fall in the said Loch, or run forth thereof, within the space of five miles to the said Loch, under the paine of twentie pounds usual money of this Realme, to be payed by each contraveener; *toties quoties* for each contravention: And ordaines the said whole paines and unlaues of contravention to appertaine to the said Earle of *Mortoun*, and his said Son, their heires and successours; And by these presents gives and grants power and commission to them and their Bayliffes and Deputes, to call before them within the towne of *Kinross*, all persons suspect of slaying of the said fish within the said burnes, waters, Loch, or strypes, within the said space of five miles to the said Loch; And as they shall be found guilty or innocent of slaying thereof, to assioyie them, or unlaue them in the unlaues foresaid; And to decerne and ordaine the persons convict to pay the same unlaues to the proctor fiscal to be appointed for that effect, by the said Earle of *Mortoun*, his said son, or their foresaids; And ordaines letters of hornung upon a simple charge of six dayes, poynding, and other letters and executorials requisit to be direct for payment to the said proctor fiscal of the said unlaues; And ordaines publication to be made hereof, in forme as effectis

ACT XXX.

Auent The Clan-Gregour.

OUR SOVERAIGNE LORD, And three Estates of this present Parliament, understanding that albeit by the great care of his Highnes umwhile dearest Father of eternal memory, the *Clan-Gregour* was suppressit and reduced to quietnesse; yet of late, they are broken forth againe to the heave oppression of many of his Majesties good subjects, who dwell near to the part where they resort, and speciallie in the Shierifdome of *Perth*, *Sterling*, *Clackmannan*, *Monteith*, *Lennox*, *Angus*, and *Mernes*. Therefore, for the timous preventing of the disorder and oppression that may fall out by the said name and *Clan* of *Mac-Gregour*, and their followers, and for farther suppressing of them; Ratifie and approve all Acts of Council and Acts of Parliament made and granted heretofore, against the said wicked and rebellious *Clan* of *Mac-Gregour*. And farther, his Majestie and Estates of Parliament statute and ordaine, that the said name of *Clan-Gregour* and every one of them, as they come to the age of sixteen years, shall thereafter yearly give their compearance before the Lords of privie Council, upon the twenty fourth day of July, if it be a lawfull Council day; and failing thereof the next Council day thereafter, and there find caution for their good behaviour and obedience in all time coming; And take to them some other surname conforme to the Acts of Council already made there-ant; And if they faile in not compearance as said is, and goe to the horne, that then it shall be lawful to any of his Majesties Lieges, to take and apprehend them, and present them to the Sheriffe of the Shire, or his deputies, or to the Stewarts of the Stewartrie, or their deputies, to the effect they may be presented before the Lords of privie Council, there to be taken order with as effectis. And if it shall happen any of his Highnesse good Subjects in taking any of the said *Clan-Gregour*, being put to the horn as said is, to hurt, mutilate or slay any of them, the partie who shall happen so to do, and their complices, shall no wayes be subject nor liable to law therefore, nor incurre any paine or skaithe in body or goods, and shall be free of all pursuit criminal or civil to be intended against them, at the instance of his Highnesse Advocate, or any other partie; But the same shall be holden and repute as good service done to his Majestie. And farther, our said Sovereigne Lord, and Estates foresaid, for the better extinguishing and extirpating of the said wicked and lawlesse Limmers; Statute and ordaine that no Minister nor Preachers within the bounds of the *High-lands* or next bordering countreys thereto, *Banffe*, *Invernes*, or regalie of *Spynie* or *Elgin*, *Forres*, shall at any time hereafter baptize and christen any male childe with the name of *Gregour*, under the paine of deprivation, and that

that no Clerke or Notar in any time coming, shall make or subscribe any band or other securitie under the name of *Gregour*, or *Mac-Gregour*, under the paine of deprivation. And sicklike, statute and ordaine that all and whatsoever of the said *Clan-Gregour* that shall happen to bee within the said Kingdome upon the fiftenth day of March next to come, shall give their compearance before the Lords of privie Councel at *Edinburgh*, or where it shall happen them to bee for the time, or the next Councel day thereafter; To the effect that such of them as have already found caution, and whose cautioners are dead, may finde newe caution for their good behaviour in time coming. And such of them who have never found caution, may finde caution and suretie for their obedience in time coming, with certification to them if they doe not compeare, and that the Lords of privie Councel, for their disobedience, shall direct letters of horning against them, or any of them, and that they therefore be put to the home; that then it shall be lawful to any of his Majesties good Subjects, to take and apprehend them, where ever they may bee had, and put them to the next Sheriffe, Stewart, Bayliffe of regalitie, or their deputies; To any of the Justices of peace, or to the Provost and Bayliffs of Burrowes, to the effect they may present them before the Lords of his Majesties privie Councel, that such order may bee taken with the said rebels, as the said Lords shall thinke expedient. And farther, our said Sovereigne Lord declares, that if any of his Highnesse good subjects shall happen in taking of the said rebels, to hurt, mutilate or slay any of them, the partie who shall happen so to doe, and their complices, shall no wayes be subject nor lyable to law therefore, nor incurre any paine or skaithe in their bodie or goods; and shall be free of all pursute criminal or civil, to be intended against them, at the instance of his Highnesse Advocate, or any other partie: But the same shall be holden as good service done to his Majestie. And likewise, his Majestie and Estates foresaid, statute and ordaine, that if any of the said *Clan-Gregour*, who shall happen to have compeared, and found caution in manner above-specified, bee found masterlesse in time coming, having neither possessions nor callings, whereupon to live, nor will not take them to service, That it shall bee lawful to any of his Highnesse good subjects to take and apprehend them, and present them to the next Sheriffe, Stewart, Bayliffs of Regalitie and their deputies, or to the Provost and Bayliffs of Burrowes; and that they may present them to the Lords, and others of his Highnesse Councel, there to bee taken order with, as they thinke meete. And sicklike, his Majestie and Estates of Parliament, statute and ordaine, That if any of the said *Clan-Gregour* shall happen to be put to the home by letters of horning direct against them bee made thereof by the Lords of Councel, for the cause above-written: And that publication of the said Lords, to all his Majesties Lieges, and at all places needful; That then whatsoever person or persons shall receive, supply, or intercommoun with the said rebels, or any of them, or supply them with meate, drinke, lodging, or weapons, directly or indirectly, or any other necessaries, shall be punished in their bodies, goods, and geare, as intercommoners with rebels and forners, conforme to the lawes of this Kingdome against intercommoners and forners. And also his Majestie with consent of the Estates foresaid, statutes, and ordaines, and commands all Sheriffes, Stewarts, Provosts, Bayliffs of Burrowes, and Regalities, and all and sundrie his Majesties good subjects to assist and concurre with any of his Highnesse good subjects, who shall happen to be in pursute of the said rebels. And sicklike, statutes and ordaines the said Provosts, and Bayliffs of Burrowes, and Bayliffs of Regalitie, to receive from the hands of his Highnesse good subjects, the said rebels, who shall happen to be apprehended by them in manner foresaid, put, keepe, and detaine them in sure ward and firmance, aye and while they be presented before his Majesties Councel, or Justice. And lastly, his Majestie and Estates foresaid, for suppressing of the said lawlesse limmers and *Clan of Mac-Gregour* nominate and appoints the Sheriffes of the Sherifdomes of *Perth*, *Dumbarton*, *Angus*, *Merness*, *Sterling*, and Stewarts of the Stewartries of *Strathern*, *Monteth*, *Banff*, *Immerness*, *Elgin*, and *Forres*, and their deputies, and the Shireffe of *Cromartie* and his deputies, and the Provosts and Bayliffs of the Burrowes there; The Earles of *Errol*, *Montros*, *Arbuthnot*, *Perth*, *Tullibairdin*, *Seaforth*, *Vicount of Stormouth*, *Lord Ogilvie*; The Lairds of *Glenarquhy*, *Lawers*, *Garnullie*, *Weymes*, *Glenlyon*, *Glenfalloch*, *Edinamfil*, *Grant*, or any of them, his Majesties Justices in that part, for setting, trying, and doing Justice upon the said rebels of *Clan-Gregour*, or any of them and their complices, who shall be apprehended by any of his Highnesse good subjects, for theft, forming, or slaughter, with power to them to hold Courts, proceed and minister Justice upon the said rebels apprehended, as said is, as accords. And where ever his Majesties good subjects shall happen to apprehend any of the said rebels forming, committing theft or slaughter, and shall present them to the said Lords of Councel, Justice or Justice-general, or Commissioners above-specified, or either of them, the doer of that service, shall have for his reward, the moveable goods and geare of the offender, taken and presented by him in manner foresaid.

ACT XXXI.

In favour of his Majestie and Lieges, Intitulate; Salvo jure Cujuslibet.

OUR SOVERAIGNE LORD and Estates of Parliament declare, that no particular Acts made in favour of any of his Majesties subjects at this present Parliament, nor no Acts of Ratification made in their favour, shall prejudge his Majestie nor his Successours, of the Acts and Statutes underwritten, made in favour of his Majestie in this same Parliament, *viz.* The Act of his Majesties Revocation: The Act anent the Superiorities of Erections: The Act anent Regalities of Erections; and the Acts made or ratified anent his Majesties annexed properties: And his Majestie and Estates, finde and declare the said particular Acts, and Acts of Ratification, made in favour of any of his Majesties subjects, in so far as the same, or any of them may prejudge his Majestie or his Successours, of the saids Acts and Statutes, made in his Majesties favour, or of the benefit thereof in whole or in part, to be null and of none avail, force, nor effect, by way of exception or reply. And sicklike, Statute and Ordaine that the saids particular Acts, and Acts of Ratification, shall nor prejudge any third party of their lawful rights, nor of their Actions and defences competent thereupon, before the making of the saids particular Acts and Acts of Ratification; But that the Lords of Session and all other Judges shall be obliged to judge betwixt the parties, according to their rights standing in their persons, before the making of the saids particular Acts. And that in respect the saids particular Acts, and Acts of Ratification, are made without hearing of parties having interest; and therefore are made *Salvo jure cujuslibet*; Like-as his Majestie and Estates declare, That this is and was the true meaning of all the Acts made in the preceeding Parliaments, Intitular, Acts *Salvo jure cujuslibet*; Excepting alwayes forth of this present Act a Ratification of the Mortification of the Abbacie of *Dundrenan* to the Chapel-Royal, in favour of the Bishop of *Dunblane*; The Act of Ratification of the Benefice of *Fallsuir* with the pertinents, granted to Master *Walter Quhytsuir*, with the Act of dissolution of the Abbacies of *Holy-rude-house* and *New-Abby*, all past in this present Parliament: excepting also forth of this present Act, The Act of Ratification and dissolution, made in favour of the Marquess of *Hamiltoun*, anent his right to the Impost of the Wines new and old, gifted by his Majestie to him for the space of Sixteen yeares specified in his gifts and grants made to him thereupon; and also excepting forth hereof the Ratification of the contract past betwixt his Majestie and the Lord *Lorne*, Anent the heritable office of Justiciarie, within the bounds therein mentioned, dated the third, and twentie third day of April, 1628. yeates: And of the Charter under the great Seal, precept, and instrument of seizing following thereupon, together with libertie of creation of Clerks and Members of court, directing of precepts, and letters of horning, and power to denounce; and with all other priviledges therein contained. And sicklike of the three several acts of Council and an act of Exchequer, all relative to his rights of the said office of Justiciarie, and in favour of the said Lord *Lorne*.

Collected, visied and extracted forth of the Book and Register of the Acts of Parliament, by me Sir John Hay of Lands Knight, Clerk of his Majesties Council, Register and Rolls: Under my Signe and Subscription manual.

JOHANNES HAY.

Clericus Registri.

F I N I S.

A TABLE Of the PRINTED
ACTS AND LAWS

Pass in the First Parliament of our Sovereign Lord, King CHARLES the First, &c.

- 1 **A** *Nent the taxation granted to his Majestie of thirtie shillings termly upon the pound land, and the sixteenth pemie of all annual-rents.*
- 2 *Anent the Collecting and inbringing of the taxation and reliefe to Prelates.*
- 3 *Anent his Majesties Royal Prerogative, and Apparell of Kirk-men.*
- 4 *Ratification of the Acts touching Religion.*
- 5 *Ratification of the Act of Council anent the plantation of Schools.*
- 6 *Anent the inverting of pious donations.*
- 7 *Anent invading of Ministers.*
- 8 *Ratification of the Act of Commission anent the Ministers provisions.*
- 9 *The Kings general Revocation.*
- 10 *Anent annexation of his Majesties proprietie.*
- 11 *Act of Dissolution.*
- 12 *Ratification of the Acts of Interruption.*
- 13 *Anent Regalities of erections.*
- 14 *Anent superiorities of Kirk-lands.*
- 15 *Anent his Majesties annuities of Teinds.*
- 16 *Anent Vassals holding Ward.*
- 17 *Anent the rate and price of teinds.*
- 18 *Anent the Exchequer.*
- 19 *Commission for valuation of Teinds not valued, rectifying the valuation of the same already made, and other particulars therein contained.*
- 20 *Anent the King his designation of the names to be insert in the Commissions anent the tithes and lawes.*
- 21 *Anent the annual of eight to be taken of ilk hundred in time to come allennerly, suspending the same for three yeares, and in the interim, two of ten to be payed for the said space to his Majestie.*
- 22 *Anent the Lords of Session, their taxation of ten shillings to be imposed upon everie pound land of old extent.*
- 23 *Ratification of the liberties of the Colledge of Justice.*
- 24 *Ratification of the priviledges of the free Royal Burrows.*
- 25 *Ratification of the Acts made in favour of the Justices of Peace, and their Constables, and Commission to the Lords of Secret Council thereanent.*
- 26 *Explanation of the Acts of Parliament made in favour of the Lords of Session, anent twelve pennies of the pound to be payed in decreets, given by the saids Lords hereafter.*
- 27 *Act pardon penal statutes.*
- 28 *Ratification in favour of the Vicount of Sterling of the Infeftments and signature granted to him of the Dominions of new Scotland and Canada in America, and priviledges therein contained, and of the dignitie and order of Knight Baronets, and Act of convention of Estates made thereanent.*
- 29 *Act in favour of the Earle of Mortoun, and the Lord Dalkeith his son, anent the Loch of Levin, and preservation of the fishings thereof.*
- 30 *Act anent the Clan-Gregour.*
- 31 *Act in favour of his Majestie, and Lieges, intitulate; Salvo jure Cujuslibet.*

A T A B L E

Of the

*PARTICULAR ACTS, and Others exped and past in this first Parliament
of Our Sovereigne Lord CHARLES the First, By the Grace of God, King of
Scotland, England, France, and Ireland, Defender of the Faith;
Holden at Edinburgh, the twentie eight day of June, 1633.
yeares, not imprinted.*

- 1 Commission for surveying the Lawes.
- 2 Commission anent the admiraltie and Chamberlanry.
- 3 Commission to the Lords of Secret Council, for deciding the question betwixt the Shires of *Perth, Forfar and Fyfe*, and the Burgh of *Dundie* anent the Ladle full of corne brought to their markets.
Anent the petition given in by the Tanners, against the Lord *Erskeine*.
Anent Master *David Wedderburnes* Grammer.
Anent Freedome of Foggage, Pasturage, &c. to Ministers.
Anent reforming the Malt-mens price betwixt the Boll of Beir and Malt.
Anent establishing of correction houses.
Anent the mutual interchange of forbidden goods betwixt *Scotland* and *England*.
Anent inbringing of Manufactories.
Anent Reformation of abuses in presenting playding to Fairs and Markets.
Anent discharge of *Robert Buchanes* patent of the pearle and all other monopolies.
Anent Reformation of bleaching of Linen Cloath.
Anent discharge of impositions upon Victual brought from forraigne parts.
- 4 Commission to the Lords of secret Council anent the scarcitie of coyne, of gold, and silver within this Kingdome.
Anent the frequent course of Dollors and base copper money.
Anent the penaltie of the breakers of the Act of Parliament, anent Metts and Measures.
Anent addition to the Booke of rates of the prices to be taken by the Clerk of the Bills for allowance of comprysings.
- 5 Protestation by his Majesty anent the coyne.
- 6 Commission to the Lords of secret Council anent the petition presented by *Jobis* Lord Torphichen in Parliament.
- 7 Commission to the Lords of secret Council anent the Lord *Spynies* gift, of being General Muster-master, and Colonel within this Kingdome.
- 8 Commission to the Council anent the exchange of moneys betwixt *Scotland* and *England*.
- 9 Commission to the Council anent the criminal Judicatorie.
- 10 Commission to the Commissioners of surrenders, anent the disjoyning of meikle and little Daltouns from the Kirk of *Moufwald*, and planting of the new Kirk of *Beith*.
- 11 Commission to the Lords of Exchequer anent *Robert Young* Printer his gift.
Anent the petition of *Jonet Keine* and the heires of *Andrew Hart*.
Anent Master *Robert Craiges* pension of five hundreth pound.
Anent the meane Vassals of Kirk-lands their entrie.
Anent upholding of the Cathedral Kirk of *Orkney*.
Anent the Vassals of ward lands.
- 12 Commission to the Council anent the Ministers stipends of *Edinburgh*.
Anent the rebels within the Sheriffdomes of *Elgine, Forres, Nairne* and *Inverness*.
Anent the erection of Stranraer in a Free-burgh, and the Burgh Wigtouns petition in the contrary.
Anent directing of Letters against the inhabitants of the West and North Yles.
Anent the Articles given in by the inhabitants of *Orkney* and *Zetland*.
Anent the prices of these writs that passe the Chancellarie.
Anent erecting of a Colledge of Physitians in *Edinburgh*.
- 13 Commission to the Commissioners of Surrenders anent the Kirks of *Nisbet* and *Crailling*.
- 14 Act anent the dissolution of the Abbacies of *Holy-rude-house* and *New-abbey*.
- 15 Act of rehabilitation of *Francis Stewart*, with provision therein, in favour of the Marques of *Hamilton*, and Sir *Thomas Thomson*.

- 16 Protestation Bishop of *Dumblane*.
- 17 Protestation Sir *Patrick Murray* of *Elibanke*.
- 18 Protestation Marquess of *Dowglas*.
- 19 Protestation Laird of *Waichtoun*.
- 20 Protestation Sir *James Lobbart* younger of *Ley*.
- 21 Protestation Sir *James Maxwell* of *Calderwood*.
- 22 Act in favour of the Earles of *Roxburgh* and *Buckcleuch*.
- 23 Act in favour of Master *Robert Craige* for printing the Book called, *De feudis*.
- 24 Act in favour of *William Dowglas* of *Cavers*.
- 25 Act of naturalization of certaine Noble-men and Gentlemen of *England*.
- 26 Act in favour of *George Earle* of *Kinnoul* Chancellor.
- 27 Protestation Archbishop of *Sanct-Andrews*.
- 28 Act in favour of the Duke of *Lennox*.
- 29 Protestation Lord *Lindesay*.
- 30 Act in favour of the Marquess of *Hamiltoun*.
- 31 Act in favour of the Marquess of *Hamiltoun*.
- 32 Act in favour of the Earle of *Southerland* anent the Regalitie and Sheriffship of *Southerland*, and making thereof a distinct Sheriffdome and erecting *Dornoch* in a Free-burgh Royal.
- 33 Act in favour of the Earle Marshal.
- 34 Protestation Bishop of *Murray*.
- 35 Act in favour of the Earle of *Buchane*, for precedencie before certaine other Earles.
- 36 Act in favour of the Earle of *Buchane*.
- 37 Act in favour of the Earle of *Galloway*.
- 38 Act in favour of *Alexander* Lord *Gairties*.
- 39 Act in favour of the Earle of *Annandail*.
- 40 Act in favour of the Earle of *Annandail*.
- 41 Act in favour of the Archbishop of *Glasgow*.
- 42 Act in favour of the Bishop of *Rosse* anent annexation of *Ferne* to *Rosse*.
- 43 Act in favour of the Bishop of *Galloway*.
- 44 Act in favour of the Bishop of *Dunblane*.
- 45 Act in favour of the Universitie of *Sanct-Andrews*.
- 46 Act in favour of the Kings Colledge of *Aberdeen*.
- 47 Act in favour of the Colledge of *Glasgow*.
- 48 Act in favour of the Lord *Lorne*.
- 49 Act in favour of the Lord *Lorne*.
- 50 Act in favour of the Lord *Lorne*.
- 51 Act in favour of the Lord *Lorne*.
- 52 Act in favour of the Lord *Yester*.
- 53 Act in favour of the Lord *Lowdoun*.
- 54 Act in favour of the Lord *Lewdoun*.
- 55 Act in favour of the Lord *Napeir*.
- 56 Act in favour of the Lord *Lindesay*.
- 57 Act in favour of the Burgh of *Aberdeen*.
- 58 Act in favour of the Burgh of *Glasgow*.
- 59 Protestation Chapter of *Glasgow*.
- 60 Act in favour of the Burgh of *Culrofs*.
- 61 Act in favour of the Burgh of *Hadingtoun*.
- 62 Act in favour of the Burgh of *Brunt-Iland*.
- 63 Act in favour of the Burgh of *Bamfie*.
- 64 Act in favour of the Burgh of *Pittinweyme*.
- 65 Protestation Earle of *Kelty*.
- 66 Act in favour of the Burgh of *Selkrik*.
- 67 Protestation Marquess of *Dowglas*.
- 68 Protestation Earle of *Roxburgh*.
- 69 Protestation Sheriffe of *Forreik*.
- 70 Protestation *Andrew Riddel*.
- 71 Act in favour of the Burgh of *Air*.
- 72 Act in favour of the Burgh of *Innernes*.
- 73 Protestation Earle of *Murray*.
- 74 Protestation Lord *Gordoun*.
- 75 Act in favour of the Burgh of *Carrail*.
- 76 Protestation Sir *James Learmonth* of *Balcomy*.

- 77 Protestation Laird of *Barnes*.
- 78 Act in favour of the Burgh of *Kingborne*.
- 79 Act in favour of the Burgh of *Dumbartane*.
- 80 Act in favour of the Burgh of *New-Galloway*;
- 81 Protestation Burgh of *Kirkcudbright*.
- 82 Act in favour of the Burgh of *Lawder*.
- 83 Act in favour of Sir Robert *Dowglas* of *Spot*.
- 84 Act in favour of Sir *William Anstruther*.
- 85 Protestation Earle of *Kellie*.
- 86 Protestation Town of *Pittinweyne*.
- 87 Act in favour of the Laird of *Panmoor*.
- 88 Act in favour of *James Levingston* of *Beill*.
- 89 Act in favour of *James Maxwell* of *Innerweik*.
- 90 Act in favour of the said *James Maxwell* and his Spouse.
- 91 Act in favour of the Heires of Master *Patrick Murray*.
- 92 Act in favour of *William Murray*.
- 93 Protestation Vicount of *Stormouth*.
- 94 Act in favour of Sir *Thomas Hope* of *Craig-ball* Knight Baronet.
- 95 Act in favour of Sir *James Lockhart* younger of *Ley*.
- 96 Act in favour of the said Sir *James Lockhart*.
- 97 Act in favour of Sir *Patrick Murray* of *Elibank*.
- 98 Act in favour of Sir *John Dalnaboy*.
- 99 Act in favour of the Laird of *Glenurquhy*.
- 100 Act in favour of Doctour *Beatone* and his Spouse.
- 101 Act in favour of *Henric Nisbet*.
- 102 Protestation Lord *Bahnerinoch*.
- 103 Act in favour of *John Oliphant* of *Bachiltoun*.
- 104 Protestation Duke of *Lennox*.
- 105 Act in favour of Sir *James Mack-Gill* of *Cranston* Riddel Knight Baronet.
- 106 Act in favour of Sir *Thomas Thomson* of *Dudinstoun* Knight.
- 107 Act in favour of the Laird of *Swynton*.
- 108 Act in favour of Master *Walter Quibysfuid*.
- 109 Act in favour of Master *Walter Quibysfuid*.
- 110 Act in favour of the Laird of *Philorth* younger.
- 111 Act in favour of the Laird of *Corshill*.
- 112 Act in favour of Master *James Barnatine* of *New-bal*.
- 113 Act in favour of Master *Andrew Aytoun* of *Logy* Advocate.
- 114 Act in favour of Sir *James Hamiltoun* of *Priest-field*.
- 115 Protestation Sir *Thomas Thomson*.
- 116 Act in favour of *John Campbell* Fear of *Calder*.
- 117 Act in favour of Sir *Iohn Spottiswood* of *Darrie*.
- 118 Act in favour of the Laird of *Pittligo*.
- 119 Act in favour of the Laird of *Edzel*.
- 120 Act in favour of the Laird of *Rouchlaw*.
- 121 Act in favour of *John Sinklar* of *Stevinson*.
- 122 Act in favour of *Thomas Crombie* of *Kemno*.
- 123 Act in favour of Sir *Patrick Mack-Gie* of *Larg*.
- 124 Protestation *Archibald Stewart* of *Phintilloch*.
- 125 Act in favour of the Ministers of *Port-Patrick*.
- 126 Protestation Laird of *Kinhilt*.
- 127 Act in favour of Sir *Arthur Dowglas* of *Quibittinghame*.
- 128 Act in favour of Master *William Drumond*.
- 129 Act in favour of the Skinners of *Edinburgh*.
- 130 Act in favour of Master *James Nicolson* of *Colbrandspeth*.
- 131 Act in favour of the Fewars of *Inverask*.
- 132 Act in favour of *James Scot* of *Gallowshiels*.
- 133 Protestation Earle of *Roxburgh*.
- 134 Protestation Sheriffe of *Forrest*.
- 135 Act in favour of the Laird of *Bishoptoun*.
- 136 Protestation Earle of *Lauderdail* contra the Earle of *Amandail* for prioritie of place.
- 137 Act in favour of Master *William Cuninghame* of *Broome-hill*.
- 138 Act in favour of Master *James Raith* of *Edmiston*.

- 139 Act in favour of the Laird of Tindal.
- 140 Act in favour of *John Erskyne* of Balhagardie.
- 141 Act in favour of the Laird of Makelachin.
- 142 Act in favour of the Kirk of Pittinwyme.
- 143 Act in favour of the Kirk of Eymouth.
- 144 Act in favour of the Minister of Coldinghame.
- 145 Act in favour of the Minister of Brunt-Iland.
- 146 Act of dissolution of Lugtoun and Melvil from the parish of Sanct-Andrewes, and union thereof to Dalkeith and Laswade.
- 147 Act anent the Parsonage of Dalkeith and payment of the taxation thereof.
- 148 Act in favour of Sir *Richard Murray* of Cokpul.
- 149 Act in favour of the Minister of Colbrandspeth.
- 150 Act in favour of Sir *John Charters* of Aimsfield.
- 151 Act in favour of Sir *Patrick Hamilton* of little Prestoun.
- 152 Act in favour of the Laird of Balvaire.
- 153 Protestation Earle Amundail.
- 154 Act in favour of *John Hamilton* of Boghal and his Spouse.
- 155 Act in favour of *William Lokhart* of Carstairs.
- 156 Protestation Marquess of Hamilton.
- 157 Protestation Marquess of Dowglas.
- 158 Protestation Archbishop of Glasgow.
- 159 Act in favour of Master *Robert Gordoun* of Strealoch.
- 160 Act disuniting the Kirks of Ebdie and Newburgh.
- 161 Act anent the erection of the Parish Kirk of Strechine.
- 162 Protestation Lord Lunders,
- 163 Act in favour of Sir *George Hamilton*.
- 164 Act uniting certaine lands to the Kirks of Corstorphine and Hails.
- 165 Act in favour of *James Hay* of Smithfield.
- 166 Act in favour of Sir *James Balfour*.
- 167 Act in favour of *Alexander Cunninghame* of Barnes.
- 168 Protestation Archbishop of Sanct-Andrewes.
- 169 Act in favour of the Master of Elphinstoun.
- 170 Act in favour of Master *Alexander Kerth* of Benholme.
- 171 Act dissolving four Prebendaries from the Parish Kirk of Corstorphine to the Colledge Kirk thereof.
- 172 Act in favour of Sir *John Achmsotie* of Gosfuird.
- 173 Act in favour of Sir *George Ogilvie* of Bamffe.
- 174 Protestation Doctour *Philip* contrary the Act of erection of the Kirk of Kingisbarnes, in favour of the Lord Lindesay.
- 175 Protestation Earle Lauderdail, contra *James Levingstoun* of Beill.
- 176 Act in favour of Sir *Thomas Hope* of Craig-hall Knight Baronet.

F I N I S.

SUBMISSIONS, AND SURRENDERS

OF TEINDS, &c.

With

His MAJESTIES Decrets following thereupon.

Submission made be the Lords of Erections, Titulars, Tack-men, &c. Gentry, Heretours of Lands; To His Majesty, anent their Superiorities, and Teinds, &c.



T WHITE-HALL, The first day of *Februar*, And **HALT-ROOD-HOUSE**, The twenty third day of *Februar*, The year of God, One thousand, sex hundred, Twenty eight. The Persons under-written having or pretending right to whatsoever Erections, & Temporalities of Benefices, Superiorities, and Few-dewties of the same, or to the Kirks, and Teinds great and small, Parsonage, and Viccarage, or Patronages of Kirks pertaining to the saids Erections, or to any other which they, or any of them, have of other mens Lands, be whatsoever Right, or Title. And siclike, the Heretours, and Possessours of Lands; lyand within the saids Kirks, and Benefices, erected, for themselves, and in name of all Others, who are desirous to have Right and Title, of the Teinds of their own Lands, at a competent rate, and price, conform to His Majesties Proclamation made to that effect, **THAT IS TO SAY**, All the saids Persons, Considering, That his Majesty their Dread, and Gracious Sovereign, out of his Royal care, Fatherly, and tender affection, to the publick well of his Majesties Aneient, and Native Kingdom of *Scotland*, was largely pleased in the Moneth of *Januar*, the year of God 1627. years, for the ease of his Majesties Subjects, and removing of the general fears which were conceived, by reason of his Majesties Revocation, given forth, and published in the Moneth of *October* 1625. years, To grant Commission under his Majesties great Seal, to certain his Majesties Commissioners nominat in the said Commission, to meet, convene, dealc, and treat, anent such reasonable satisfaction, and composition, to be given to such of his Majesties Subjects, as had right to whatsoever erection of Benefices, Temporalities, Few-mails; Kirks, Teinds, and others foresaids, who should make surrender thereof in his Majesties hands; and anent the most convenient and lawfull form how the saids Persons should be denuded of the Superiorities of the saids Erections, without any composition to be made therefore, except for the Few-mails, Few-ferms, and other constant Rent of the saids Superiorities; And how lawfull Dispositions should be made to the Heretours, and possessours of Lands, of the Teinds of the saids lands pertaining to Erections, for such composition, and yearly dewties, to be payed, and refunded to His Sacred Majesty, as the saids Commissioners should think expedient. With power to the saids Commissioners, to consult, and agree, upon the establishing, and annexing, of a certain Parimony to the Crown and means thereof, to remain with the Crown for ever; As the said Commission of the date foresaid, bearing certain Declarations, Reservations, and other Provisions in favours of his Majesties Subjects having right to Erections; And in favours of Heretours, and Possessours of Lands, for securing of the Teinds of the same, at more lenth is contained. **BY VERTUE**, and conform to the which Commission, the saids Commissioners having now convened, and treated anent the premisses, from the said Moneth of *Januar*, until the last day of *June*, last by-past: There was during that time a good progress made by them in the said business committed to their care, And by an Act of the date the Twenty ninth day of *May* last by-past: It was advised, concluded, and enacted, That his Majesty and His Successours, should have a constant, Rent and Dewty payed out of the whole Teinds of the said Kingdom consisting in victual, or silver, excepting the particular Teinds, excepted and reserved be the said Act, *viz.* Of every boll of the best Teind Wheat, *Ten shillings*, of every Boll of best Teind Bear, *Eight shillings*; and of every Boll of the best Teind Oats, Pease, and Rye, *Six shillings*, and so the saids Rents to be modified out of the whole of the Teind bolls of victual, of the Teinds foresaids, being of inferiour worth; goodness, and, prices, according to the proportion of the saids Dewties, and Rent, laid, and imposed upon the best Boll of every kinde, in manner foresaid, And where Oats are of the nature, that they will not render above half meale, the Rent to be *Three shillings*: And also of every *Hundred merks* of Parsonage; and Viccarage Teinds, which are not Victual, the sum of *Six merks* money, of yearly rent, and dewty: **LIKE AS** the saids Commissioners having entered upon consideration of the composition to have been given be his Sacred Majesty, for the Few-mails, and other certain rent depending upon the Superiority of the saids Erections

Erections, and for the Teinds, Parsonage, and Vicarage, pertaining to the saids Erections, and anent the rate, and price of the saids Teinds; THE SAIDS COMMISSIONERS be their Act of the date the 29. day of *June*, last by-past, *Found*, that all Superiorities of Erections, should be freely resigned, and surrendered, in his Majesties hands, without any composition. And because the saids Commissioners could not uniformly agree anent the composition to be payed for the Few-ferms, Few-mails, and other constant Rent of the saids Superiorities, nor yet anent the true estimation, in the rate, quantity, and prices of the same, *Therefore*, be another Act of the date the 29. day of *May* last by-past, It was condescended that the determination thereof should be refered to his Sacred Majesty. AND all the saids persons acknowledging in all humility, his Majesties Royal and Princely care, providence, and wisdom, with his Fatherly and tender affection, tending to the removing of all these questions, and contraversies, and to the publick well, and good of the Kingdom; THEREFOR E, All the saids Persons, have with one consent, and assent, of certain knowledge and proper motive, Ratified, and Approven the said Act made be the saids Commissioners, anent the said constant Rent, and Dewty, to be payed to his Majesty, and His Successours, forth of the Rents of the Kingdom; except, as is excepted in the said Act, and with the quality, restrictions, and provisions, mentioned in the said Act, which is of the date the 29. of *May* last by-past, Together with the said other Act made upon the said 29. of *June* last by-past: Whereby It is Ordained, That all Superiorities of Erections shall be freely resigned, and surrendered in his Majesties hands: Likeas the saids Persons, and every one of them, for all Right, and Title, which they have, or may pretend to the Superiorities of whatsoever Lands pertaining to whatsoever Benefices erected, of whatsoever Title, name, or designation, the same be, Are content in all humility, promptitude, and alacrity of mind, To make surrender of the saids Superiorities, in manner after-mentioned. And therefore They, and every one of them, of certain knowledge, and proper motive, have made, constitute, and ordained, and be their presents makes, constituts, and Ordains; Master *William Elphinstoun*, Cup-bearer to his Majesty, and

Their Procuratours: With power to them, and ilk one of them, conjunctly, and severally, to compare before their Gracious, and Dread Sovereign, his Sacred Majesty, and his Successours, or before their Commissioners, having power to receive Resignations, whatsoever day, and place convenient, and there, with all humility and reverence as becomes, To Resign, up-give, and Surrender, in the hands of their said Gracious, and Dread Sovereign, his Sacred Majesty, and his Successours, or in the hands of their Commissioners foresaid, *Ad perpetuam remanentiam*: Likeas they and every one of them, for their own right, for them, and their Successours, Resigns, and Surrenders in his Majesties hands, *Ad perpetuam remanentiam*, The Right and Title of Superiority, of all and sundrie Lands, Baronies, Milnes, Woods, Fishings, Towers, Fortalices, Mannour-places, and other Pertinents, pertaining to whatsoever Erections, and Temporalities of Benefices, of whatsoever Title, name, or designation, the same be, to which, they, or any of them, have, or may pretend to have, or pretend right of Superiorty, at the day and date of their presents, and which are holden of them, as Lords of Erection be Reserving unto them, and every one of them, the Few-mails, and Few-ferms, of their saids Superiorities, ay and while they receive payment, and satisfaction, of that which shall be ordained to be payed to them for the same, in manner after-mentioned. LIKEAS, It is expressly provided, and declared, that they shall use, bruick, and possess, the saids Few-mails, Few-ferms, of the saids Superiorities, ay and while they receive payment, and satisfaction, of the composition which shall be ordained, and appointed to them, be virtue of the Submission after-mentioned. and that by virtue of their present Rights, and Infeftments of the same; Notwithstanding of the surrender, and resignation above-specified, or any thing that shall follow thereupon. And alsit is expressly declared, that under the Surrenders, and Resignations above-specified, shall no wayes be comprehended, the right of property of whatsoever Lands, Baronies, Woods, Fishings, Manour-places, Milns, Multets, and Others of the saids erected Benefices, pertaining to the saids Surrenders in property, and whereof they have had, or acquired the right of property of before, or since the saids Erections, be whatsoever manner of way, according to the Law of the Kingdom. To be holden of his Majesty, and His Successours, as the same were holden before the date of the saids Erections: And also Reserving to them, the whole provisions, reservations, and other favours, and Benefites, granted, and reserved to them, be his Sacred Majesty, be virtue of the said Commission: And specially, but prejudice of the generality foresaid, Reserving the particular clauses following, whereby his Sacred Majesty hath declared, That it is not his Majesties intention, nor pleasure, to quarrel, and annull, any of the consumed Fewes, or other lawfull Rights of any of the Lands, Temporalities of Benefices, formerly set be the Ancient Titulars thereof, without diminution of the Rentals, or Fewes granted be his Majesties late Father, to any of the Lords of Erection before their Erections, without diminution of the Rentals, or Fewes bought *bona fide*, be any of the Lords of Erection, or by any other from them, before His Majesties late Revocation, from any Heretour thereof, without diminution of the Rentals, nor yet to quarrel, nor annul, any of the saids Fewes, set be the saids Lords of Erection, before his Majesties late Revocation, to any of their own Vassals, without diminution of the old Rental. And whereby it is declared, That it is his Majesties special will and pleasure, That the Mansions, Circuits, Places, Orchards, and Gardens, of all the saids erected Benefices, shall be fewed unto such of the saids Lords of Erections, as are in present actual possession thereof, without any other compo-

composition then a very small Few-dewtie, to be a testimony, that the same are holden of his Majesty immediately. And also that such Demesnauges, and other Messuages Lands, or other parts of the said Temporalities of Benefices, as were never before set in Few, or Rental, by the Ancient Titulars before the Act of Annexation, nor by his Majesties dearest Father of Eternal memory, since the said Act, and yet is presently possessed be any of the saids Lords of Erections, *Maz*, and shall be fewed to the saids Lords of Erections, and to no others over their heads nor to their prejudice, and that for such reasonable Few-dewties, as the saids Commissioners shall appoint. And also that such Lands of the Temporalities of Benefices which are not erected, shall be Fewed to the present Possessours thereof, and to no others, for such a reasonable composition, and Few-dewties, as the saids Commissioners shall think fit, according to the validity and invalidity of their present Titles, which his Majesty is graciously pleased to amend to them, by all the lawful wayes, and means that shall be advised by the saids Commissioners. Which whole Inseftments, Rights, and Securities, his Majesty hath graciously pronounced to be ratified, and secured by Deliverance, Decreet, and Confirmation of Parliament; As in the said Commission at more length is contained. *And also* it is specially provided, that the saids Persons, and every one of them, shall be no farther obliged in warrantice of the Resignation above-specified, but from their own proper fact, & deed allennery. *And felike* all the saids Persons have ratified, and approved, and be their presents Ratifies, and Approves the said Act made by the saids Commissioners upon the 29. of *June* last by-past, Where by the determination of the Composition for Few-mails, with the quantity, rate, and price of Teinds, is referred to His Sacred Majesty. *And farther*, To the effect, that this general and great work intended for the security of every Heretour his own Teinds, may be brought to full perfection, All the saids Persons of certain knowledge, and proper motive, have of new submitted, and by these presents submits, To his Majesty, to stand, & abide, at His Majesty Determination, and Decreet, anent what composition, and price of Teinds, shall be given by his Majesty, to them, or any of them, for the Few-mails, Few-ferms, and other constant Rent of the saids Superiorities Resigned, and Surrendered be them, in his Majesties hands, as said is; And doe freely, and absolutely by these presents submit to his Majesty, All and sundrie Teinds that they or any of them have of other Mens Lands, by whatsoever Right or Title, they possess or occupy the same: Submitting likewise to his Majesty, how they may be denuded thereof in his Majesties favours, *omni habili modo quo de jure*; *And* doe in like manner submit to his Majesty to appoint the quantity, and rate thereof, and what price shall be given them for the same, and what securities shall be made there anent, They always being freed, and relieved of the burden of Ministers, *pro rata*. *And because* his Majesty will take specially into his Princely consideration, the lawful Rights, and Tacks of Teinds, of Erected Benefices, and of all Laick Patronages, made and set to the present Possessours, or their Authors, by lawful Abbots, Priors, Laick Patrons, and other Titulars of Benefices, lawfully set before the date of the saids Erections, and for the space, and years of the saids Tacks, Rights, and Patronages yet to run, to the effect they may have plenarie and full satisfaction for the saids Tacks, Rights, and Patronages, according as his Majesty shall find the validity thereof, as is usual in the like cases, with the burden alwayes of his Majesties Annuity above-mentioned, *And to the effect* his Majesty may be informed of their saids Tacks and Rights, before the giving forth of his Majesties determination in the premisses; such of the Lords of Erection, and other Persons foresaid, as have such Rights, and Tacks, made, and set to them, or their Prodecessours, or Authors, before the saids Erections, shall be obliged to exhibit, Likeas they oblige themselves, to exhibite, and produce the saids Rights, and Writs, to his Majesties Advocats, at such diets, and times, as shall be Ordained by his Sacred Majesty, or his Majesties Chancellor, at his Majesties command, and direction, before the giving forth of his Majesties determination upon the premisses. **AND ALSO** it is specially PROVIDED, that this present Submission, shall no wayes be extended, to the Teinds of whatsoever Lands, and Baronies, pertaining to the saids Persons Surrenderers in property, but that the Teinds of their own Lands shall be specially excepted out of this present Submission, the same being alwayes subject and lyable to his Majesties annuity foresaid. **AND ALSO IT IS PROVIDED**, That this present Submission shall be no wayes prejudicial, to whatsoever action of Warrantice, competent to the saids Persons Submitters, or any of them, against their Authors, from whom they bought, and acquired the Rights of the saids Teinds, which falls with in the compass of this present Submission, be sums of money; But that either their actions of Warandice, shall be reserved to them, conform to the tenour of the Rights made to them thereupon; Or otherwise, that the satisfaction to be decerned in their favours, shall be answerable to their Warrantice, and no wayes inferiour thereto, The saids Persons, and so many of them as have their actions of Warrantice reserved to them in manner foresaid, exhibiting, and producing their saids Rights bearing the warrantice foresaid, To his Majesties Advocats, at such diets, and times, as shall be appointed, & prescribed to them by his Majesty, or by his Majesties Chancellor, at his Majesties command, and direction, before the giving forth of his Majesties determination in the premisses. *And all the saids Persons* are content and consents; That his Sacred Majesty give forth his pleasure, and determination, anent the premisses referred to his Majesty, in manner foresaid, berwixt the day, and date hereof, and the first day of *August* next to come. With power also to his Majesty to prorogat the time of his giving forth of the said determination, to whatsoever, ever day or diet thereafter, as shall seem good to his Majesty, out of his Royal Wisdom. **LIK EAS**, all the saids Persons binds and obliges them, their Heirs, and Successours, in all humility

to fulfil, obtemper, and obey his Majesties said determination, They receiving lawful and perfect securities, conform to the tenour of his Majesties Commission forsaide; And also receiving real payment of that which shall be ordained be his Majesty, before they denude themselves, either of right or Possession, of the saids Few-mails, and Teinds, And that, at, or within such time or times, as his Majesty shall appoint, be his said determination. *And for the more security*, All the saids persons and every one of them are content, and consents, that thir presents, with his Majesties determination to follow thereupon, shall be Registrat in the books of Council and Session, and shall have the strength and force of a Decreet of the Lords thereof, with execution to pass thereupon, in form as effects; And the Horning to pass on a simple charge of ten dayes allennerly; And to that effect makes and constituts

Their procuratours to compare and consent to the Registration hereof in manner forsaide, *In Witnes* whereof (written be *William Ferguson* Writer in *Edinburgh*) All the saids persons have subscribed thir presents, with their hands, Likeas his Sacred Majesty, in token of His gracious acceptation hereof hath subscribed the same with his Majesties hand, days, year, and places forsaids, Before thir Witneses &c. *Sic subscribitur*; *Anplin, Lennox, Hamiltoun, Marr, Marechal, Mortoun, Rothes, Menteith, Eglington*, for my self and my Son, *Nithisdale, Wintoun, Eladdingtoun, Linlithgow, Buchan, Murray, Home, Roxburgh, Buccleugh, Lauderdale*, for my self and my Son, *Seaforth, Galloway, Amundale, Abercorne, Kellic, Aire, William Cunningham, Boyd, Lindsay, Binning*, as Curatour for my Lord *Lindsay*, Consents, *Bahnerinloch, Cowper, Haly-rood-house, Cranstoun, Carnegie, Loudoun, Spynie, Lindores, Gray, Thomas Bruce*, for the Teinds of *Cowper, Ochiltry, Traquair, Drumlangrig, John Stewart, Andrew Ker, Henrie Areskin, Sir John Hamiltoun, Annabel Countess of Lothian*, Curatrix to *Anna Ker*, Consents, *Sir George Elphinstoun, Colin Cambel, Fiar of Glenurquhie*, for my self, and taking Burden for my Father, and *Alexander Campbell* my Nephew, *Sempils* Procuratour for my Lord *Sempil, Robert Innes* of that ilk, *James Livingston, Sir Robert Gordoun, Master George Fletcher, Archibald Campbell, Robert Dalziel, James Carmichael, James Lockhart, Sir Alexander Gordoun, Patrick Home Strachan, Hay, Lundie, George Bruce, James Bailie, Richard Balfour of Denmylne, Master Patrick Lindsay, Sir John Campbell of Calder*.

*Written on the back of the Submission above-written. Superscribed by
his MAJESTY.*

CHARLES R.

WEE CHARLES, By the grace of God, King of Great Britain, France, and Ireland; Defender of the Faith &c. Prorogats the Submission within written, with Our Decreet and Determination to be given be Us thereupon, unto the last day of December 1629. years, Betwixt and the which day, or any time within the same, it shall be Lawful to Us, to give forth Our Determination upon the said Submission: And Wills and consents that this Prorogation be insert in the Books of Council and Session, ad futuram rei memoriam. And to that effect, makes and Constituts

Our Procuratours, With Power to them, or any of them, to compare for Us before the Lords of Our Council and Session, and in Our Name to consent to the registration of this present Prorogation, In Witnes whereof, Wee have Signed thir presents with Our Hand, at Our Palace of White-hall, the 21 day of May, the year of God 1628. Before thir Witneses, *William Earl of Menteith* President of Our Privy Council of SCOTLAND, *Sir William Alexander* of Menstrie Knight, Our Principal Secretary, *Sir James Skeen* of Curriehil Knight, President of Our Colledge of Justice, *Sir Archibald Atchison* of Glencairn, also Our Secretary, and *Sir Thomas Hope* of Craighal Knight, Our Advocat, *Master Alexander Burnet* Secretary to the Advocat, Writer of the premisses.

*At WHITE-HAL the 14. Day of
May 1628. years.*

THE WHICH DAY, In presence of me Notar Publick, and Witneses under-written, *Master William Elphinstoun* Cup-bearer to his Majesty, as Procuratour for the Constituents within-written, Compared in presence of his Sacred Majesty, and in all Humility, and upon his Knees, Resigned, and Surrendered in his Majesties hands, *Ad perpetuam remanentiam*, the Right, and Title of Superiority, of all and sundry Lands, Baronies, Milnes, Woods, Fishings, Towers, Fortalices, Mannour-places, and other Pertinents, pertaining to whatsoever Erections, and Temporalities of Benefices, of whatsoever Name or Designation, the same be of, To the which the Constituents, or any of them within-written, have, or may pretend right of Superiority, and which are holden of them, as Lords of Erections, be whatsoever his Majesties Subjects, Reserving, and under the Provisions, and Reservations within specified. **WHICH RESIGNATION**, his Majesty accepted with a special *Proviso*, that the same should be without prejudice

dice of His Majesties Rights, to the saids Superiorities, and that the Acception hereof shall not import a grant or acknowledgment, of any Right, or Title, of the saids Superiorities in the Persons of the saids Resigners, *sed accumulando jura jurius*. WHEREUPON Sir Thomas Hope of Craighal Advocat to his Majesty, in his Majesties name asked Instruments of me Notar Publick under subscribing. This was done within the said Palace of Whitehall, within his Majesties withdrawing Chamber, the same Day, Place, and Year fore-
said, betwixt Eleven and Twelve houres before Noone, Before thir Witneses, George Duke of Buckingham, Sir James Fullartoun, Gentleman of His Majesties Bed-Chamber, Sir William Alexander of Menstrie Knight, Principal Secretary, Sir Archibald Aitchison of Glencairn Knight, also Secretary to His Majesty, Sir George Elphinstoun of Blythwood Knight, Justice-Clerk. Witneses required, and Desired to the Premises. *Sic subscribitur Itaeft Jacobus Phillip Notarius Publicus ad praemissa requisitus, Testan-
meis signo, et Subscriptionem manualibus, &c.*

*Submission made be the Bishops and Clergie of SCOTLAND, To his Majesty, Anent the
Rights of Teinds.*

AT Twenty eight years Wee the The Day of One Thousand, six Hundred
Scotland under Subscribing. Considering that His Sacred Majesty, Our Dread Sovereign, out of His Royal
Care, Fatherly and tender affection to the Publick good of all his Majesties Subjects of His said Kingdom,
for freeing them from the extremitie of damage, which may ensue to them, by leading of their Teinds, Intends
to take such course as hereafter every Heretour may possesse, and enjoy the Teinds of his own Lands, for
payment of a reasonable Rate, and Dewty for the same; And Wee acknowledging our selves to be bound in
Dewty for the advancement of that his Majesties Royal design, tending to the Publick good of the Common-
wealth. And being most willing that such Heretours as are subject to the payment of any Teinds to Us, or
any of Us, may have their own, being desirous thereof, for payment to Us, and our Successours, of such
a reasonable rate, and constant yearly Rent, as his Majesty shall determine to be the *Quota*, and Rates of
the Teinds, within the rest of the Kingdom, so as the Rent and Dewty, in Silver, and Bols payed at the
present, as well to Us, as to the Ministers serving at our particular Churches, be not in any sort hurt, or
diminished. And also considering the great benefite, which the said course intended be His Majesty, may Im-
port to Us and our Successours, who are thereby to have a certain, and yearly Rent, which may not be altered
by any Titulars in prejudice of their Successours. THEREFORE to be bound and oblidge, Likeas
Wee Bind and Oblidge Us, and Our Successours, to grant to every Heretour of the several Lands, the
Teinds whereof doe appertain to us, or any of us (being desirous of the same) such sufficient security thereof,
as may stand with the Laws of the Kingdom, and for such a reasonable Rate and Rent, or rentall Bols as his
Majesty shall determine to be the *Quota*, and Rate of the Teinds: Submitting our selves hereby, to his Ma-
jesties Royal Decreet, and Sentence to be pronounced at, or before the last Day of December, in the year
of God 1629. And anent what lawful security in manner foreaid, shall be made, and given by Us; or any
of Us, to the saids Heretours of their own Teinds, belonging to Our Bishopricks, or Benefices, for pay-
ment to be made, be the saids Heretours, to Us, and Our Successours of the said *Quota*, and Rate, or
constant Rent, and Rental, to be set down be his Majesty, for the saids Teinds, out of the saids Lands sub-
ject in payment thereof yearly, in such manner, and at such terms, as his Majesty shall be pleased to appoint:
And anent the making, setting down, and establishing of the said *Quota*, and Rate of the saids Teinds, Rental,
or Rental-Bols, payable yearly, for the same to Us, and Our Successours; And anent what Security the
saids Heretours shall make, for the sure, true, timeous, and thankful payment to Us, and Our Successours,
of the said yearly Rent, and Rental-Bols, at such Times, and Terms of payment, as his Majesty shall think
fit to be contained in the security of the said Teinds: And anent the Annuity hereafter payable, be the saids
Heretours, for encrease of his Majesties Rent, Providing that Wee, and every one of Us, enjoy the Fruit,
and Rent, of Our several Benefices, as they are Possess by Us, at this present time, and that the same
be not hurt, nor diminished, neither in quantity, nor quality, whether the same be payed to Us, in Rental-
Bols, or by gathering of the Teind-sheaves; But that Wee, and our Ministers, provided to the particular
Churches under us, and our, and their Successours, may freely enjoy the same, without any alteration;
and that such Rent as shall hereafter belong, and accresse to us, and any of us, and our Successours, by his
Majesties said Decreet, anent the said *Quota* to be payed be the saids Heretours, for the remanent of the
Teinds, which are not in our present possession, be secured and made sure to Us, and Our Successours, lea-
ving the saids Heretours of the Lands, out of which the Teinds are due unto Us, To submit themselves to
his Sacred Majesty his Decreet and Determination, anent the Annuity, and other Premises which con-
cern them, to be pronounced before the said last Day of December 1629. AND for the more security,
Wee, and every one of Us, are content, and consents, that thir presents be Insert and Registrat, Together
with his Majesties Determination to follow thereupon, in the Books of Council, and Session of Scotland;
to have the strength of a Decreet of the Lords thereof Interponed thereto, and that all Letters, and Execution
needful may pass hereupon, in form as effects, and the Hoining to pass on a simple charge of Ten dayes

only: And for Registrating hereof, and determination forefaid to follow hereupon as faid is, Makes and Constituts
 Conjunctly and severally, Our lawful Procuratours, Promitten *derato*, In Witneß whereof (Written be *John Law* Servitour to the Right Reverend Father in God *John Archbishop of St. Andrewes*) We have Subscribed thir presents, with Our Hands, Day, Moneth, Year, and Place forefaids, Before thir Witneses &c. *Sic Subscribitur*, Bilhop *St. Andrewes*, B. *Dunkeld*, *James B. Glasgou*, P. *Aberdeen*, J. B. *Caitneß*, *John B. Murray*, Pat. B. *Rofs*, *John Ep. Sodorensis*, *David B. Brechin*, And. B. *Dumblane*, And B. *Galloway*, And. *Leinorensis*, Geo. *Orcaden*. J. *Primerose* Witneß, Maister *James Law* Witneß to the Bilhop of *Galloway* his Subscription.

Submission made be the Burrowes, To his Majesty, Auent their Teinds.

AT PERTH, The Second Day of July 1628. years, Wee the Commissioners of the Free Royal Burrowes of Scotland, under-Subscribing, having full Power, and Commission, from Our several Burghs under-written, for their Right to the Teinds, great, and small, Parsonage, and Viccarage, of all, and whatsoever Benefices, doted be his Majesties most Royal Progenitours, be Vertue of the Acts of Parliament, and Securities made to them, and ilk one of them, for their own parts *respective*, for Sustentation of the Ministrie, Colledges, Schools, and Hospitals, of the several Burghs under-specified, to the effect after-mentioned. CONSIDERING, That his Sacred Majesty, Our Dread Sovereign, Out of his Fatherly, and tender affection, and Royal care to the publick good of all his Majesties Subjects, of his Majesties Native, and Aneient Kingdom of Scotland, for freeing them from the extremity, and damage, which may ensue to them, by leading of their Teinds, Intends to take such course, as hereafter ilk Man may possesse and enjoy the Teinds of the Lands pertaining to him in property. AND Wee acknowledging our selves to be bound in dewty, to the advancement of all his Majesties Royal designs, tending to so publick a good; THEREFORE to be Bound, and Oblidged, Likeas Wee, and ilk ane of us for our own Burghs *respective* under-written, Binds, and Oblidges Us, and Our Successours, to grant unto the Heretours of the several Lands, whereof the Teinds doth to Us appertain, after the expiring of the present Tacks already granted be Us, to the present Tack-men, such Rights, and Securities, for perpetual enjoying of their own Teinds, and for payment of such Rates, and Teind Rental, and Teind Bols of Victual, as his Majesty in His Royal Judgment shall deem; Wee Submitting our selves, ilk ane of us for our own parts hereanent, To his Majesties Royall Decreet, and Sentence, and what shall be the true Rate, Estimation, and Quantity of the faids Teinds, and what Security shall be made to Us, be the faids Heretours, for yearly payment to be made to Us, ilk ane of Us for our own parts, of the faids Teind-Bols of Victual, of such sorts, as shall grow upon the same Lands yearly, as shall be decreed by his Majesty, betwixt *Zuile* and *Candlemes*, for payment whereof, the same Lands shall be lyable, and bound in security for the same. And are content, and consents, ilk ane of Us, for our own parts, That his Sacred Majesty give forth his pleasure, and determination, anent the premises, Referred to his Majesty in manner forefaid, betwixt the day, and date hereof, and the last day of *December*, in the year of God 1629, as shall seem good to his Majesty. With power also to his Majesty, to prorogate the time of the giving forth of his said determination, to whatsoever day, or dayes thereafter, as shall seem good to his Majesty, out of his Royall Wisdome, And farther Binds, and Oblidges Us, and Our Successours, ilk ane of Us for our own parts, and Burghs, *respective* under-written, In case it shall be found, that the Rents of the Teinds, great, or small, Victual, or Silver Dewty of the same, doted for Satisfaction of the Ministres, Rectors, and Regents of Our Colledges, Masters of Our Schools, and Poor of Our Hospitals of Our several Burghs, payed to Us, shall exceed the several Sums of Money expended be Us, for the forefaids Pious Uses, and their entertainment in the Stipends of the faids Ministers, Rectors, Regents of Our Colledges, Masters of Our Schools, and of Our Poor, and of Our faids Hospitals, then, and in that case, to pay yearly to his Majesty, and his Collectours, ilk ane of them for their own parts, forth of the super-plus and exercee of the faids dewties remaining, by and attour the payment of the Stipends of the faids Ministers, Rectors, and Regents of our faids Colledges, Masters of Our Schools, and entertainment of the Poor in our faids Hospitals, out of ilk Boll of best Wheat, *Ten shillings*, and out of ilk Boll of best Bear, *Eight shillings*, And out of ilk Boll of best Oats, Pease, and Meale, *Six shillings*, and the said Rent to be Modified out of the whole Rest of the Teind-Bols of Victual of these Teinds forefaids, being of inferiour worth, goodness, and prices, According to the proportion of the said dewty, and rent, made, and imposed upon the best Boll of every kind in manner forefaid. And where Oats are of the Nature that they will not render above halfe Meale, the Rent to be *Three shillings*, And of every *Hundred Merks* of Personage, and Viccarage Teinds, which are not of Victual, the Sum of *Six Merks* money, of yearly Rent, and Dewty. AND FOR the more Security, Wee are content, and consents, that thir presents, with his Majesties determination to follow hereupon, shall be Insert, and Registrat in the Books of Council, and Session, and shall have the Strength of a decret of the Lords thereof, with Execution to follow thereupon, in form as effairs, And the Horning to pass thereupon, On a simple Charge of Ten Dayes allennerly: And to that effect, Makes and Constituts

Our Procuratours, To Compare, and Consent to the Registratation hercof in manner forefaid,

In Witneſſ whereof (Written be James Phillip Servitour to Maſter John Hay Common Clerk of Edinburgh) Wee the Commiſſioners of the Burghs under-written, have ſubſcribed thir preſents with Our Hands : Likcas his Sacred Maſteſty, in token of his acceptation hereof, hath Superſcribed the ſame with his Maſteſties Hand, Day, Year, and Place foreſaids. Before thir Witneſſes, George Sutie, Patrick Eleis, and John Tod, Burgeſſes of the ſaid Burgh of Edinburgh, and Alexander M'naught Writer, with diverſe others. Sic Subſcribitur. Alex: Peebles Moderatour, John M'naught for Edinburgh, Tho: Weir for Edinburgh, And: Wilſon for Perth, Thomas Halyburton for Dmdee, Maſter Alexander Forbeſ for Aberdeen, Alex: Cowan for Stirling, Will: Bell for Linlithgow, Simon Greg for St. Andrews, Gabriel Cunningham for Glaſgow, John Knight for Aire, Mr. James Cockburn for Hadingtoun, David Chriſtiſon for Dyſert, Alex: Law for Kirkaldie, John Yarden for Montroſ, Rob: Pearſon for Couper, Henry Moreis for Anſruther, John Irving for Dmfreis, Duncan Forbeſ for Innerneſ, Will: Meiklejohn for Bruntſland, Mr. Rob: Cunningham for Kingbourn, Allan Dmnap for Invering, Mr. John Ruthersford for Jedburgh, John Ewart for Kircudburgh, Pat: Edgar for Wigtoun, Mr. Thomas Wardlaw for Dumfermling, Mr. John Ker for Selkirk, Geo: Purveſ for Dmbar, Mr. Ja: Pearſon for Arbroth, Alexander Muir for Peebles, David Watſon for Dumbartoun, Gideon Jack for Lanerk, Tho: Cunningham for Carrail, David Forreſt for Tayne, Mr. Edward Black for Chroſ, Andrew Hunter for Forfar, John Thomſon for Rutherglen, John Meinzie for Northberwick, George King ſonnger for Pettinweym. Ita eſt Magiſter Alexander Guthrie Scriba Burgorum, Regni Scotie Notarius Publicus, in premiſſis requiſitus, nomine reliquorum Burgorum, de ſpeciali mandato reliquorum Commiſſionariorum, Teſtan his meis Signo, & Subſcriptione Manualibus, Mr. Alexander Guthrie, George Sutie Witneſſ, Patrick Eleis Witneſſ, John Tod Witneſſ, and Alexander M'naught Witneſſ.

Submission made to His Maſteſty, be certain Tack/men, and Others having Right to Teinds, &c.

AT the Eighteenth day of 1628. The Perſons under-written, having, or pretending a right, be whatſoever Title, Tack, or other manner of right, to whatſoever Teinds of other Mens Lands pertaining to whatſoever Biſhoprick, Abbacie, Priory, Parſonage, Vicarage, Colledge-Kirks, Prebendry, Chaplainry, or other Benefices whatſoever. And ſiclike, the Heretours, and Poſſeſſours, of whatſoever Lands lying within the ſaids Benefices, and who are deſirous to have the Teinds of their own proper Lands pertaining to the ſaids Benefices, at a competent rate, and price, conform to his Maſteſties gracious intention, declared, and ſignified for the well of the Kingdom; And conform to his Maſteſties many, and ſeveral Proclamations made thereanent, THAT IS TO SAY, The ſaids Perſons *Conſidering* that his Maſteſty, their Dread, and Gracious Sovereign, out of his Royal care, Fatherly, and tender affection to the publick well of his Native, and moſt Ancient Kingdom of Scotland, was lately pleaſed in the Moneth of Januar 1627. Years, for the eaſe of his Maſteſties Subjects, and removing the general fear which was conceived be reaſon of his Maſteſties Revocation, given forth, and publiſhed, in the Moneth of October, 1625. years, to grant Commiſſion under his Maſteſties Great Seal, to certain his Maſteſties Commiſſioners, nominat in the ſaid Commiſſion, to Meet, Conveen, Deale, and Treat, anent ſuch reaſonable Compoſition, and Satisfaction, to be given to ſuch of his Maſteſties Subjects, as had Right to whatſoever Erections of Benefices, Temporalities, Few-mails, Kirks, Teinds, and Others pertaining thereto, and how lawfull Diſpoſition may be made to the Heretours, and Poſſeſſours of Lands, of the Teinds of their ſaids Lands, for ſuch Compoſition, and yearly Dewty, to be payed, and Reſerved to his Sacred Maſteſty, as the ſaids Commiſſioners ſhould think fit, and expedient: As in the ſaid Commiſſion of the Date foreſaid, bearing certain Declarations, Reſtrictions, and other Proviſions, in favours of his Maſteſties Subjects having Right to Erections, and in favours of Heretours, and Poſſeſſours of Lands, for Security of their Teinds, at more length is contained. BE VERTUE, and CONFORM to the which Commiſſion, the ſaids Commiſſioners having Conveened, and Treated anent the Premiſſes, from the ſaid Moneth of Januar, to the laſt of June 1627. years, There was during that time, a great progreſs made be them, in the ſaid buſineſs committed to their care, And be an Act of the 29 of May 1627. years, It was Adviced, Enacted, and Concluded, That his Maſteſty, and his Succeſſours, ſhould have a conſtant Rent, and Dewty, payed out of the whole Teinds of the ſaid Kingdom, conſiſting in Vic-tual, or Silver, Except the particular Teinds excepted, and reſerved be the ſaid Act, Likcas the ſaids Commiſſioners having entered upon conſideration of the Rate, and Price of Teinds, found ſuch difficulties, as they could not uniformly agree upon the true Eſtimation of the ſaids Teinds, in the Rate, Quality, and Prices thereof; And Therefore be ane Act of the Date of the ſaid 29 Day of June 1627. years, Condeſcended that the determination thereof ſhould be referred to his Sacred Maſteſty, As the ſaids Acts of the Dates foreſaids, in themſelves at more length propoerts. And all the ſaids Perſons acknowledging in all Humility, his Maſteſties Royall, and Princely Care, Providence, and Wiſdom, with his Fatherly, and tender Affection, Tending to the removing of all queſtions, and controversies, to the publick well, and good of the Kingdom. THEREFORE All the ſaids Perſons, with one conſent, and aſſent, of certain Knowledge, and proper Motive, have Ratified, and Approven the ſaid Act made be the ſaids Commiſſioners, anent the ſaid conſtant

stant Rent, and Dewty, to be payed to his Majesty, and his Successours, forth of the Teinds of the Kingdom, Except as is excepted in the said Act, and with the qualities, restrictions, and provisions mentioned in the said Act, which is of the date the said 29. of May 1627. years, Together with the said other Act, made upon the said 29. Day of June 1627. Years, whereby the Determination of the rates, quality, and prices, of Teinds of other Men's Lands is referred to his Sacred Majesty. AND FOR SAMEIKLE as there was a General Submission drawn up concerning the premises, which was subscribed by the most part of the Titulars, and Heretours of the Kingdom, And that a few number deferred to subscribe the saids Submissions, upon pretence that the Arch-Bishops, Bishops, Parsons, Vicars, and others of the Clergy of the Kingdom, who had Right to the Teinds, had not subscribed the saids Submissions, which Impediment is now removed, in respect the Arch-Bishops, and Bishops, have subscribed a several submission to his Majesty, In so farre as concerns the Teinds pertaining to the Bishopricks. AND his Majesty being willing, and resolved, to have an universal order established within the whole Kingdom, anent the matter of Teinds, and that every Heretour shall have, and brueik his own Teinds, of whatsoever nature the said Teinds be, and to whatsoever Benefice the same pertains, at a competent Rate, and Price, THEREFOR his Majesty be his Letter, and Warrant, direct to the Commissioners for Teinds, of the date the day of last by-past, hath signified his Majesties Gracious will and pleasure; That all Titulars of Teinds, pertaining to whatsoever Kirk, or Benefice, and als all Heretours of Lands, the Teinds whereof pertains to the said Benefices, or Kirk shall subscribe a general submission to his Majesty in referring to his Majesty the price, rate, and quantity of whatsoever Teinds of other Men's Lands: WHICH Letter being read, and considered by the saids Commissioners for Teinds, They be their Act of the date the day of December last by-past, have in all Humility acknowledged his Majesties Gracious, and Fatherly Care, for the Good of his Ancient Kingdom, and have allowed, and approved the said Letter, and interponed their authority thereto. And all the saids Persons being most ready, and willing, in all humility, submission, Promptitude, and Alacrity of Mind, to give Obedience to his Majesties desire for the Publick well of the Kingdom. THEREFOR They all of certain knowledge, and proper motive, have submitted to his Sacred Majesty, All and sundrie Teinds, that they, or any of them have of other mens Lands, be whatsoever Right, or Title, they possess, or enjoy the same, and how they may be deuded *Omni habili modo quo de jure*, And in like manner do submit to his Majesty, to appoint the rate, and quantity of Teinds, and what prices shall be given for the same, and what security shall be made of the Teinds of other Mens Lands, to the Heretours, and Possessours thereof, in such form as may stand by Law: And all the saids Persons are content, and consents, that his Sacred Majesty give forth his pleasure, and Determination, anent the premises referred to his Majesty in manner foresaid, betwixt the day, and date hercof, and the last day of December 1629. years: With power also to his Majesty to prorogat the time of the giving forth of his said Determination, to whatsoever day, or dayes thereafter, as shall seem good to his Majesty, out of his Royall Wisdom. Likewise all the saids Persons, Binds, and Oblidges them, their Heirs, and Successours, in all Humility to obtemper, fulfill, and obey, his Majesties said Determination, they receiving perfect, and Lawful securities, conform to the Tenor of his Majesties Commission foresaid, and als receiving real payment of that which shall be Obtained by his Majesty, before they denude themselves, either of Right, or Possession of the saids Teinds, and that, at, or within such time, or times as his Majesty shall appoint, be his said Determination. AND for the more security, all the saids Persons, and every one of them, are content, and consents, that thir presents, with his Majesties Determination to follow hereupon, shall be insert, and Registrat in the Books of Council, and Session, and shall have the strength of a Decreet of the Lords thereof, and Execution to pass thereupon, in form as effects, and the Horning to pass one a simple charge of Tendes allennerly, And to that effect makes, and Constituts

Their Procuratours to compar, and consent to the Registration thereof, in manner foresaid. In Witness whereof (Written be *William Ferguson* Writter,) All the saids persons have Subscribed thir presents, with their hands, day, year, and place foresaid. Before thir Witnesses &c. *Sic Subscribitur, Ja.* of *Lawes*, *John Buchanan* Portioner of *Batlasie*. *Ita est Walterus Watson* Nosarius Publicus in premiffis requisitis, de mandato dicti *Jacobi Buntein de Kirkcoun*, scribere nescien, ut asseruit, Et hunc Calamum meum tangen, Teste manu propria. *Ita est Robertus Glen* Connotarius in premiffis requisitis, de speciali mandato dicti *Jacobi Buntein de Kirkcoun* Scribere nescien, ut asseruit, Teste manu propria.

A P P R O C L A M A T I O N

By his Majesty, For Publishing his Majesties Decrees upon the Submissions foresaid.

CHARLES By the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To Our Lovits, Lyon King at Armes, and his Brethren Hieraulds, Messengers, Our Shurreffs in that part, conjunctly, and severally, specially constitute, greeting. FOR SAMEIKLE, AS

As Wee having now after good Advice, and Deliberation, pronounced, and given forth Our Royal Decree, Sentence, and Determination, in the matters referred, and submitted unto Us, by the General Submissions made by the Arch-Bishops, and Bishops, Lords of Erections, Patrons of Kirks, and Benefices, Titulars of Teinds, and Heretours of the Lands out of which Teinds are payed, and by Our Burrowes, and Others Our subjects, particularly expressed in the saids Submissions, as in the four several Decrees following, pronounced by Us in these matters, at length is contained. AND Wee finding it necessary, and expedient for the good of Our subjects, that Publication, and Intimation should be made of Our saids Decrees, to the intent that Our subjects being acquainted with the Tenour, and substance of the same, they may be the better prepared and resolved, to obtemper, & obey the same. Wee therefore Recommended to the Lords of Our Privy Council, the Publication of Our saids Decrees, which Decrees being exhibit unto Our said Council, and Read in their Audience, upon the Eighteenth Day of September instant, and they in all dewtiful Obedience, acquiescing to Our Royal Direction anent the Publication of Our saids Decrees: Therefore they have Ordained, and Ordains, the saids Decrees to be Published at the Mercat-Crosses of the Head Burrowes of this Our Kingdom, and hath Ordained these Our Letters to be direct for that effect, as an Act made thereupon bears, **OUR WILL IS** Herefore, and Wee Charge you straitly, and Commands, that incontinent these Our Letters seen you pass to the Mercat Cross of *Edinburgh* and to the remanent Mercat Crosses of the head Burrowes of this Our Kingdom, and there by open Proclamation, in Our Name, and Authority make Publication, and Intimation of Our saids Decrees, To all, and sundry Our Lieges, and Subjects, wherethrough none pretend ignorance of the same: As you will answer to Us thereupon: The which to doe, Wee commit to you conjunctly, and severally, Our full power by these Our Letters, delivering the same by you duely Execut, and Indorsed again to the Bearer.

GIVEN under Our Signet, at Holy-rude-house, the Eighteenth Day of September, and of Our Reigne the fifth Year 1629.

Per Actum Dominorum Secreti Concilij.

HERE FOLLOWETH THE TENOUR OF THE DECREETS.

His Majesties Determination upon the first General Submissions.

CHARLES By the grace of God King of Great Britain, France, and Ireland, Defender of the Faith. To all and sundry Our Subjects whom it effeirs. **FOR SAMEIKLE** as by the general Submissions made to Us, by all and sundry persons, having, or pretending Right to whatsoever Erections, and Temporalities of Benefices, Superiorities, and Few-dewties of the same, or to the Kirks, and Teinds, great, and small, Parsonages, and Vicarages, or to Patronages of Kirks pertaining to Erections, or to any Teinds, which they, or any of them have of Other Mens Lands, by whatsoever Right, or Title: And als by the Heretours, and Possessours of Lands lying within the saids Kirks, and Benefices erected, for themselves, and in name of all Others, who were desirous to have the Right, and Title of the Teinds of their own Lands, at a competent rate, and price, conform to Our gracious Proclamations made to that effect; The saids Persons Subscribers of the saids general Submissions did submit themselves to Us; And are bound to stand, and abide, at Our determination, & decree, anent what composition, and satisfaction shall be made, and given by Us, to them, or any of them; for the Few-mails, Few-ferms, and other constant Rent of the Superiorities, of whatsoever Lands, Barronies, Mylnes, Woods, Fishings, Towers, Fortlices, Mannour-places, and their pertinents, pertaining to whatsoever Erections, and Temporalities of Benefices, of whatsoever title, name, or designation, the same be, resigned, and surrendered by them in Our hands: And als did freely, and absolutely submit to Us, all and sundry Teinds, that they, or any of them have of Other mens Lands, by whatsoever Right, or Title, they possess, & enjoy the same: And how they may be denuded thereof, in Our favours, *Omni habili modo quo de jure*: and als submitted to Us, to appoint the rate, and quantity of the saids Teinds, & what price should be given to them for the same, and what securities should be made thereanent, they always being liberat of the burden of the Ministers Stipends *Prorata*; As in the saids general Submissions, containing diverse other Heads, and Articles, and bearing full power to Us to pronounce Our determination in the premises, and als to Prorogate the time of giving forth of Our said determination, betwixt and the first day of *August* then next to come, and now by-gone, to whatsoever day, or dayes thereafter, at more length is contained. *And Wee Having* called up to Us a number of Our Nobility, Privy Council, and Others, able, expert, and well affected, to give their Advice to Us, in a matter of so great Importance, in the Moneths of *April*, and *May* 1628. years, with whom Wee had diverse meetings, and conferences; and heard, and considered, the Reasons, and Arguments of all Parties having interest, with their Opinions, and Judgments thereanent. *And in respect of the consequence of the business*, Wee took the same to Our farther consideration, and in the meane time Prorogate Our determination to be given upon the saids Submissions, till the last day of *December* 1629. years, betwixt and the which time, Wee Declared that Wee would give forth Our Royal determination in the matters submitted to Us, by the saids general Submissions: **AND NOW** Wee being well, and ripely advised therein, and tendering the Well, and Plan-

tation

ration of the Kirks, with the Peace, and Quietness of that Our Ancient Kingdom; PRONOUNCE Our Sentence, and Determination as follows. IN THE FIRST, as to the composition to be given by Us, for the Few-mails, Few-ferms, and other constant Rent of the saids Superiorities, *Wee Find*, and *Decern* the sum of *One Thousand merks Scots* money to be a competent, and reasonable satisfaction, to be paid for each *Chalder* of Few-ferms Victual over-head, and for each *Hundred merks* money worth of all other constant Rent, of the saids Superiorities (not consisting in Victual, or Money, and not being naked service of Vassals) the same being valued, and redacted in Moneys by Our Commissioners after-specified: Deducing always of the saids Few-ferms, Few-mails, and other constant Rent foresaid, the Blench-dewties contained in the Inseftments of Ereftions made to the saids Submitters, or to their Authours: For the which *Wee find* that Wee ought, nor should give no satisfaction, in respect the same pertains to Us, as Our proper Rent, by their saids Inseftments of Ereftions. And because It is not constant what is the true Rental, and quantity of the saids Few-ferms, Few-mails, & other constant Rent of the saids Superiorities, & what part thereof pertains to every particular Person, and what is free deducing the saids Blench-dewties, without the which were tryed, and known, there can be no payment made to them of the said composition, and satisfaction; THEREFORE Wee Ordain the saids Lords of Ereftions, and all others having right to any part of the saids Few-ferms, Few-mails, and other constant Rent foresaid of the saids Superiorities, to give in the just Rental of the saids Few-ferms, Few-mails, and other constant Rent of the saids Superiorities, and what part thereof pertains to every particular Person heretaby in Life-rent, or otherwise; and what part thereof is presently payed, or hath been payed to them, or any of them, having, or pretending right thereto, of the years preceeding the decease of Our Umquhile dearest Father of Eternal memory, and sensyne; and what is due thereof deducing the saids Blench-dewties before Our Commissioners nominat, or to be nominat by Us to that effect, at such dayes, and times as they shall be required thereto: And to subscribe the saids Rentals with their hands, and therein to be bound to Warrant the saids Rentals to be just Rentals thereof, from their own deed; and that the same hath been payed these Seven years immediately by-gone, at the least payable by lawful Fewes set before the Act of Annexation: And that the same is not burdened with any pension, nor Life-rent, nor other right flowing from them, their Authours, or Predecessours, since the date of their Ereftions, which may prejudice Our present Intromission therewith: Which being done, and the saids Rentals tryed, allowed, and approved, by Our saids Commissioners, DECERNS, and ORDAINS, Our Thesaurer, Thesaurer-depute, and Receivers of Our Rents present, & to come to make a good & thankful payment to them, and every one of them, according to the saids Rentals, to be tryed by Our saids Commissioners, of the said sum of an *Thousand merks*, for each *Chalder* of Few-ferms, & for each *Hundred merks* of Few-mails, and for each *Hundred merks* worth of all other constant Rent foresaid, of the saids Superiorities being valued, and redacted in Moneys by Our saids Commissioners, deducing the saids Blench-dewties as said is, and that within the space of a Moneth thereafter, with this special provision, and declaration: That in case Our said Thesaurer-Principal, Thesaurer-Deput, and Receivers, failzie in payment, that then, and in that case, the saids Lords of Ereftions, and other Persons foresaid, having right to the saids Few-ferms, Few-mails, and other constant Rent foresaid of the saids Superiorities, shall have good right to meddle, and intromet with the saids Few-ferms, Few-mails, and other constant Rent foresaid, of all years, and tetms thereafter, ay and while the saids sums be really payed, and satisfied to them, and als with this provision, that if it shall happen any of the saids Lords of Ereftion, or any others having, or pretending right to the saids Few-ferms, Few-mails, and other constant Rent foresaid to failzie in comparing before the saids Lords Commissioners, and giving up of the true Rentals thereof, in manner above-designed, at the dicts, and times to be assigned to them; That then, and in that case, it shall be lawful to Us, and Our Thesaurers, and Receivers, to intromet with the saids Few-ferms, Few-mails, and other constant Rent of the saids Superiorities, they always being acted, and bound before Our saids Commissioners, appointed, or to be appointed by Us, to pay to the Person sua failzie and the said price, and composition of an *Thousand merks* money for each *Chalder*, or *Hundred merks* of the saids Few-ferms, Few-mails, and other constant Rent foresaid: And that within the space of a Moneth after they shall give up a just, and true Rental, in manner, and with Warrantice above-exprest, and that the same shall be tryed, and found by Our saids Commissioners, to be just, and Lawful: And als with this provision, that if the Failziers shall purge themselves, by lawful, and reasonable causes before Our saids Commissioners, of their not up-giving of their Rentals. That then, and in that case, Our saids Commissioners shall have power to appoint to them whose failzie shall be so purged, Annual-rent at *Ten* of the *Hundred*, from the time of Our Thesaurer's entry to their said Few-mails, to the time of the payment of the said Composition, which is appointed to be made at the up-giving of their said Rentals in manner foresaid. And because, in trying of the Rentals of the saids Few-ferms, Few-mails and other constant Rent foresaid, there may occur question betwixt Two, or more Persons, and Parties claiming right to the saids Few-ferms, Few-mails, and other constant Rent foresaid, in whole or in part, by Inseftments, Pensions, Life-rents, or other Right standing in their Person; In the which case Justice, and Equity craveth that each Person shall receive a portion of the said satisfaction, according to the quality of their Right, whether the same be Life-rent, Fee, Pension, Annual-rent, or other Right whatsoever, THEREFORE Wee Ordain Our saids Commissioners to take trial of the saids several Rights, and

and accordingly to appoint the saids sums ordained to be payed by Our said Thesaurers, and Receivers for composition, and satisfaction as said is, to be payed, or divided amongst them, according to the quality of their Rights. *And Wee Will, and Declare* that the Difference or dispute to be made amongst the saids Parties, having, or pretending to have right to the saids Few-ferms, Few-mails, and other constant Rent foresaid, after the true Rental thereof be once tryed, as said is, shall be no hinderance nor impediment, to Our said Thesaurer, and Thesaurer-deput, to meddle, and intromet, with the saids Few-ferms, Few-mails, and other constant Rent of the saids Superiorities: They alwayes paying, or consigning the saids sums decreed by Us, as said is, in presence of the saids Commissioners, to be forth coming to all the saids Parties, who pretend interest thereof, according as Our saids Commissioners shall appoint. *And Farther Wee Declare*, that Our entry to the saids Few-ferms, Few-mails, and other constant Rent foresaid of the saids Superiorities, shall be, and begin at the Feast, and Term of *Whitsunday*, or *Martimes* next, and immediately following the payment, or consignment to be made by Our Thesaurer, Principal, or Deput in Our Name, to each person up-giver of his Rental of the sums of money dew to be payed, conform to this Our Decree, and determination. And at the term next, and immediately following the failzie to be committed by those who shall not give up their Rental in manner foresaid, Our Thesaurer, and Thesaurer-depute, being alwayes acted for payment to them, after they shall give up their Rentals in manner foresaid. *And als Declares*, if any of the saids Few-ferms, Few-mails, and other constant Rent foresaid, be payable at other terms, nor the saids ordinary terms of *Whitsunday*, or *Martimes*, that Our entry shall be ruled, and divided according to the respect of the saids ordinary terms of *Whitsunday*, and *Martimes*, in manner above-exprest, sua that if payment, or consignment shall be made by Us at *Whitsunday*, then the whole year, and Cropt shall be due to Us, and if the same shall happen to be at *Martimes*, then the halfe almennerly shall be dew to Us; And the like course to be observed, where the failzie shall be committed in not up-giving, of the Rentals in manner before exprest. **NEXT**, Whereas the saids Persons Submitters hath submitted to Us, All and sundry the Teinds that they, or any of them have of Other mens Lands by whatsoever right, or title they possess, or enjoy the same, and how they may be denuded thereof in Our favours; And als have submitted to Us the rate, and quantity of Teinds, price of the same, and manner of security to be made thereanent. *Wee find*, That it is necessary, and expedient, for the publick well, and peace of this Our Ancient Kingdom, and for the better providing of Kirks, and Ministers Stipends, and for the establishing of Schooles, and other Pious uses, that each Heretour have, and enjoy his own Teinds. **AND THEREFORE**, to the effect, full, and perfect security may be made to every Heretour of his own Teinds. **WE DECERN**, and **ORDAIN**, the saids Submitters, and every one of them, and their Heirs, to denude themselves of the right of Other mens Teinds, in Our favours, by all lawful manner, as may stand by the Laws of the Kingdom, and that of the Cropt 1629. years, and yearly thereafter in all time coming. *And to that effect*, Wee decern the said Submitters, and every one of them, and their Heirs, to exhibit their Rights, Infestments, Tacks, and other securities whatsoever, whereby they brueik the saids Teinds of Other Mens Lands, to Our Advocat, or Clerks of Our saids Commissions, at such diets, and times, as they shall be required, to the effect, he upon the sight thereof may form such lawful, and valide securities in Our favours as may stand by Law. *Which securities*, Wee decern the saids Submitters to subscribe, providing they be no farther obliged in warrandice thereof, but from their own deeds, and from the facts, and deeds of their Predecessours, to whom they are Heirs. Excepting therefrom such facts, and deeds, as is made, and perfected by any of the Submitters, and their foresaid, in favours of the present Possessours, Tacksmen, and others having right from them of the same Teinds. Whereupon they, and every one of them shall be obliged to condescend at the time of the exhibition of their rights, to Our said Advocat, or to the Clerks of Our saids Commissions. And as to the rate, and quantity of Teinds, Wee ratifie, and approve the course, and order taken by Our special Command, and direction for valuation of the whole Teinds of the Kingdom, so farre as shall be justly, and lawfully done, according to the tenour of Our Commissions, and Ordains the Commissioners, and Sub-commissioners already appointed, or to be appointed to that effect, to expede the same with all convenient diligence, and finds, and declares that the rate, and quantity of all Teinds of the Kingdom, is and shall be the Fifth part of the constant rent, which each land payeth in stock, and Teind, where the same are valued joyntly. And where the Teinds are valued a part, and severally, *Findeth* that the rate, and quantity thereof is, and shall be such as the same shall be valued, and esteemed to, by the saids Commissioners, or Sub-Commissioners, Deducing alwayes the Fifth part thereof; Which Wee out of our Fatherly, and Royal care, for the well of Our said Kingdom ordaine to be deduced off the saids Teinds severally valued as said is, for the ease, and comfort of Our Subjects: Reserving alwayes liberty to such as shall be enormly hurt, and greived in the valuations foresaid, either conjunctly, or severally made, to appeale to Us, or Our Parliament, to the effect Wee may take such order therein, as may rectifie all abuses, and disorders committed, or to be committed in the saids valuations. **AND AS** to the price of Teinds, *Wee Find* the price of each *Hundred merks* of Teinds consisting in money, to be valued, and esteemed to Nine years purchase, and where the saids Teinds consists in Visual, or other bodies of Goods; Because there is great difference of the quality of Visual, and of the other bodies of Teinds, both in spaces, and kinds, and in worth, and goodness, according to the diverse places in the Countrey where the same groweth, and are bred; *Therefore Wee Decern*, and *Ordain* tryal to be taken by Our Commissioners appointed, or to be appointed by Us, of the price,

worth, and estimation of each Chaldre of Viſtial, and of all other bodies of Goods, wherein the Teinds conſiſteth in Kinds, and Goodneſs, as the ſame commonly ruleth in each part of the Countrey: And this being tryed, and condeſcended upon, and the prices thereof being reduced in moneys: *Wee find* the juſt, and reaſonable Price thereof to be eſteemed to Nine years purchaſe: And Wee declare this Nine years purchaſe, to be the juſt price of the heretable right of Teinds, where the Seller hath the heretable right thereof; But where his rights are not heretable, but temporal, and conſiſteth in Leaſes, and Tacks, or ſome other temporal right, whereof there are many, or few years to run: Wee Declare the price in this caſe to be ruled proportionally, according to the number of the years to run and quality of the rights. *And becauſe* many Heretours of Lands, hath Tacks long, or ſhort of their own Teinds, or ſome other right thereof ſtanding in their Perſon, in the which caſe it is not reaſonable, that the Heretours ſhould pay the full price to the Perſons having right to their Teinds. *Therefore* Wee referre this point alſo to our Commiſſioners appointed, or to be appointed, to determine, and ſet down the proportion of the price, according to the years of the Tacks to run, and quality of rights ſtanding in the Perſons of the ſaids Heretours, and according to the quality of the Rights ſtanding in the Perſons of thoſe who hath Title to the ſaids Teinds, after the our-runing of the Heretours Tacks, and rights of the ſame. *It is alwayes Declared*, that the ſaids Heretours who ſhall buy their own Teinds, ſhall be obliged to pay for no more of the ſame, but ſuch as ſhall reſt by and attour the Miniſters Stipends, and other pious uſes, which by the tenour of the General Commiſſion are ordained to be firſt provided, *And alſo* that thoſe who ſhall not buy their own Teinds, and are to be ſubject in payment of the rate of their Teind above ſpecified, ſhall be no farther obliged in payment thereof to the ſaids Titulars, but with deduction of ſuch part & portion thereof, as is, or ſhall be provided to the maintenance of the ſaids Miniſters, and other pious uſes foreſaids, expreſt in the ſaid general Commiſſion, Which Wee Will, and Ordain to be deduced, according to the tenour of the ſaid Commiſſion, and Acts thereof made, or to be made therein, Or in any other Commiſſion to be appointed hereafter by Us, in favours of the Miniſters, and other pious uſes therein mentioned. *And Declares* the ſaids Titulars to be free, and liberat of the Miniſters Stipends *pro rata*. *And Decerns* the ſaids Heretours to free, and relieve the ſaids Titulars at the hands of the Miniſters, and others having right of that part of the ſaids Teinds, which ſhall be aſſigned, and appointed to be payed to the ſaids Miniſters, and to the other pious uſes foreſaids: And alſo to relieve the ſaids Titulars at Our hands ament the payment of Our Annuity; And to make yearly payment of the foreſaids burdens, for reliefe of the ſaids Titulars *Pro rata*. **AND SICLYKE** *Wee Decern*, where Wee, or any other have right to Teinds, after inſpection of their Evidents, and due conſideration of their Rights by Our ſelfe, or by ſuch Commiſſioners, as Wee ſhall appoint, That accordingly in regard of the rights that Wee, or they ſhall be found to have, and for making up of a perfect right to the Heretours, ſuch a part, or price, or payable Rent ſhall be ordained to be payed, and applyed to Our, or their uſe. **AND** *Becauſe* Wee have a ſpecial, and particular intereſt in the Teinds of Erected Benefices, and that Reaſon, Conſcience, and Juſtice craveth, that a part of the price thereof, or where price is not payed, a part of the yearly dewty ſhould be applyed to Our uſe. *And becauſe* all Erections are not of one nature, and kind, but ſome of them deſerveth more conſideration, and reſpect nor others, according to the true cauſes, merits, and ſervices, for which the ſame were granted. **THEREFORE** Wee remit the tryal hereof to Our ſaids Commiſſioners, to determine what proportion of price, or rent ſhall be defeaſed, and allowed to Us of the ſaids Teinds of Erections, according to the validity, and merit of each Perſons rights after the production of the ſame to Our Advocat. **AND** *becauſe*, by a ne expreſs claufe in the ſaids Submiſſions, It is ſpecially Declared by Us, That Wee would take to Our Princely conſideration, the lawfull Tacks, and Rights of Teinds of erected Benefices, and of all Laick-Patronages, made, and ſet to the preſent Poſſeſſours, or their Authours, by lawful Abbots, Laick-Patrons, and others Titulars of Benefices, lawfully ſet before the dates of the ſaids Erections: And for the ſpaces, and years of the ſaid Tacks, Rights, and Patronages as yet to run; To the effect that they might have full, and plenary ſatisfaction for the ſaids Tacks, Rights, and Patronages according as Wee ſhould find the validity thereof, as is uſual in the like caſes, with the burden alwayes of Our Annuity mentioned in the ſaids General Securities, and Submiſſions. *And to the effect*, Wee might be informed of their ſaids Tacks, and Rights, before the giving forth of Our determination in the premiſſes. **IT WAS**, and is **ORDAINED**, and *Provided*, that ſuch of the ſaids Lords of Erections, and other Perſons foreſaids, as have ſuch Tacks, or Rights made, and ſet unto them, their Predeceſſours, and Authours, before the ſaids Erections, ſhould exhibit, and produce the ſame to Our Advocat, at ſuch diers, and times, as ſhould be appointed by Us, or Our Chancellour, at Our command, and direction, before the giving forth of Our determinations in the premiſſes: **LYKE AS** alſo it is ſpecially provided, That the ſaids general Submiſſions, ſhould no wayes be prejudicial to whatſoever action of Warrandice competent to the ſaids perſons Submitters, or any of them, againſt their Authours from whom they bought, or acquired their Rights of the ſaids Teinds (which falleth within the Compaſs of the ſaids Submiſſions) for ſums of money; But that either the ſaids actions of Warrandice ſhall be reſerved unto them, conform to the tenour of their Rights made to them thereupon: Or otherwiſe, That the ſatisfaction to be decerned in their favours ſhall be anſwerable to their warrandice, and no wayes inferiour thereto; The ſaid Perſons, and ſua many of them who have their actions of warrandice reſerved to them in manner foreſaid, Exhibiting, and producing their ſaids rights, bearing

bearing the warrandice foresaid, To Our Advocat, at such diets, and times as should be appointed, and prescribed to them by Us, or Our Chancellour, at Our command, and direction, before the giving forth of Our Determination in the Premises; As in the saids general Submissions at more length is contained. **AND FOR SAME IRLE** As Wee according to the provisions contained in the saids Submissions, by Our Letter, of the date the last day of *Junij* 1628. Gave special warrand to Our Commissioners for production of the foresaid Tacks, Leases, and others foresaid, who by their Act, and Ordinance of the date the Eighth day of *August*, and by publick Proclamation past thereupon: Ordained that all the saids Persons having interest, should compare before them upon the first of *November* 1628. years; Bringing, and producing with them, all their Leases, and Tacks of Other Mens Teinds, set to them, or their Authours, before their Erections, together with all their rights, and securities of the foresaid Teinds, bearing absolute warrandice, or warrandice of their own moneys in case of eviction: To the effect, the same might be seen, and considered by Our Advocat, with certification to them that failzies, that they should not be heard to claime any satisfaction for the same thereafter. And that some few allanerly of the saids Persons having interest, have given in their Tacks, and Rights, bearing warrandice as said is: Sua that by rigour of Law, Wee might give out Our Determination without respect of the saids Rights, not produced to Our said Advocat, conform to the provision contained in the saids Submissions. **YET WEE** out of Our Royal clemencie, and goodness **DECERN**, and **ORDAIN** full, and plenary satisfaction to be made, not only to those who have already produced, and whose productions are extant in the Registers of the said general Commission: But also to all other persons Submitters, who have lawful Tacks set to them, their Predecessours, or Authours of the saids Teinds of Erected Benefices, which falleth within the compass of the saids Submissions, for the Rights of the saids Teinds during the spaces contained in their saids Tacks, and that without any defalcation, or diminution of the price thereof, in respect of Our particular right, and interest; But according to the full avails of the years to run contained in the saids Tacks; They alwayes exhibiting, and producing to Our Advocat for the time, or Clerks of Our Commissions foresaid, their saids Leases, and Tacks, betwixt this and the last day of *May* next to come, and no otherwayes; And because after production thereof, every Person will not have alike years, and spaces to run in their saids Tacks; *Therefore* Wee referre to Our saids Commissioners to set down the just worth, and valuation of the saids Tacks set before the saids Erections, according to the number, and spaces of years of the same which is yet to run; And to modifie the said price, to each Person accordingly. **AND SIC LIKE**, Wee *Decern*, and *Ordain* That the saids Persons Submitters, not none of them shall be any wayes prejudged by their saids Submissions, of their actions of warrandice, competent to them against their Authours, from whom they bought, or acquired their Rights of the saids Teinds, which falleth within the compass of the saids Submissions: But declares their saids actions of warrandice, to be free, and reserved to them, allowing alwayes in the first end thereof, so much as they are to receive by vertue of this Our determination, in the first end of their said warrandice; And if any of them shall happen to be prejudged by, or through occasion of their subscribing of the saids Submissions, of their saids actions of warrandice, and to be debarred therefra in whole, or in part, by occasion thereof. In that case Wee *Decern*, that whatsoever by Law they might obtain against their saids Authours by their action of warrandice, for warrandage of their rights of the saids Teinds, which falleth within the compass of the saids general Submissions: And for the which they are or shall be debarred by and through the saids Submissions, and this Our determination following thereupon: That the same shall be refunded to them by Our said Thefaurer-principal, Thefaurer-depute, and Receivers foresaid: They alwayes exhibiting, and producing to Our said Advocat, or Clerks of Our Commissions foresaid, their saids rights bearing warrandice in manner foresaid, betwixt and the last day of *May* next to come, and none otherwise. **AND WEE FIND**, and **DECLARE**, That this general course, and order, That every Heretour shall bruick, and possess his own Teinds, shall have beginning in this instant year of God 1629. years. The saids Heretours being alwayes ready to fulfill, and perform their part of this Our determination, *And to the effect*, that the saids Titulars may receive full, and compleat satisfaction of the price of the saids Teinds, sua farre as is due to them by this Our determination, from the saids Heretours who shall buy their Teinds as said is, or where they shall not buy, that the saids Titulars may be secured in the yearly rate, and quantity of the saids Teinds to be payed to them of the said Cropt 1629 years, and yearly thereafter; *Wee Referre* the consideration of the terms of payment of the saids prices, And also the terms of payment of the said payable rent of the said Cropt 1629, and yearly thereafter, Together with the manner, and form of security to be given thereancent, by the saids Heretours, to the saids Titulars, unto Our saids Commissioners; To whom Wee give full power to set down, such ample securities as may stand by Law, both for Our security, and for the security of the saids Titulars in the premises. Which form of security to be ordained by them, Wee decern the saids Heretours to observe, and fulfil in all points, after the form, and tenour thereof. *Like as also* Wee referre to the consideration of Our saids Commissioners, what manner of security shall be made by Us, to every Heretour of the Teinds of his own Lands; To the effect they may bruick the same heretably, and perpetually for ever, according to the meaning of this Our determination. **AND WEE DECERN**, the saids whole Persons Submitters, their Heirs, and Successours, to obtemper, fulfill, and obey this Our determination, in the whole Heads, and Articles thereof; They receiving lawful, and perfect securities, conform to the tenour

of Our Commission, and whole heads thereof, particularly, and generally mentioned in the saids general Submissions: And als receiving real payment of that which Wee have Ordained by this Our determination, before they denude themselves, either of Right, or Possession, of the saids Few-mails, and Teinds; And that in manner particularly exprest in this Our determination, as is above-specified. **AND FINALLY**, Wee Ordain this Our determination, with the whole Submissions, whereupon the same proceeds, to be registered in the books of Our Council, and Session to have the strength, and force of a Decreet of the Lords thereof, with execution to pass thereupon in form as effairs. and the Horning to pass upon a simple charge of Ten dayes allanerly. And to that effect, makes, and constituts Our Advocat, Our Procuratour, to compear for Us, and consent to the registering hereof, in manner foresaid. In Witneß whereof, Wee have signed these presents with Our hand At *Windfore*, the second day of *September*, the year of God 1629. years; Before these Witnesses, *William* Earl of *Menteith*, President of Our Council, and *Higb Justice* of *Scotland*; *Sir William Alexander* of *Mensfry* Knight, Our Secretary, *Sir Coline Campbel* of *Lundee* Knight, Baronet, *Sir James Lockhart* younger of *Ley* Knight, and Master *William Elphinstoun* One of Our Cap-bearers.

His Majesties Decreet pronounced upon the Submissions made be certain Tackf-men, and Others having Right to Teinds

CHARLES By the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith: To all, and sundry Our Subjects whom it effairs. For Sameikle, as Wee being fully resolved to have ane universal order established within Our Kingdom of *Scotland*, anent the matter of Teinds; And that every Heretour shall have, and bruike his own Teinds, of whatsoever nature the saids Teinds be of, and to whatsoever benefice the same pertaineth, at a competent rate, and price; And understanding that diverse of Our Subjects had deferred to subscribe the first general Submissions anent the saids Teinds, upon pretence that the Arch-bishops, Bishops, Parsons, Vicars, and Others of the Clergy had not subscribed the saids general Submissions: Which impediment was thereafter removed by a several Submission, subscribed by the saids Bishops, and Clergy to Us. Therefore, Wee by Our Letter, and Warrant, directed to the Commissioners for Teinds, of the date the 28. day of *October* last by-past, did signify Our will, and pleasure: That all Titulars of Teinds, pertaining to whatsoever Kirks, or Benefices; And als all Heretours of Lands, the Teinds whereof pertaine to the saids Benefices, and Kirks, should subscribe a general Submission unto Us: Referring to Us the price, rate, and quantity of whatsoever Teinds of Other mens Lands. Which Letter being read, and considered by the saids Commissioners of Teinds, they by their Act of the date the Third day of *December* last by-past: Did in all humility acknowledge Our Gracious, and Fatherly care for the good of Our said ancient Kingdom, and allowed, and approved the said Letter, and interponed their Authority thereto. Conform to the which there was certain Submissions drawnp: Whereby all Persons subscribers of the saids Submissions, having, or pretending right, by whatsoever Title, Tacks, or other manner of right, to whatsoever Teinds of Other mens Lands, pertaining to whatsoever Bishoprick, Abbacy, Pryory, Parsonage, Vicarage, Colledge, Kirks, Prebendary Chaplanry, or other Benefice whatsoever: And slike the Heretours, and Possessours of whatsoever Lands lying within the saids Benefices, and who are desirous to have the Teinds of their own Lands pertaining to the saids Benefices, at a competent rate, and price, submitted, and by the tenour of the saids Submissions, did Submit unto Us, All, and sundry Teinds, that they, or any of them had of Other mens Lands, by whatsoever right, or title they Possessed, and enjoyed the same, and how they might be denuded thereof, *Omni habili modo quo de jure*. And als did submit unto Us, to appoint the quantity, and rate of Teinds, and what price shall be given for the same, and what security shall be made of the Teinds of other mens Lands, to the Heretours, and Possessours thereof, in such form as might stand by Law, and were contented, and consented that wee should give our pleasure, and determination, anent the premises referred to Us, in manner foresaid, betwixt the day, and date of the saids Submissions, and the last day of *December*, 1629. years: As the the saids Submissions subscribed by the particular Persons, Titulars, and Heretours of the several dates thereof, in themselves, more fully portorts. And Wee being well, and ripely advised anent the premises: And finding it necessary, and expedient for the publick well, and peace of that Our ancient Kingdom; and for the better providing of Kirks, and Ministers Stipends, and for establishing of Schools, and other Pious uses: That each Heretour have, and enjoy his own Teinds: And therefore to the effect, full and perfect security may be made to every Heretour of his own Teinds: Wee Decern, and Ordain, The saids Submitters, and every one of them, and their Heirs, to denude themselves of the right of Other mens Teinds, by all Lawful manner, as may stand by the Laws of Our Kingdom, and that of the Cropt 1629. years, and yearly thereafter in all time coming, and to make, and subscribe good, valide, and lawful securities to each Heretour of his own Teinds, by the sight of Our Advocat present, and being for the time, providing they be no farther obliged in warrantice thereof, but from their own deeds, and from the facts, and deeds of their Predecessours, to whom they are Heirs: Excepting therefrom such facts, and deeds, as is made, and perfected

fected by any of the Submitters, and their forefairs, in favours of the present Possessours, Tackf-men, and Others having right from them of the same Teinds. And as to the rate, and quantity of Teinds, Wee ratify, and approve the course, and order taken by Our special command and direction, for valuation of the whole Teinds of the Kingdom, sua far as shall be justly, and lawfully done according to the tenour of the Commissions: And Ordains the Commissioners, and Sub-Commissioners already appointed, or to be appointed for that effect, to expede the same with all convenient diligence. *And Finds, and Declares*, that the rate, and quantity of all the Teinds of the Kingdom, is, and shall be the *Fifth* part of the constant rent which each Lands payeth in stock, and Teind, where the same are valued jointly: And where the Teinds are valued a part, and severally, *Findeth* that the rate, and quantity thereof, is, and shall be such as the same shall be valued, and esteemed to, be the saids Commissioners, or Sub-Commissioners, deducing alwayes the *Fifth* part thereof, which Wee out of Our Royal, and Fatherly care for the well of Our said Kingdom, Ordain to be deduced off the saids Teinds severally valued as said is, for the ease, and comfort of Our Subjects. Reserving alwayes the liberty to such as shall be enormly hurt, and grieved, in the valuations forefairs, either conjunctly, or severally, to appeale to Us, or to Our Parliament; To the effect Wee may take such order therein, as may rectify all abuses, and disorders committed, or to be committed in the saids valuations. And as to the price of Teinds, Wee find the price of each *Hundrea merks* of Teinds consisting in money, to be valued and estimat to *Nine* years purchase. And where the saids Teinds consists in Viſtual, or other bodies of Goods; Because there is great difference of the quality of Viſtual, and of other bodies of Teinds, both in species, and kinds, and in worth, and goodnes, according to the diverse places in the Countrey where the same growes, and are bred. *Therefore*, Wee decern, and Ordain tryal to be taken by Our Commissioners appointed, or to be appointed by Us, of the price, worth, and estimation of each Chalder of Viſtual, and of all other bodies of Goods, wherein the Teinds consisteth in kinds and goodnes, as the same commonly ruleth in each part of the Countrey. And this being tryed, and condescended upon, and the prices thereof redacted to money, Wee find the just, and reasonable price thereof, to be estimat to *Nine* years purchase: And Wee *Declare* this *Nine* years purchase to be the just price of the heretabable right of Teinds, where the Seller hath the heretabable right thereof; But where his right is not heretabable, but temporal, and consists in Leafes, and Tacks, or some other temporal right, whereof there are many; or few years to run. Wee declare the price in this case to be ruled proportionally, according to the number of the number of the years in the Tacks to run, and quality of the Rights. *And because* many Heretours of Lands hath Tacks long, or short of their own Teinds, or some other right thereof standing in their person; In the which case it is not reasonable that the Heretours should pay the full price to the Persons having right to their Teinds. *Therefore* Wee referre this point also to Our Commissioners appointed, or to be appointed, to determine, and set down the proportion of the price of Teinds, according to the years of the Tacks to run, and quality of the Rights standing in the persons of the saids Heretours, and according to the quality of the rights standing in the persons of these who had Title to the saids Teinds, after the out-running of the Heretours Tacks, and Rights of the same. *It is alwayes* declared, that the saids Heretours who shall buy their own Teinds, shall be obliged to pay for no more of the same, but such as shall rest by and attour the Ministers Stipend, and other Pious uses, which by the tenour of the general Commission, are ordained to be first provided. And als that those who shall not buy their own Teinds, and are to be subject in payment of the rate of their Teinds above-specified, shall be no farther obliged in payment thereof to the saids Titulars, but with deduction of such part, and portion thereof, as is resting by and attour the saids Ministers Stipends, and pious uses forefairs. *And siclike* Wee *Decern*, where Wee, or any of the saids Titulars have right to the Teinds of Other mens Lands, after inspection of their rights, and due consideration thereof by Our Commissioners appointed, or to be appointed for that effect; That accordingly in regard of the rights that Wee, or they shall be found to have, such a part of the price, and payable rent, shall be ordained to be payed, and applied to Our, or Their uses. *And Wee Find, and Declare*, That this general course, and order, that every Heretour shall bruck, and possesse his own Teinds, shall have begining in this instant Cropt, and year of God 1629. years: The saids Heretours being alwayes ready to fulfill, and perform their part of this Our determination. And to the effect that the saids Titulars may receive full, and compleat satisfaction of the price of the saids Teinds, sua far as is due to them by this Our determination, from the saids Heretours who shall buy their own Teinds as said is: Or where they shall not buy, that the saids Titulars may be secured, in the yearly rate, and quantity of the saids Teinds, to be payed to them of the said Cropt 1629. and yearly thereafter, Wee referre the consideration of the terms of payment of the said payable rent of the said Cropt 1629. years, and yearly thereafter, together with the manner, and form of the security to be given thereanent by the saids Heretours, to the saids Titulars, unto Our saids Commissioners, appointed, or to be appointed, To whom Wee give full power to set down such ample securities as may stand by Law, both for Our security, and for the security of the saids Titulars in the premises: Which form of security to be obtained by them, Wee decern the saids Heretours to observe, and fulfill in all points, after the form, and tenour thereof. *And Wee Decern* the saids whole Persons Submitters, their Heirs, and Successours, to obtemper, fulfill, and obey, this Our determination, in the whole Heads, and Articles thereof, they receiving lawful, and perfect securities conform

conform to the tenour of Our Commission, and whole heads thereof, particularly, and generally mentioned in the saids general Submissions: And als receiving real payment of that which Wee have ordained by this Our determination, before they denude themselves either of right, or possession of the saids Teinds, and that in manner particularly exprest in this Our determination, above-specified. And finally Wee ordain this Our determination, with the whole Submissions whereupon the same proceedeth, to be registrat in the books of Our Council, & Session: To have the strength, & force of a Decreet of the Lords thereof, with execution to pass thereupon, in form as effects, and the Horning to pass upon a simple charge of Ten dayes alien-
nety. And to that effect makes, and constituts

Our
Advocat, Our Procuratour, to compare for Us, and consent to the registering hereof in manner foresaid. In Witness whereof Wee have Signed these presents, with Our hand, At *Windsore* the Second day of *September*, the year of God 1629 years. Before these Witnesses *William Earle of Menteith*, President of Our Council, and High Justice of *Scotland*, *Sir William Alexander of Menstry* Knight, Our Secretary, *Sir Coline Campbel of Lundie* Knight, Barronet, *Sir James Lockhart* younger of *Ley* Knight, Master *William Elphinstoun*, One of Our Cup-bearers, and Master *John Maxwell* Minister at *Edin-
burgh*.

HIS MAJESTIES DETERMINATION

upon the Submissions made by the Bishops

CHARLES By the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith. To all, and sundry Our Subjects whom it effects. FOR SAMEIKLE As the Arch-Bishops, Bishops, and remanent Clergy within Our Kingdom of *Scotland*, Subscribers of the Band, and Submission after-specified. Considering that Wee out of Our Royal care, Fatherly, and tender affection to the publick good of all Our Subjects of that Our Kingdom, for freeing them from the extremity, and damage which may ensue to them by leading of their Teinds, did intend to take such course as hereafter every Heretour may possess, and enjoy the Teinds of his own Lands, for payment of a reasonable rate, and dewty for the same: And the saids Arch-Bishops, Bishops and Clergy foresaid, acknowledging themselves to be bound in duty to advance that Our Royal designe; & being willing that all such Heretours as are subject to the payment of any Teinds to them, or any of them, shall have their own Teinds, being desirous thereof, for payment to them, and their Successours, of such a reasonable rate, and constant yearly rent, as Wee should determine to be the *Quota*, and rate of Teinds, within the rest of Our said Kingdom: So as the dewty, and rate in Silver, and Bolls payed at the present to them, or to the Ministers serving at their particular Kirks, be not in any sort hurt, nor diminished: And als considering the great benefit, which the said course intended by Us, may inport to their Successours, who are there by to have a certain, and constant yearly rent, which may not be altered by any Titulars in prejudice of their Successours. Therefore the saids Arch-Bishops, Bishops, and remanent Clergy foresaid, by their Band, and Submission, subscribed with their hand, of the date at
The year of God 1628. years: Hath bound, and obliged them, and their Successours, to grant to every Heretour of the severall Lands, whereof the Teinds doe appertain to them, or any of them, (being desirous of the same) such sufficient security thereof as may stand with the Laws of the said Kingdom: And for such a reasonable rate, and rent, or Rental Bolls, as Wee shall determine to be the *Quota*, and rate of Teinds: Submitting themselves thereunto to Our Royal Decreet, and Sentence, to be pronounced at or before the last day of *December*, in the year of God 1629. years. And anent what lawful security in manner foresaid, shall be made, or given by them, or any of them to the saids Heretours of their own Teinds belonging to their Bishopricks, or Benefices; For payment to be made by the saids Heretours to them, and their Successours, of the said *Quota*, and rate, or constant rent, or Rental, to be set down by Us, for the saids Teinds out of the saids Lands subject to the payment thereof yearly in such manner, and at such terms, as Wee shall be pleased to appoint. And anent the making, setting down, and establishing, of the said *Quota*, or rate of the saids Teinds, rent, or rental-bolls, payable yearly for the same, to them, and their Successours. And anent what security the saids Heretours shall make for the sure, true, timous, and thankful payment to them, and their Successours of the said yearly rent, and rental-bolls, at such times, and terms of payment, as Wee shall think fit to be contained in the securities of the saids Teinds. And anent the Annuity hereafter payable by the saids Heretours, for encrease of Our Rents, providing that they, and every one of them peaceably enjoy the fruits, and rents of their severall Benefices, as they were posselt by them at the time of the said Submission, and that at such rents as should thereafter belong, and accresce to them, or any of them, and their Successours by Our said Decreet, anent the said *Quota* to be payed by the saids Heretours for the remanent of the saids Teinds which were not in their present possession, should be secured, and made sure to them, and their Successours, leaving the saids Heretours of the Lands, out of which the Teinds are due to them, to submit themselves to Our Decreet, and Determination, anent the Annuity, and other premisses, which concerns them, to be pronounced before the last day of *December*, 1629. years. With power to Us to give forth Our Sentence,
Pleasure,

Pleasure, and Determination anent the premises, betwixt the date hereof and the said last day of *December* 1629. years. As in the said Band, and Submission of the date foresaid at more length is contained. *And Wee* having at great length considered, and advised, what is most fit to be done by Us, in the premises Submitted to Us, both for the well of the saids Bishops, and their Successours, and for establishing of a constant Virtual Rent to them, after the expiring of the present Tacks, wherewith the same are burdened: And for better plantation of Kirks pertaining to them: And als for the peace, and quietness, of Our said Kingdom, that no person have the leading of any Other mens Teinds, but the Heretours of the Lands allennerly: *Pronounceth* Our Sentence, and Determination therein as followeth. *IN THE* first Wee find the *Quota*, or rate of all Teinds pertaining to the saids Bishopricks, and other Benefices foresaid, which fallerth within the compass of the said Submission, To be the Fifth part of that which each Land payeth of constant rent of Stock, and Teind, where the same are joyntly valued, conform to the course, and order taken, or to be taken for the valuation of the same. And where the Teinds are valued severally, and apart, *Findeth* that the rate, and quantity thereof is, and shall be such as the same shall be valued to by Our Commissioners appointed, or to be appointed to that effect: Deducting alwaies the fifth Part thereof, to make the same equal to constant rent *communibus annis*. *And Finds*, and *Declares*, that in the valuation of the saids Teinds, either joyntly to be made with the Lands, or severally, there be any sensible hurt, greivance, and prejudice committed, in excess, or diminution, which shall require to be rectified by Us: That it shall be lawful to the parties greived to appeal to Us, or to Our Parliament, to the effect Wee may see order put thereto as effects. *And Decerns*, and *Ordains*, the saids Submitters, and their Successours, to grant to every Heretour of the several Lands, whereof the Teinds appertaineth to the saids Submitters, or any of them being desirous of the same, and to their Heirs, and Successours, Heretours of the saids Lands, such sufficient security thereof as may stand with the Laws of Our said Kingdom, for payment of the said rate, and rent, determined by Us, as said is; And that of the Crompt, and year of God 1629. years, and yearly thereafter, the saids Heretours alwaies who shall desire to have the right of their saids Teinds in manner foresaid, their Heirs, and Successours, making, and subscribing such lawful securities to the saids Submitters, and their Successours, for payment of the said *Quota*, and Rare yearly, betwixt *Zuile*, and *Candlemess*, after the Crompt, with the deduction alwaies of Our Annuity forth of the excess of the Bols; and rent arising to the saids Submitters, and their Successours, after the expiring of the present Tacks, in manner after-specified: And that in such lawful, and perfect manner, as may stand by the Laws of Our Kingdom, and shall be devised by Our Advocate; To whom Wee referre both the manner of right, and security, to be made by the saids Submitters, to the saids Heretours of the saids Teinds: And als of the security to be made by the saids Heretours to the saids Submitters, & their Successours, for sure payment of the rent, and dewty above-specified, together with Our Annuity dew to Us, for encrease of Our Rent, to be payed by the saids Heretours, and their Successours, to Us, and Our Successours, for such part of the said rent, and Bols as shall accrefee to the saids Submitters by the valuations foresaid, after the expiring of the present Tacks of the Teinds of their saids Lands, pertaining to their saids Bishopricks, and Benefices. Which Annuity shall be allowed; and defeased to the saids Heretours off the first end of the said rent, which shall accrefee to the saids Submitters, and their Successours as said is; but prejudice alwaies to the saids Submitters, and their Successours, and to the Ministers provided to the several Kirks under them: To bruik, and possess the fruits, and rents of their several benefices, whereof payment was made to them, the time of the making of the said Submission, and that without all burden of Our said annuity. *AND Wee Find*, and *Declare* That it shall not be lawful to the saids Submitters, and their Successours, to be provided to the saids Bishopricks, and Benefices, to set any Tacks long, or short, or to make any other disposition of the saids Teinds pertaining to the saids Bishopricks, and Benefices, after the expiring of the present Tacks thereof, but allennerly for payment of the said rate, rent, and Quota now determined by Us, which shall remain whole, entire, & unhurt in quantity, or quality, and so transmitted to the Successours for ever, without any change, alteration, diminution, conversion in money, or other prejudice whatsoever: Reserving to Us Our Annuity of that which shall accrefee after the expiring of the present Tacks in manner foresaid. *And Wee Ordain* this Our Determination, with the said Submission whereupon the same proceeds, to be Registat in the Books of Our Council, and Session, to have the strength, and force of a Decreet of the Lords thereof, with execution to pass thereupon in form as effects: And the Horning to pass upon a simple charge of Ten dayes allennerly. And to that effect makes, and constituts

Our Advocate, Our Precuratour, to compare for Us, and consent to the Registrating hereof in manner foresaid. In Witness whereof, Wee have Signed these presents with Our Hand, At *Windfore*, the Second day of *September*, the year of God, 1629. years. Before these Witnesses, *William Earle of Menteith*, *President* of Our Council, and High *Justice of Scotland*, *Sir William Alexander of Menstry* Knight, Our *Secretary*, *Sir Coline Campbel of Lundie*, Knight, *Bartonet*; *Sir James Lockhart of Ley* Knight; and *Master William Elphinstoun*, One of Our *Cup-bearers*.

HIS MAJESTIES DETERMINATION,
upon the Submission made by the Burrowes.

CHARLES By the Grace of God King of Great Britain, France, and Ireland, Defender of the Faith, To all and sundrie Our Subjects, whom it effects. *For Sameikle*, As the Commissioners of the free Royal Burrowes within Our Kingdom of Scotland, having full Power, and Commission from their severall Burghs; Considering that Wee out of Our Royal care, Fatherly, and tender affection, to the Publick good of all Our Subjects, of Our Narive, and Ancient Kingdom of Scotland, for freeing them from the extremity, and damage, may ensue to them by leading of their Teinds; Intended to take such course as thereafter each Man might possess and enjoy the Teinds of the Lands pertaining to him in propriety. And they acknowledging themselves to be bound in duty to the advancement of all Our Royal designs tending to so Publick a good. *Therefore*, They by their Band, and Submission, of the date at *Perth*, the Second day of *July*, the year of God 1628. years, Bound and Obliged them, and each of them, Subscribers of the said Submission, and their Successours, for, and in name of the saids Burghs, to grant unto each Heretour of the severall Lands, whereof the Teinds did to them appertain (after the expiring of the present Tacks already granted by them to the present Tackf-men) such rights, and securities for perpetual enjoying of their own Teinds, and for payment of such rates, and Teind, Rental, Bols of Victual, as Wee in Our Royal judgment should decern: Submitting themselves, & each one of them for their own parts thereanent, to Our Royal Decree, and Sentence, and what should be the true rate, estimation, and quantity of the saids Teinds, and what security should be made to them, by the saids Heretours, for yearly payment to be made to them, each one for their own parts of the saids Teind-Bols of Victual, of such sorts as should grow upon the ground of the saids Lands yearly; As shall be determined by Us heruixt *Zuile*, and *Candlemes*. For payment whereof the famine Lands shall be lyable, and bound in security of the famine: And were content, and consented, each one for their own part, that Wee should give forth Our pleasure, and Determination. anent the premisses referred to Us in manner foresaid, betuixt the date of the said Submission, and the last day of *December*, in the year of God, 1629. years: As in the saids Submissions of the date foresaid, containing diverse other Provisions, at more length is contained. And Wee being well, and ripely advised anent the premisses, and finding it necessar, and expedient for the publick well, and peace of that Our Ancient Kingdom, that each Heretour have, and enjoy his own Teinds. *Pronounce*th Our Sentence, and Determination therein as followeth. **IN THE FIRST**, Wee *Decern*, and *Ordain*, the saids Burrowes Royal, Provests, Baillies, and Council of the same, and their Successours, whose Commissioners have subscribed the said Submission; To grant unto each Heretour of the severall Lands, whereof the Teinds doe appertain to them, their Heirs, and Successours (after expiring of the present Tacks, already granted by them to the present Tackf-men) such Rights, and Securities, for perpetual enjoying of their own Teind, for payment of the Rates, & Rental-Bols after mentioned in such ample form, as may stand by the Laws of the Kingdom: The saids Heretours alwaies, and their foresaids, making, and Subscribing to the saids Royal Burrowes, & their Successours, such lawful Securities for payment of the *Quota*, and rate of Teinds after-specified yearly, betuixt *Zuile*, and *Candlemes*, for payment whereof the famine lands shall be lyable, and bound in security for the same; And that in such form, and manner as shall be devised by the sight of Our Advocat for the time, to whom Wee referre the manner, and form of the Securities to be made by the saids Royal Burrowes, to the saids Heretours of their own Teinds, and by the saids Heretours, to the saids Royal Burrowes, of the rate, and *Quota* of Teinds after-specified. And as to the rate, and quantity of Teinds, Wee *Find* the *Quota*, or rate of all Teinds pertaining to the saids Royal Burrowes, to be the *Fifth* part of that which each Land payeth of constant rent in Stock, and Teind, where the same are joyntly valued, conform to the course, and order taken, or to be taken for the valuation of the famine: And where the Teinds are valued severally, and a part, *Findeth* that the rate, and quantity thereof is, and shall be such as the same shall be valued to by Our Commissioners appointed, or to be appointed to that effect. Deducing alwaies the *Fifth* part thereof to make the famine equal to the constant rent *Communibus annis*. And *Finds*, and Declares, that if in the valuations of the saids Teinds, either joyntly to be made with the lands, or severally, their be any sensible hurt, grievance, and prejudice committed in excess, or diminution, which shall require to be rectified by Us, that it shall be lawful to the parties grieved, to appeale to Us, or to Our Parliament, to the effect, Wee may lay order put thereto as effects. And *Decerns* this course, and order that every Heretour shall have his own Teinds, to have the begining in the Crompt, and year of God 1629. years: The Tacks set to the present Tackf-men, being expired, or otherwise lawfully established in the Person of the Heretour by the saids Tackf-men who have right thereto. **AT TOW** *For sameikle*, as by the said Band, and Submission, the foresaids Commissioners each one of them for their own parts, hath Bound, and Obliged their saids Burrowes, and their Successours, that in case it shall be found, that the rents of the Teinds great, and small, Victual, or Silver dewties of the famine, doted for the sustentation of Ministers, Rector, and Regents of their Colledges, Masters of their Schools, and poor of the Hospitals of their severall Burghs payed to them shall exceed the yearly sums of money expended by them for the fore-

said Pious uses, and their entertainment in the Stipends of the saids Ministers, Rector, and Regents of their Colledges, Masters of their Schools, and of the Poor in their saids Hospitals; Then and in that case, to pay yearly to Us, and Our Collectours, each one of them for their own parts forth of the superplus, and exercee of the saids dewties remaining by and attour the payment of the saids Stipends due to the saids Ministers, Rectors, and Regents of their severall Colledges, Masters of their Schools, and entertainment of their Poor in their Hospitals. Our Annuity due to Us in manner exprest in the said Submission. *Therefore Wee Ordain* Our Commissioners appointed, or to be appointed by Us, to take trial of the true estate of the Rents, and Teinds pertaining to each Burgh, and of the burden which they have for entertainment of their Ministry, and Poore, and of the Rector, and Regents of Colledges where the same are, and to consider if there be any superplus, and exercee by and attour the burdens foresaid, forth of the which Our said Annuity ought to be payed; And according thereto, *Decerns* the saids Burrowes, and their Successours, to make payment to Us, and Our Collectours, of Our Annuity which is due to Us forth of the saids superplus, and exercee if any shall be found as said is. *And Wee Ordain* this Our Decreet, with the said Submission whereupon the same proceeds to be registrat in the Books of Our Council, and Session, To have the force, and strength of a Decreet of the Lords thereof, with execution to pass thereupon, in form as effects: And the Hoving to pass upon a simple charge of Ten dayes allannerly; And to that effect makes, and constituts

Our Advocat, Our Procuratour, to compeat for Us, and consent to the registering hereof, in manner foresaid. In Witnes whereof, Wee have Signed these presents with Our hand, At *Windsore* the Second day of *September*, the year of God 1629. years; Before these Witnesses, *William* Earl of *Menteith*, President of Our Council, and High Justice of *Scotland*, Sir *William Alexander* of *Mensrie* Knight, Our Secretary, Sir *Coline Campbell* of *Lundie* Knight, Barronet, Sir *James Lockhart* younger of *Ley* Knight, Master *William Elphinstoun* One of Our Cup-beaters, and Master *John Maxwell* Minister at *Edinburgh*.

F I N I S.

THE
LAWS AND ACTS
OF THE FIRST
PARLIAMENT

Of Our Most High and Dread Sovereign

CHARLES THE SECOND

*By the Grace of GOD, King of SCOTLAND, ENGLAND,
FRANCE, and IRELAND,*

Defender of the Faith, &c.

Holden at *Edinburgh* the first of *January*, 1661. By a Noble Lord, *JOHN* Earl
of *Middletoun*, Lord *Cleremont*, and *Fettercainn*, His MAJESTIE'S
High Commissioner, for holding of this PARLIAMENT,
by vertue of a Commission under his *Majestie's*
great Seale of this Kingdom :

With the speciall advice and consent of the Estates of PARLIAMENT.

*Collected, and Extratted from the publick Records of the said Kingdom, by Sir THOMAS
MURRAY of Glendook, Knight and Baronet, Clerk to His Majestie's Council,
Register, and Rols, by his Majestie's special warrand.*



EDINBURGH,

Printed by DAVID LINDSAY, Anno DOM. MDC. LXXXI.

CUM PRIVILEGIO.

LAW AND ACTS

PARLIAMENT

OF THE SECOND

SESSION

1871

BY THE

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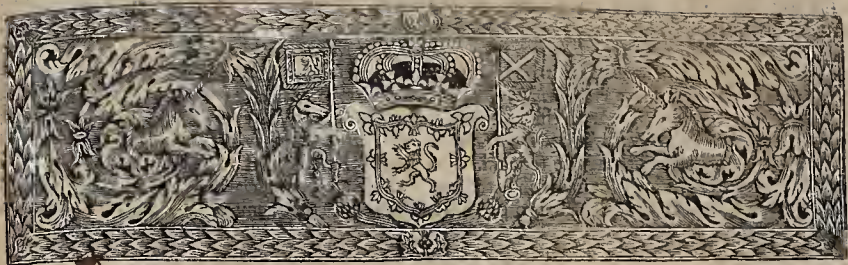


PRINTED BY

1871







THE
L A W S and A C T S
MADE IN THE FIRST
P A R L I A M E N T,
Of our most High and Dread SOVERAIGN,
C H A R L E S
THE SECOND,

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.

Begun at Edinburgh the first of January, 1661.

I.

A C T concerning the President and Oath of Parliament.



Orasmuch as it hath pleased Almighty GOD, to compassionat the troubles and confusions of this Kingdom, by returning the Kings most Excellent *Majesty* to the exercise of that Royal Government, under which, and its excellent constitution, this Kingdom hath for many ages enjoyed so much happiness, peace and plenty. And it being upon good and important considerations, an inviolable practice in this Government, before these troubles, that the person nominat by His *Majesty*, to be His Chancellor within this Kingdom, did of right, and as due to his place, preside in all Meetings of Parliament, and other publick Judicatories of the Kingdom, where he was present for the time. And His *Majesty* now considering the great advantages do accrue to the publick good of His Subjects, by the due observance of such ancient and well grounded Customs and Constitutions, and the prejudices that do accompany a change thereof: Therefore His *Majesty*, with advice and consent of His Estates of Parliament, doth Declare, That the present Lord Chancellor, and such as hereafter shall be nominate by His *Majesty*, or His Royal Successors, to succeed in that place; and in case of their absence, such as shall be nominate by His *Majesty*, are by vertue and right of the said office and such nomination *respective*, to preside in all meetings of His *Majesties* Parliaments or other publick Judicatories of the Kingdom, where they shall happen to be present, and that they are now and in all time coming to enjoy this priviledge. And in discharge of this trust, they are at the first down-sitting of every Parliament, to administer to all the Members thereof the Oath of Allegiance, whereof the tenor follows;

I, for testification of my faithful obedience to my most gracious and redoubted Sovereign,
CHARLES King of Great Britain, France and Ireland, Defender of the Faith, &c. Affirm, testifie
and declare, by this my solemn Oath, That I acknowledge my said Sovereign only supream Go-
vernour

vernour of this Kingdom, over all Persons and in all Causes; and that no Forraign Prince, Power or State, nor person Civil or Ecclesiastick, hath any Jurisdiction, Power or Superiority over the same: And therefore I do utterly renounce and forsake all Forraign Jurisdiccions, Powers and Authorities; and shall at my utmost power, defend, assist and maintain His Majesties Jurisdiction foresaid against all deadly, and never decline His Majesties Power nor Jurisdiction, as I shall answer to GOD. With this addition, And I shall faithfully give my Advice and Vote in every thing shall be propounded in Parliament, as I shall answer to GOD.

Likeas His Majesty, with advice foresaid, doth hereby Rescind and Annull all Acts, Statutes or Practices, as to the President, or Oath of Parliament, which are prejudicial unto, or inconsistent with, this present Act, and Declare the same to be void and null in all time coming.

I I.

Act and Acknowledgement of His MAJESTIES Prerogative, in the choice of His Officers of State, Councillors and Judges.

THE Estates of Parliament, considering the great obligations that do ly upon them from the Law of GOD, the Law of Nations, the Municipal Laws of the Land, and their Oaths of Allegiance, to maintain and defend the Sovereign Power and Authority of the Kings Majesty, and the sad consequences that do accompany any incroachments upon, or diminutions thereof: Do therefore, from their sense of humble duty, Declare, That it is an inherent privilege of the Crown, and an undoubted part of the Royal Prerogative of the Kings of this Kingdom, to have the sole choice and appointment of the Officers of State, and Privy Councillors, and the nomination of the Lords of Session as in former times, preceeding the year, 1637. And that the Kings Sacred Majesty and His Heirs and Successors, are for ever, by vertue of that Royal Power, which they hold from GOD Almighty over this Kingdom, to enjoy and have the full exercise of that Right. And therefore, the Kings Majesty, with advice and consent of His Estates of Parliament, doth hereby Rescind and Annull all Acts, Statutes or Practices to the contrair, and Declare them to have been undutiful and disloyal invasions upon the Royal Prerogative, and to be void and null in all time coming.

I I I.

Act asserting His MAJESTIES Royal Prerogative, in the calling and dissolving of Parliaments, and making of Laws.

THE Estates of Parliament now convened, by His Majesties special Authority, considering that the Quietness, Stability and Happiness of the people, do depend upon the Safety of the Kings Majesties Sacred Person, and the maintenance of His Sovereign Authority, Princely Power, and Prerogative Royal. And conceiving themselves obliged in conscience, and in discharge of their duties to Almighty GOD, to the Kings Majesty, and to their native Countrey, to make a due acknowledgement thereof at this time; Do therefore unanimously Declare, that they will with their lives and fortunes maintain and defend the same. And they do hereby acknowledge, that the power of Calling, Holding, Proroguing and Dissolving of Parliaments, and all Conventions and Meetings of the Estates, doth solely reside in the Kings Majesty, His Heirs and Successors. And that as no Parliament can be lawfully kept without the special warrand and presence of the Kings Majesty, or His Commissioner; so no Acts, Sentences or Statutes, to be past in any Parliament, can be binding upon the people, or have the authority and force of Laws, without the special Authority and Approbation of the Kings Majesty, or His Commissioner interponed thereto, at the making thereof. And therefore the Kings Majesty, with advice and consent of His Estates of Parliament, doth hereby Rescind and Annull all Laws, Acts, Statutes or Practices that have been, or upon any pretext whatsoever, may be, or seem, contrair to, or inconsistent with, His Majesties just Power and Prerogative above-mentioned, and Declares the same to have been unlawful, and to be void and null in all time coming. And to the end that this Act and acknowledgement, which the Estates of Parliament, from the sense of their humble duty and certain knowledge have hereby made, may receive the more exact obedience in time coming, It is by His Majesty, with advice foresaid, Statute and Ordained, that the punctual observance thereof, be specially regarded by all His Majesties Subjects, and that none of them upon any pretext whatsoever, offer to call in question, impugne, or do any deed to the contrair hereof, under the pain of Treason.

I V.

Act asserting His MAJESTIES Royal Prerogative, in making of Leagues and the Conventions of the Subjects.

THE Estates of Parliament, considering that the maintenance of His *Majesties* Authority and Royal Prerogative, in and concerning the making of Leagues and the Conventions of the Subjects, is not only a necessary duty of the people, but of singular advantage to their happiness and peace: And that their Predecessors wisely foreseeing the good and benefit thereof, and the prejudices and miseries that inevitably did accompany the neglect of the same, did therefore by many several Acts and Laws, assert the Kings Prerogative and Authority therein; and particularly by the hundred and thirty one Act of the eighth Parliament of King *James* the sixth, it is Statute and Ordained, That none of his Highness Subjects of whatsoever quality, state or function, presume to convocat, conven or assemble themselves for holding of Councils, Conventions, or Assemblies, to treat, consult and determine in any matter of State, Civil or Ecclesiastick (except in the ordinary Judgements) without His *Majesties* special command, or express licence, had and obtained thereto, under the pains made against such as unlawfully convocat the Kings Leidges. And by the twelfth Act of the tenth Parliament, holden the tenth of *December*, one thousand five hundred and eighty five, It is by His *Majesty*, with advice of His three Estates, Statute and Ordained, that no Leagues nor Bonds be made among His Subjects of any degree, upon whatsoever colour or pretence, without His Highness or His Successors privitie and consent, had and obtained thereunto, under the pain to be holden and execute as movers of Sedition to the breach of the Peace. And now finding that the due observance of these Laws, might have contributed much to the preventing of these confusions and troubles, which in these late times have almost ruined both the Kings *Majesty* and all His loyal Subjects: Therefore His *Majesty*, with advice and consent of His Estates of Parliament, doth revive, renew, ratifie and approve these Acts above-mentioned, and Ordain the same to be punctually obeyed in all time coming, conform to the tenor thereof, and under the pains therein contained. And Declares, that any explanation or gloss, that during these late troubles hath been put upon these Acts, as that they are not to be extended against any Leagues Councils, Conventions, Assemblies or Meetings, made, holden or kept by the Subjects for preservation of the Kings *Majesty*, the Religion, Laws and Liberties of the Kingdom, or for the publick good either of Kirk or Kingdom, are false and disloyal, and contrair to the true and genuine meaning of these Acts: And therefore His *Majesty*, with advice foresaid, doth Discharge, and for ever Annull the same, and all Acts and Practices that have been in pursuance thereof.

V.

Act asserting His MAJESTIES Royal Prerogative in the Militia, and in making Peace and War, &c.

THE Estates of Parliament, considering the great happiness that this Kingdom hath for many Ages enjoyed, under the Princely Government of their Royal Kings; who by the special blessing of Almighty GOD, have reigned over them, in so long and an unparallel'd series of Royal descents; and the obligation thereby lying upon them, in conscience, honour and gratitude, to own and assert the Royal Prerogatives of the Imperial Crown of this Kingdom, which the Kings *Majesty* holds from GOD Almighty alone. And to vindicat the same from these invasions, which by the malice or specious pretenses of ill affected persons, and the confusions and disorders of the late times, have been made upon it, Do therefore Declare, that the power of Armes and making of Peace and War, or Treaties and Leagues with Forraign Princes or Estates, doth properly reside in the Kings *Majesty*, His Heirs and Successors; and that it was and is their undoubted Right, and theirs alone, to have the power of raising in Armes, the Subjects of this Kingdom, and of the commanding, ordering and disbanding, or otherwise disposing thereof; and of all Strengths, Forts or Garrisons within the same, as they shall think fit; the Subjects alwayes being free of the Provisions and Maintenance of these Forts and Armies, unless the same be concluded in Parliament or Convention of Estates. Likas the Kings *Majesty*, with advice and consent foresaid, doth hereby Declare, That it is, and shall be high Treason to the Subjects of this Kingdom, or any number of them, more or less, upon any ground or pretext whatsoever, to rise or continue in Armes, to maintain any Forts, Strengths or Garrisons, to make Peace or War, or to make any Treaties or Leagues with Forraign Princes or Estates, or among themselves, without His *Majesties* special Authority and Approbation first interponed thereto; And doth discharge all His *Majesties* Subjects to offer upon any pretext whatsoever, to attempt the doing of any of these things hereafter, under the said pain of

Treason. And in further detestation of such unlawful and unwarrantable practices, the Kings *Majesty*, with advice and consent of His Estates of Parliament, doth hereby Rescind and Annul all Acts, Statutes, Ordinances or Deeds, past or done in any Parliaments, Conventions, or other Meetings whatsoever, or any otherwise, in so far as they are, or may be contrair to, or inconsistent with, this present Act; and Declares the same (dispensing with the generality, and holding all the particulars as *verba sunt* herein inserted) to be void and of no force nor effect in time coming.

V I.

Act annulling the pretended Convention of Estates, kept in the Year, 1643.

FOrasmuch as the power of calling of Parliaments, or Conventions of the Estates of this Kingdom, hath alwayes been, and is an undoubted privilege of the Crown, and doth soly reside in the Kings *Majesty*: And that notwithstanding thereof (among the many other invasions, which during these late times, have been made upon the Royal Prerogative; a pretended Meeting and Convention of the Estates was called and kept at *Edinburgh*, in *June*, one thousand six hundred fourty three, without any warrant from the Kings *Majesty*: And the Estates of Parliament now convened by His *Majesties* special Authority, having taken into their consideration the indictment, reasons and grounds of the calling of the said Convention, do find that the said pretended Convention of Estates, notwithstanding of all the specious pretexts made for the same, did meet, and convene, without any lawful Warrant or Authority; And therefore the Kings *Majesty*, with advice and consent of His Estates of Parliament, doth Declare the same, with all that was done therein, void and null, and Rescinds and Annuls all Acts or Deeds whatiomever, ratifying and approving the same.

V I I.

Act concerning the League and Covenant, and discharging the renewing thereof without His MAJESTIES warrant and approbation.

FOrasmuch as the power of Armes, and entring into, and making of Leagues and Bonds, is an undoubted privilege of the Crown, and a proper part of the Royal Prerogative of the Kings of this Kingdom, and that in recognisance of His *Majesties* just Right, the Estates of Parliament of this His most ancient Kingdom of *Scotland*, have declared it high Treason to the Subjects thereof, of whatsoever number, less or more, upon any pretext whatsoever, to rise, or continue in Armes, or to enter into Leagues and Bonds, with Forraigners, or among themselves, without His *Majesties* special Warrant and Approbation, liad and obtained thereto, and have Rescinded and Annulled all Acts of Parliament, Conventions of Estates, or other Deeds whatsoever, contrary to, or inconsistent with the same; And whereas during these troubles, there have occurred divers things, in the making and pursuance of Leagues and Bonds, which may be occasion of jealousy in, and betwixt His *Majesties* Dominions of *Scotland*, *England* and *Ireland*. Therefore, and for preventing of all scruples, mistakes or jealousies that may hereafter arise upon these grounds, the Kings *Majesty*, with advice and consent of His Estates of Parliament, doth hereby Declare, that there is no Obligation upon this Kingdom by Covenant, Treaties or otherwise, to endeavour by Armes a Reformation of Religion in the Kingdom of *England*, or to meddle with the publick Government and Administration of that Kingdom. And the Kings *Majesty* with advice and consent foresaid, doth Declare, That the League and Covenant, and all Treaties following thereupon, and Acts or Deeds that do, or may relate thereto, are not obligatory, nor do inter any obligation upon this Kingdom, or the Subjects thereof, to meddle or interpose by Armes, or any seditious way, in any thing concerning the Religion and Government of the Churches of *England* and *Ireland*, or in what may concern the Administration of His *Majesties* Government there. And further, His *Majesty*, with advice and consent of His Estates, doth hereby Discharge and Inhibite all His *Majesties* Subjects within this Kingdom, that none of them presume upon any pretext of any Authority whatsoever, to require the renewing or swearing of the said League and Covenant, or of any other Covenants, or publick Oaths concerning the Government of the Church, or Kingdom, without His *Majesties* special Warrant and Approbation; And that none of His *Majesties* Subjects offer to renew and swear the same, without His *Majesties* Warrant, as said is, as they will be answerable at their highest peril.

V I I I.

VIII.

Act against Papists, Priests, and Jesuits.

Our Sovereign Lord considering, that the publick contempt of, and disobedience to, lawful Authority, (though covered with the most specious pretexts) is always accompanied with great confusions and provocations, to the dishonour of GOD, and ruine of the People; And that thereby occasion is offered to wicked and ill affected persons, of all sorts, upon one pretence or other, to subvert Religion, and pervert the Duty and Allegiance of the Subjects; Whereof there be too sad evidence, by the increase of Popery, and the number of Jesuits, Priests, and Papists; which have of late, and do now abound in this Kingdom, in far greater numbers then ever they did under the Government of His *Majesties* Royal Father and Grand-Father, of blessed memory. And His *Majesty*, being desirous to trace the His Royal Ancestors, in a due and vigorous prosecution of these many excellent Laws made by them, against the Saying of Mels, and the stay and resset of Jesuits, Seminary and Mels Priests, and Trafficking Papists, within this Kingdom: Doth therefore, with advice and consent of His Estates of Parliament, command and charge all, and sundry Jesuits, Priests and Trafficking Papists, that none of them presume hereafter to Say Mels within this Kingdom; And that within a moneth after the publication hereof, they remove forth of the Kingdom, under the pain of death: And sicklike, His *Majesty*, with advice and consent foresaid, doth command, charge and inhibit all His *Majesties* Subjects, of what quality or degree soever, that none of them presume to hear Mels, resset, supply, entertain, furnish meat or drink, nor keep intelligence or correspondence with any Priests, Jesuits or Trafficking Papists, under the pains contained in the Laws and Acts of Parliament made in that behalf. And to the end that this Act may receive the more exact obedience and prosecution, His *Majesty*, with advice and consent foresaid, doth hereby command all Sheriffs of Shires and their Deputes, all Magistrates of Burghs, and other publick Ministers of the Laws, to make exact enquiry and search in their several bounds and jurisdictions, and to apprehend all such Jesuits, Priests and Trafficking Papists, as they shall find within the same, after the last day of *March* next to come; and to commit them to the next sure Prison, there to remain till they receive due punishment, according to the Laws: And also, that with all possible diligence, they send in to the Parliament, or in case of their not Sitting, to His *Majesties* Privy-Council, the List of such persons within their bounds, as are known, or suspected to be Papists; that course may be taken with them, conform to the Laws of the Kingdom: And hereof, the Sheriffs and Magistrates, and their Deputes are to take special notice, as they will be answerable at their highest peril: Likewise, His *Majesty* considering how dangerous it is that Children be educat by persons Popishly affected, do therefore, conform to former Acts of Parliament, appoint that Children under Popish Parents, Tutors or Curators shall be taken from them, and committed to the education of some well affected and religious friend, at the sight and by order of His *Majesties* Privy Council: And ordains publication hereof to be made at the Mercat Cross of *Edinburgh*, and other places needful.

IX.

Act approving the Engagement, 1648. and annulling the pretended Parliaments and Committees kept thereafter.

Forasmuch as in the year one thousand six hundred fourty and eight, the Estates of Parliament of this Kingdom, and His *Majesties* good Subjects therein, from the sense of their duty to Almighty GOD and the King's *Majesty*, did cheerfully undertake and concur in an Engagement, for relief of His late *Majesty* of glorious memory from His imprisonment, and for His restitution to the Royal Government of His Kingdoms. And the Estates of Parliament, now convened by His *Majesties* special Authority, taking that Engagement to their consideration, do find it to have been an Honourable, Just, Necessary and Seasonable Discharge of that indispensable Duty, whereunto this Kingdom, and the Subjects thereof, are by the Law of GOD, by the Law of Nature and Nations, by the Municipal Laws of the Land, by their Allegiance, and by all the strictest bonds of Conscience and Honour, obliged to the most Sacred Person, and Royal Authority of their King's *Majesty*. And therefore, Our Sovereign Lord, with advice and consent of His Estates of Parliament, doth Ratifie and Approve that Engagement for His *Majesties* relief and restitution to His Royal Government. And doth declare, that as it was a most noble and pious Testimony of the Loyalty of His *Majesties* good Subjects of His ancient Kingdom, and of their affection and zeal to His *Majesties* Person and Government: So His *Majesty*, for Himself and His Successors, doth assure, that They will always retain a grateful resentment thereof; And have appointed these presents to remain upon Record, for the due honour of these persons who did engage therein, and of their posterity for ever.

And whereas the necessity and justice of this undertaking, with the interest this Kingdom had in His *Majesties* Person, by the honour of His Royal Birth, and By these many and singular Acts of Grace He had lately conferr'd upon it, might justly have claimed a ready concurrence of all the Subjects; Yet there wanted not some, and even such, whom not long before, His *Majesty* had obliged by marks of His Royal favour both of honour and profit, who made it their work to

disappoint and oppose the same; And for that end, having gathered some mutinous Commons and others, who by a few seditious Ministers, had been preached into an open Rebellion, they in the month of *September*, one thousand six hundred forty and eight years, without any lawful Authority, (and not giving the Oath mentioned in the Commission of Parliament: without which, it was expressly provided, they were not to have access to, nor place in, the Committee) did usurpe to themselves the name and power of a Committee of Estates; and having by their own Edicts, declared all such persons as had given testimony of their duty and loyalty to the King, to be incapable of being Members of Parliament, or of having voice in the Elections to the Parliaments. They then, without any lawful Authority, called a Packet meeting of Parliament, to consist only of persons of their own stamp and faction: who accordingly met in *January*, one thousand six hundred forty and nine years: and assuming to themselves the Sovereign Authority and Government of the Kingdom, intended to Establish and fix the power in their own persons for ever. For which purpose, having publicly declared against that necessary and just Engagement, for His *Majesties* relief and restitution to His Royal Government: Having approved all the oppositions and risings in Armes against the same, and by Oath solemnly engaged themselves to a constant adherence thereunto: Having for their assistance called in the Usurper *Cromwel*, and a part of his Army: Having by publick engagement, given up the honour and safety of this ancient Kingdom to the *English*: and declared, that His *Majesty* should be obliged to Ratify that unworthy act, before any Treaty were with Him for His relief. Having given order to their Commissioners, to protest against any agreement betwixt His *Majesty* and His Subjects in *England*, in the Treaty at the *Isle of Wight*: Having, so far as in them lay, weakened and dissolved the common Allegiance of the Subjects to the King's *Majesty*, by proclaiming His Right to the Crown, with base restrictions and limitations, and pressing the Subjects against their consciences, to subscribe the same: Having disowned His *Majesties* interest in the Quarrel betwixt them and the *English*, who had invaded this Kingdom, meerly to destroy His *Majesties* Interest in it: Having taken the lives of some, and forced others of His *Majesties* good Subjects, of best quality, to flee to Forraign parts for their safety: Having fined, confined, imprisoned, and seized upon the livelihood of many: Having put disgraceful characters and incapacities upon all who had witnessed any affection to His *Majesties* Government: Having unjustly pronounced, and with cruelty executed Sentences of Forfeiture against the lives and fortunes of such as from conscience of their duties, did oppose them: Having in their publick Meetings, appointed, that the innocent Wives and Children of these, who offered to vindicate His *Majesties* Authority, should be seized on, and transported to Forraign Countries: Having once and again sollicited their Brethren in *England*, that such of this Kingdom, as (for venturing their lives for the King) were then prisoners in *England*, should be still kept Prisoners, as Pledges of the Peace: Having thrust out of the Offices of State, places of Judicatory and publick Trust, all such as were willing to engage for His *Majesties* relief and restitution to His Government, and put such in their places, as did oppose the same: Having laid on, and raised, great exactions and sums of money from the people, and employed them for their own uses; Having seized on His *Majesties* Revenues, and bestowed them upon themselves, and such others as were in open Opposition and Arms against Him: Having also seized upon the Properties and due Rights of the Subjects, and the Patrouages by Law secured unto them: And having, by these and many such like Acts, endeavoured to perpetuate themselves in their usurped Power, they prorogated the meetings of their pretended Parliaments from time to time, substituting some of their Trustees, for carrying on of their designs in the while. And the Estates of Parliament, having taken these proceedings unto their serious consideration, Do find, that there was no Law, nor lawful Authority for the Meetings of these pretended Parliaments and Committees of Estates; But that the persons, meeting therein, did without any lawful warrant, and in contempt of His *Majesties* Authority, usurp the power to themselves.

And therefore, the King's *Majesty*, with advice and consent of His Estates of Parliament, doth Rescind and Annul these pretended Meetings of Parliament, and Committees above mentioned, and all other Meetings of any pretended Parliaments or Committees flowing from the same, and all Acts, Deeds and Treaties, done by them or their warrant: Excepting alwayes all such Acts as were past in any Meeting of Parliament, or Committee of Estates, authorized by His *Majesties* presence, and are not inconsistent with this present Act. And also Declares any Ratification, which thereafter was past, of those Meetings and Acts, to have been void from the beginning: Except in so far as is express in the Indempuity, Declarations and Provisions, after-mentioned. Yet, notwithstanding of all these provocations, the King's *Majesty*, from His innate goodness, being more desirous to reclaim His Subjects to their duty by Acts of Mercy, then to reduce them by their too much deserved Censure, Doth of His meer favour and grace, with advice and consent foresaid, Indemnifie all such persons, who sat and acted in these pretended Parliaments and Committees, or who acted in order therunto, or by vertue of, and in obedience to, the same, To be in all time coming, unquestioned in their lives and fortunes, for these their actings; Excepting such as shall be excepted in a general Act of Indemnity, to be past by His *Majesty* in this Parliament.

And forasmuch as the Ordinar Courts of Justice, did sit and act by Warrant of these Meetings, the King's Majesty, for the good and ease of the people, doth with advice foresaid, Declare, That none of the Acts, Decrees or Sentences, given by these who sat as Lords of Session, or as interior Judges within this Kingdom these years, nor no Execution following thereupon, are for want of lawful Authority to be questioned: Whereanent, His Majesty, with advice foresaid, by these presents dispenses. And also, His Majesty, considering that by a pretended Act and Commission, from the laid pretended Meetings or Parliaments, Augmentations were granted to Ministers, Kirks were divided, new Kirks were erected, and Lands from one Paroch to another, disjoyned and annexed, and divers other particulars decreed, in relation to the Plantation of Kirks: which Commissions, one or more, though they had no lawful Authority, but in themselves were and are null. Yet, His Majesty, being desirous to give all due encouragements to the Ministers of the Gospel, doth, with advice and consent foresaid, Declare, That all Acts, Decrees and Sentences, pronounced and given forth by the saids Commissioners, and all Executions thereupon, are and shall stand valid in time coming, except such as upon the complaint of any party, shall be found to have been unjustly or exorbitantly pronounced and decreed. The determination whereof, is hereby referred by His Majesty, with advice and consent foresaid, to the Commission for Plantation of Kirks, to be established by His Majesty in this present Parliament: that they after hearing of parties, and consideration of particulars, may take such course for altering, annulling or allowing of what was done by virtue of the saids Commissions in the years, one thousand six hundred and forty nine, and one thousand six hundred and fifty, as they shall think just, conform to the standing Laws and Acts of Parliament, preceeding the year one thousand six hundred and forty nine; and Ordains process upon supplication to be summarily granted, parties always being cited, and that without any reduction. As also, with power to the saids Commissioners to be appointed, upon the dependence of the saids complaints and process, to discharge execution upon the foresaid Decrees in whole or in part, as they shall find just, ay and while the matter may be determined by them. And forasmuch as by a pretended Commission for the Exchequer, divers Infeftments, Gifts and others, were past in the foresaid years, one thousand six hundred and forty nine, and one thousand six hundred and fifty; His Majesty, with advice foresaid, Declares, That all such Gifts, Infeftments and others, are and shall be valid, excepting always new Gifts and Dispositions of Lands and others, granted and past to His Highness prejudice, and such other Gifts as upon the complaints of parties, shall by His Majesties Treasurer and Commissioners of Exchequer, be found to have been unjustly granted or past, in prejudice of prior Gifts under His Majesties Hand, though not past in Exchequer. And whereas by a pretended Act of the foresaid pretended Parliament, entituled, *Act abolishing the Patronages of Kirks*, all Patronages and Presentations of Kirks, whether belonging to the King or any Laick Patron, Presbyteries or others, were discharged, and all Acts, Gifts and Rights, granted thereanent, Rescinded. And yet nevertheless, it was thereby declared, That the taking away of the Patronages, should not prejudice the Patrons Rights to the Teinds, nor weaken his Infeftment wherein the same is contained. And that the Teiths of the Kirks, whercof the Presentations were abolished, should belong heretably to the Patrons, and be inserted in their Rights and Infeftments in place of their Patronage, with power to the Patron to dispose upon the saids Teinds, in manner and with the exception contained in the said Act. And notwithstanding that the foresaid Act and whole Parliament be declared null; yet nevertheless, His Majesty, with advice foresaid, doth by these presents Declare, That it shall be lawful to Laick Patrons or Herctors, to agree with the benefited persons for Tacks or Rights of Teinds, belonging to the said benefited person, according to the Laws of the Kingdom; with this provision that the saids Tacks, shall be no wayes prejudicial to the Stipend and Maintenance of the Ministers and persons to be presented, according as the same hath been already modified, or shall be modified in time coming; and that notwithstanding of any Acts or Statutes made in the contrair. All which Acts, his Majesty, with consent foresaid, by these presents Discharges; And in like maner, His Majesty, with advice foresaid, Declares, That as to such persons who are presently in possession of Kirks, pretaining to the saids Laick Patronages, the saids persons and Ministers shall, during their service, claime no right nor possession to the Teinds of their saids Kirks and Parochins, other then they had formerly before the making of this Act; they having alwayes a sufficient maintenance allowed and granted to them according to the Laws of the Kingdom.

X.

Act condemning the Transactions concerning the King Majesty, whilst He was at Newcastle, in the years, 1646. and 1647.

THE Estates of Parliament, considering the many sad and dangerous consequences that do accompany the neglect and contempt of lawful Authority; and that among the other Judgements, wherewith it pleaseth Almighty GOD to visit such who resist the Powers, and oppose the Commands of those intrusted by Him, as his *Vicegerents*, for the Government of His People, they are oft-times left to their own counsels, to do that which highly provokes GOD to wrath, renders themselves justly odious to the world, and hateful to their Posterity. Whereof there is too doolful an experiment in an Act of the printed Records of Parliament, of the sixteenth of *January*, one thousand six hundred and

and fourty seven, entituled, *Declaration of the Kingdom of Scotland, concerning the Kings Majesties Person*. Which being now taken into consideration, The Estates of Parliament do find and Declare, That it was carried on, and concluded by a prevalent party, against the judgement of many of His Majesties Loyal Subjects; And that it is a most sinful, disloyal, and unworthy Act, contrary to the will and commandment of GOD; contrary to all Laws, Divine and Humane; contrary to the Duty and Allegiance of Subjects; contrary to all the rules of Justice, Honour, Gratitude and Humanity; and highly reflecting on the honour of this ancient Kingdom, and the reputation of His Majesties good Subjects therein. And therefore, the Kings Majesty, with advice and consent of His Estates of Parliament, doth hereby Annull and Condemn the same for ever: And Ordains it to be expunged out of all Records, and never to be remembered again, but with due abhorrence and detestation.

And the Estates of Parliament, conceiving themselves obliged in Conscience, to make the truth of this business, and the manner of the carrying of it, known to the world, for the just vindication of this Kingdom, and His Majesties dutiful and loyal Subjects, who otherwise may seem to be comprehended and concluded in it. They do therefore, from their certain knowledge, Declare, That even in that Parliament (from which many of His Majesties good Subjects were debated, for their affection and adherence to His Majesties Service and Commands) there was a considerable number of worthy Patriots, of all Estates, who, at the passing of that base Act, gave a publick testimony and dissent from it, which is here Recorded for their due honour; and for which, their memory will in all ages receive a famous celebration. And that there were divers others, who, upon the pretences of Reformation, and assurances of the Safety of His Majesties Person, being enveigled, were in the simplicity of their hearts drawn along for the time: But shortly thereafter, being convinced of their error, did imbrace the first opportunity to expiate the same, by freely hazarding their lives and fortunes in the year, one thousand six hundred and fourty eight, to redeem His Majesty from these restraints and dangers, which by that impious Act he was driven into. And therefore, His Majesty, with advice and consent foresaid, doth Declare, That the Act of Parliament foresaid, of the sixteenth of January, one thousand six hundred and fourty seven, is not to be look'd upon as the Deed of the Kingdom, but as the Act of a few disloyal and seditious persons, who, having upon specious, but false pretences, screwed themselves into the Government, did by force of Arms, keep the same; and from the conscience of their own guiltiness, being afraid of the justice of His Majesties Government, did violently carry on that Act. And in further owning thereof, did, in the said year, one thousand six hundred and fourty eight, rise in Arms, in opposition to those who endeavoured to restore His Majesty to His Government, and to relieve Him from the imprisonment and hazard He was then lying under, as the natural effects of that unworthy transaction, so justly hereby condemned.

And for the further clearing of the sense of this Kingdom, as to that base and treacherous Act, and the aspersions which have been thereupon raised, as if there had been previous Transactions and Bargains of Money for carrying on of the same, The Estates of Parliament Declare, They do abominat every thought of any such thing; and that if at any time hereafter, there shall be discovery of any such wickedness, (which they are confident GOD Almighty will in His justice bring to light, (if it be true) and wherein they earnestly intreat the concurrence of all His Majesties dutiful and loyal Subjects) The persons guilty thereof, shall without mercy be pursued as the vilest of Traitors, and shall be incapable of the benefit of any Act of Pardon, Oblivion, or Indempnity for ever.

XI.

Act for taking the Oath of Allegiance, and asserting the Royal Prerogative.

Our Sovereign Lord, being truly sensible of the many sufferings and sad confusions, that His dutiful and loyal Subjects have been brought under, during these troubles; and desirous, that His Royal Government, in it's due Administration, may be refreshing and comfortable unto them; And conceiving it necessary for that end, and for the honour and advancement of His own Service, the welfare and happiness of His Subjects, and the peace and quiet of this Kingdom, that the places of publick Trust (which be the Channels and Conduits by which His Majesties Government is conveyed unto His people) be supplied and exerted by persons of known integrity, abilities, and loyalty. Do therefore declare, That it is, and will be, His Majesties Royal care, that those whom (according to the undoubted Right of the Crown) He hath, or shall think fit to call to His Councils, or any publick employments, shall be so qualified; And that for the full satisfaction of all His good Subjects, and for removing any scruples or jealousies, can arise upon this account, they shall before their admittance to, or exercise of, any such Trust, give such publick testimony of their Duty and Loyalty, as may evidence to the world, they are such as the Kingdom and all honest men and good Subjects, may justly confide in. And therefore the Kings Majesty, with advice and consent of His Estates of Parliament, Doth Statute and Ordain, that all and whatsoever person, or persons, who are, or shall be, nominat by His Majesty, to be His Officers of State, of His Privy Council, Session, or Exchequer, Justice-

Justice General, Admiral, Sheriffs, Commissioners, and their Deputies, and Clerks, and all Magistrates and Council of Royal Burghs, at their Admission to their several Offices, and before they offer to execute the same, shall take and swear the Oath of Allegiance, hereunto subjoyned. And also, that all other persons who shall be required by His *Majesties* Privy-Council, or any having Authority from them, shall be obliged to take and swear the same.

And since all the troubles and miseries that have overspread this Kingdom, and almost destroyed all religious and civil, all publick and private interests, these twenty years by-gone and upwards, have arisen and sprung from these invasions, that have been made upon, and contempts done to the Royal Authority and Prerogative of the Crown, His *Majesty* conceives Himself obliged, both for His own Royal interest, and for the publick interest and peace of His people, to be careful to prevent the like for the future. And therefore, His *Majesty*, with advice foresaid, Statutes and Ordains, that all persons, who are, or shall be called to any publick Trust, as said is, shall, beside the taking of the Oath of Allegiance, be obliged before they enter to their Offices and Trusts, to assent under their hand writing, His *Majesties* Royal Prerogative, as is express in the Acts past in this present Parliament, and in the manner hereunto subjoyned: Certifying all such, as, being required, shall refuse or delay to take the Oath of Allegiance, they shall not only thereby render themselves incapable of any publick Trust, but be lookt upon as persons disaffected to His *Majesties* Authority and Government; and such as shall refuse, or delay to assent His *Majesties* Prerogative, in manner under-written, shall from thenceforth be incapable of any publick Trust within this Kingdom.

Follows the Oath of Allegiance.

I, For testification of my faithful obedience to my most gracious and redoubted Sovereign, CHARLES, King of Great Britain, France and Ireland, Defender of the Faith, &c. Affirm, testify and declare, by this my solemn Oath, That I acknowledge my said Sovereign only Supreme Governour of this Kingdom, over all Persons and in all Causes; and that no Forraign Prince, Power, State or person Civil or Ecclesiastick, hath any Jurisdiction, Power or Superiority over the same: And therefore I do utterly renounce and forsake all Forraign Powers, Jurisdictions and Authorities; and shall at my utmost power, defend, assist and maintain His *Majesties* Jurisdiction foresaid, against all deadly, and shall never decline His *Majesties* Power and Jurisdiction, as I shall answer to GOD.

Follows the Acknowledgement of His *MAJESTIES* Prerogative.

FOrasmuch as the Estates of Parliament of this Kingdom, by their several Acts of the eleventh and twenty fifth of January last, have, from the sense of their humble duty, and in recognition of His *Majesties* just Right, Declared, That it is an inherent Privilege of the Crown, and an undoubted part of the Royal Prerogative of the Kings of this Kingdom, to have the sole choice and appointment of the Officers of Estate, Privy-Councillors, and Lords of Session; That the power of calling, holding and dissolving of Parliaments, and all Conventions, and Meetings of the Estates, doth solely reside in the Kings *Majesty*, His Heirs and Successors: and that as no Parliament can be lawfully kept, without the special warrand and presence of the Kings *Majesty*, or His Commissioner; So, no Acts, nor Statutes, to be past in any Parliament, can be binding on the people, or have the Authority and Force of Laws, without the special approbation of His *Majesty*, or His Commissioner, interposed thereto at the making thereof; That the power of Armes, making of Peace and War, and making of Treaties and Leagues with Forreign Princes or States, or at home by the Subjects among themselves, doth properly reside in the Kings *Majesty*, His Heirs and Successors, and is their undoubted Right; and their's alone; And that it is high Treason in the Subjects of this Kingdom, or any number of them, upon whatsoever ground, to rise or continue in Armes, to maintain any Forts, Garisons or Strengths, to make Peace or War, or to make any Treaties or Leagues with Forreigners, or among themselves, without His *Majesties* Authority first interposed thereto; That it is unlawfull to the Subjects, of whatsoever quality or function, to convocate, convene or assemble themselves, for holding of Councils, Conventions and Assemblies, to Treat, Consult and Determine in any matters of State, Civil or Ecclesiastick (except in the ordinary judgements) or to make Leagues, or Bonds, upon whatsoever colour or pretence, without His *Majesties* special consent and approbation had thereunto; That the League and Covenant, and all Treaties following thereupon, and Acts or Deeds that do or may relate thereunto, are not obligatory, nor do infer any obligation upon this Kingdom, or the Subjects thereof, to meddle or interpose by Armes, or any seditious way, in any thing concerning the Religion and Government of the Churches in *England* and *Ireland*, or in what may concern the Administration of His *Majesties* Government there: and that none of His

Majesties Subjects should presume, upon any pretext of any Authority whatsoever, to require the renewing or swearing of the said League and Covenant, or of any other Covenants or publick Oaths concerning the Government of the Church or Kingdom; And that none offer to renew or swear the same, without His *Majesties* special warrant and approbation, &c. *I do, conform to the Acts of Parliament aforesaid, Declare, That I do with all humble duty acknowledge His Majesties Royal Prerogative, Right and Power in all the particulars, and in the manner aforesaid; and that I do heartily give my consent thereto, by these presents: Subscribed by me, at*

XII.

Act concerning the Judicial proceedings in the time of the late Usurpers.

FOrasmuch as since the year of GOD, one thousand six hundred and fifty one, the late Usurpers did take upon them to establish Judicatories, superior and inferior, within this Nation; as Judges for Administration of Justice, in place of the Judicatory of the Session formerly established by Law, Commissioners for the Admiralty, Sheriffs of Shires, Commillars, Justices of Peace, and other inferior Courts. In which Courts the people did in name of the Usurpers, or under the notion of the Keepers of the Liberties, prosecute and defend their several Causes and Interests, these many years past. And his *Majesty* considering that the matters agitate, pursued and concluded, were for the most part, things of course, belonging to the ordinary Judicatories formerly established in this Kingdom; and being unwilling that the people should be put to any further trouble, where Matters have been acted, and Cases determined, according to Law: Therefore, His *Majesty*, with consent of the Estates of Parliament, Declares, That all and whatsoever Acts, Interlocutors, Decrets and Sentences, made, pronounced and given forth by the saids Courts, superior and inferior, with all execution thereupon, and all execution by Horning, Inhibition, Caption, Comprising, Poinding and others, to have been, and to be, valid, and stand in full force, notwithstanding of the unlawfulness of the Authority, by which these Courts were held; and the execution used: But because the Judges or Commissioners for Administration of Justice, did sometimes proceed in an arbitrary way, contrair to Law and Justice; and at other times, many of them being strangers and ignorant of the Law, did proceed unwarrantably and unjustly betwixt parties. Therefore, His *Majesty*, with consent aforesaid, doth Declare, That whatsoever person or persons, hath any just reason to quarrel their Acts, Interlocutors, Decrets, and Sentences, they are hereby warranted and allowed to do the same, without any Reduction or Suspension, within the space of one year, next after the down-sitting of the Session: And if parties complainers be Minors, within the space of year and day, next after they shall attain the age of twenty one years compleat, Parties alwayes being lawfully cited thereto. And if any person or persons, be charged under the pain of Horning, Suspension shall be granted to them upon Caution, or if they be not able to find Caution, *super Cautione Juratoria*. And if it shall be found, that the complainer doth, without any just ground, unnecessarily vex the party complained upon, in that case, the Lords of the Session are hereby authorized, to determine the parties damage and charges to be paid by the unjust complainer. Likewise, all Decrets before the saids pretended Commissioners for administration of Justice, whether given in absence, or parties comparand, are hereby allowed to be brought in question, revised and recognized, in manner aforesaid. And whereas there be many Processes as yet depending undecided, upon Summons and Letters raised in the saids Usurpers names, the same Processes shall be all waiked in His *Majesties* Name, and be put to a final close by the Lords of Session, as if they had been intended from the beginning, in His *Majesties* Name and Authority. And whereas, any Acts or Decrets have been made or given forth in the Admirall Courts, or any other inferior Courts, the same may be brought in question before the Lords of Session, in the same form and manner as was formerly established by Law and Practick of this Kingdom.

And forasmuch as the said Usurpers, did from time to time, nominate and appoint Commissioners of Exchequer, having the same power to pass all sorts of Writs, Signators and others, and to discuss Processes and Suspensions, in the same manner as His *Majesties* Treasurer and Commissioners, appointed by His *Majesty*, had power to do; Therefore, His *Majesty*, with advice and consent aforesaid, for the good and ease of His people (under the provisions under-written) doth Declare, all and whatsoever Writs, Giits, Signators of whatsoever nature and quality they be of, past and expd the Privy great and quarter Seals *respective*, or past according to pretended Orders for the time, when there were no Seals, to be of full force and effect; Providing alwayes, that where any Signators were past in Exchequer under the Usurpers, and the Composition paid, and yet not past the Seals, the same shall be presented and past in Exchequer, *de novo*, if there be reason therefore, without any Composition; and where Resignations only have been made upon Procuratories in the Usurpers time, Signators may without new resignation pass thereupon. It is also provided, that this Act be no wise extended to new Giits of Lands, Teinds and others, past to the prejudice of His *Majesty*, nor to Giits of Bastardie, or *ultimus Heres*, unless the same be of new ratified and approved by His *Majesties* Treasurer

Treasure and Commissioners of Exchequer, nor to any other Gifts, Confirmations, Charters upon Resignation, where the saids Gifts, Confirmations and Charters were made and granted, in prejudice of any person or persons who had former rights granted unto them by His *Majesty*, or His Royal Father of blessed memory, under their Seals, or Past their Royal Hands. And generally providing, that all and whatsoever Gifts, Grants, Commissions, Charters and other Writs whatsoever, past in Exchequer, and through the Seals in the Usurpers time, and all and whatsoever Acts and Sentences pronounced and given forth by them, shall and may, be called in question at the instance of any of the people, who may pretend to have been unjustly wronged and prejudged thereby: And that upon complaints to be given into His *Majesties* Treasurer and Commissioners of Exchequer, wherein they shall have power to determine, as they shall think just and reasonable.

XIII.

Act and offer of Forty thousand pounds Sterling, to be paid to the Kings Majesty yearly during His lifetime by this Kingdom

THe Estates of Parliament, taking to their consideration, the great happiness this Kingdom hath in former time enjoyed, under the Government of His *Majesties* Royal Ancestors, with the miseries and bondage, which by the neglect and contempt of the Authority, and commands of His Royal Father of blessed memory, it hath groaned under, during these twenty years troubles. And that the Kings *Majesty*, hath been graciously pleased (notwithstanding of all the provocations given to himself and His Royal Father) to evidence His affection and favour to this His ancient Kingdom, comforting and reviving it, by the Rayes of His Royal Government and Authority, under the protection of which, the just Liberties, Freedom and Interest of this Kingdom, and the Subjects thereof, are, and can only be, secured; Do with all humble duty, thankfulness and sincerity, acknowledge His *Majesties* unparallel'd Grace and Goodness. And that as their happiness doth depend upon the Safety of His *Majesties* Person, and the establishment and exercise of His Royal Authority and Greatness: So this Kingdom will be ready at all occasions, to offer their Lives and Fortunes against all deadly, in every cause, wherein His *Majesties* Person, Authority, Prerogative, or Government may be concerned. And seeing, for the due establishment of His *Majesties* Authority, and settling and securing the peace of this Kingdom, His *Majesty* may have occasion, for some time, to raise and keep some Forces within the Kingdom; and that the late troubles will at present, necessitate a greater expence, for support of the Royal Government, then formerly, and that His *Majesty* hath signified His resolution, not to raise any more Sells; Therefore, and from the due sense of their duty and obligations, the Estates of Parliament, Do in name of the Kingdom, make humble and cheerful offer to his *Majesty*, of a yearly Annuity, of Forty thousand pounds *Sterling*, during all the dayes of His *Majesties* lifetime, which they pray may be long and prosperous, that this Kingdom may have further occasion, to let the world know, they do above all things, hate the very thoughts of disloyalty, and that no people under Heaven, can expresse more duty and obedience to the Authority and Commands of their Sovereign, then they are, and will be ready to do.

XIV.

Act for raising the Annuity of Forty thousand pounds Sterling, granted to His Majesty.

THe Estates of Parliament, in pursuance of their Act, of the date the twenty two day of this instant; whereby they have made offer to His *Majesty* of the sum of Forty thousand pounds *Sterling* yearly during all the dayes of His *Majesties* lifetime, towards the entertainment of any such Forces as His *Majesty* shall think fit to raise and keep up within this Kingdom; or otherwayes towards the defraying of the necessary charge of His Government, according to His Royal pleasure; Appoints and Ordains the said sum of Forty thousand pounds *Sterling*, being Four hundred fourscore thousand pounds *Scots* money, to be raised, levied, collected and paid, in manner under-written; *viz.* Ninety six thousand pounds *Scots* thereof to be raised yearly off the Inland Salt and Forraign Commodities aftermentioned; To wit, threescore twelve pounds *Scots* upon ilk Tun of Spanish Wine, Cannary, Malvesie, and all other Wines of the like kind; Forty eight pounds money foresaid, upon ilk Tun of French Wine, and twelve pennies money foresaid, upon ilk pint of Vineger; six pounds upon ilk Barrel of Imported Soap: fourty shillings upon ilk Boll of Forraign Bey-salt, and Salt upon Salt,

Linlithgow Measure; twenty shillings upon ilk Boll of imported White-salt, and fifteen shillings upon ilk Boll of In-land Salt, measure foresaid: But prejudice nevertheless to the present Tackl-men of the Forrein and In-land Salt, during the time set to them by the Commissioners of Excise, to exact the Rates therein mentioned: twelve pennies money foresaid, upon ilk pound of Tobacco, imported by the Natives of this Kingdom, from the Tobacco Plantations, and three shillings upon ilk pound imported thence by Forreigners. Item three shillings upon each pound of Tobacco, imported by the Natives of this Kingdom, from any other place then the foresaid Plantations, and six shillings upon ilk pound imported by Forreigners; twelve shillings upon ilk Ell of Cloath imported into this Kingdom above six pounds the Ell, and six shillings upon ilk Ell of imported Cloath at or below six pounds the Ell: six shillings the Ell upon all sort of imported Scarges; three shillings upon ilk Ell of Castilians, or other imported Worstead Stuffs whatsoever; three shillings upon ilk Ell of all sorts of imported Hair Stuffs whatsoever; three pound twelve shillings upon the Piece of ilk Bayer-Hat, one pound six shillings upon ilk Demy-baver and Vigon, and twelve shillings upon the Piece of all other sorts of Hats imported into this Kingdom; one pound sixteen shillings upon the dozen of all imported Worstead Stockings; twelve shillings upon the pair of double Stag-gloves; six shillings upon the pair of single Stags and Cordivans; three shillings upon ilk pair of Kids, Sheep and Lamb Leather, and all other sort of Gloves; one pound sixteen shillings upon ilk Trunk of the largest size; one pound four shillings upon ilk Trunk of middling size; twelve shillings money foresaid upon ilk Leather Male of the largest size; six shillings upon ilk Leather Male of middling size, imported into this Kingdom, and one shilling, all *Scots* money foresaid, upon the pound value of all other Forrein Commodities (except the particulars after excepted) to be paid by the Retailer: that is to say, The first Buyer of the saids Commodities from the Importer or Salt-maker of Inland Salt, or by the saids Importer or Salt-makers, for what they shall either make use of themselves, or sell out in Praecels. Item twenty shillings upon ilk Horfe; eighteen shillings upon ilk Cow, and two shillings money foresaid upon ilk Sheep imported into this Kingdom, to be paid by the Importer thereof. The particular ordering and regulating of the which Excise of the Commodities above-written, is hereby remitted to the Commissioners of Excise, who are to put the same in Farm or Collection to the best avail

Provided alwayes, likeas it is hereby expressly provided, that the Forrein Commodities aftermentioned; *viz.* All Salt employed upon Barrell'd fish, whether transported out of this Kingdom or made use of within the same; All Pitch, Tar, Cordage, Cork, Nets, Iron, Copper, Brasse, Tin unmade, Pot-ashes, Oyl, and all other ingredients for Soap; all Flax, Hemp and Hops, untwined Silk; all Materials for dying; all Deals, Treces, Stings for Coupers, Knapl, Wainscot, Planks, and Oak-wood whatsoever for shipping, Barrellstuffs or Materials whatsoever for filhing; all Suggars, brought from the Plantations in *Scots*-bottomes; all unfined Suggar, brought from any place: As also, all Materials for Manufacturies, as *Spanish* and *Sigovia* Wool and others, are and shall be free of any Excise imposed by vertue of this present Act.

And the remainder of the foresaid four hundred fourscore thousand pounds *Scots* money, being three hundred eighty four thousand pounds, to be raised out of the Bear, Ale, Aquavita and Strongwaters, at the rate of two merks *Scots* upon ilk Boll of Malt, brewed and sold within this Kingdom; three shillings money foresaid upon ilk pint of Aquavita or Strongwaters not made of Malt, brewed and sold within this Kingdom; six shillings upon ilk pint of Forrein Aquavita or strongwaters, and twelve shillings upon ilk Barrel of imported Bear: And what this imposition shall be short of the *quota* of Excise, imposed upon the several Shires and Burghs by the List under-written, the same to be supplied by the saids Shires and Burghs, in lieu of the Malt brewed in their own houses, in manner after-mentioned. Likeas it is hereby declared, that the said several Shires and Burghs shall be, and are by these presents lyable in the payment of the respective Monethly proportions under-written, *viz.*

The Sheriffdom of *Edinburgh* principal (the Town of *Edinburgh* and pertinents excepted) in the sum of two thousand six hundred three score four pounds, *Scots* money foresaid, monethly.
 The Town of *Edinburgh*, comprehending *Cannongate*, *South* and *North-Leith*, with the whole pendicles and pertinents, in the sum of three thousand seven hundred thirty two pounds.
 The Sheriffdom of *Haddingtoun*, and Burghs within the same, in the sum of one thousand six hundred four score fifteen pounds.
 The Sheriffdom of *Berwick*, comprehending the Bailery of *Lauderdale*, and Burghs within the same, in the sum of six hundred ten pounds sixteen shillings.
 The Sheriffdom of *Roxburgh* and Burghs within the same, in the sum of seven hundred four score pounds sixteen shillings.
 The Sheriffdom of *Selkirk* and Burghs within the same, in the sum of one hundred fifty three pounds ten shillings.
 The Sheriffdom of *Peibles* and Burghs within the same, in the sum of one hundred thirty seven pounds ten shillings.
 The

The Sheriffdom of *Lanerick* and Burghs within the same, (*Glasgow* excepted) in the sum of nine hundred threescore eight pounds eight shillings.

The Town of *Glasgow*, in the sum of one thousand seven hundred forty four pounds four shillings.

The Sheriffdom of *Dumfriese* and Burghs within the same, in the sum of five hundred threescore sixteen pounds.

The Sheriffdom of *Wigtoun* and Burghs within the same, in the sum of two hundred four pounds twelve shillings.

The Sheriffdom of *Kirkcudburgh* and Burghs within the same, in the sum of three hundred forty eight pounds.

The Sheriffdom of *Air* and Burghs within the same, in the sum of one thousand six hundred threescore fifteen pounds sixteen shillings.

The Sheriffdom of *Dunbartoun* and Burghs within the same, in the sum of one hundred fourscore fourteen pounds.

The Sheriffdom of *Bute* and Burghs within the same, in the sum of fifty seven pounds.

The Sheriffdom of *Resfrew* and Burghs within the same, in the sum of four hundred fifty seven pounds four shillings.

The Sheriffdom of *Stirling* and Burghs within the same, in the sum of nine hundred twenty pounds eight shillings.

The Sheriffdom of *Linlithgow* and Burghs within the same, in the sum of seven hundred fourscore nineteen pounds four shillings.

The Sheriffdom of *Pearth* and Burghs within the same, in the sum of two thousand three hundred threescore fourteen pounds sixteen shillings.

The Sheriffdom of *Kincairden* and Burghs within the same, in the sum of three hundred threescore three pounds twelve shillings.

The Sheriffdom of *Aberdeen* and Burghs within the same, in the sum of two thousand five hundred and eighteen pounds nineteen shillings.

The Sheriffdom of *Bamff* and Burghs within the same, in the sum of three hundred fourscore seven pounds three shillings.

The Sheriffdom of *Inverness* and Burghs within the same, in the sum of six hundred fourscore fourteen pounds eight shillings.

The Sheriffdom of *Elgin* and *Nairn* and Burghs within the same, including that part of the Paroch of *Ferintosh*, which pertains to the Sheriffdom of *Nairn*, in the sum of five hundred thirty six pounds four shillings.

The Sheriffdom of *Cromarty* and Burghs within the same, in the sum of thirty pounds.

The Sheriffdom of *Argyle* and Burghs within the same, in the sum of one hundred fourscore thirteen pounds sixteen shillings.

The Sheriffdoms of *Fife* and *Kinross* and Burghs within the same, in the sum of four thousand fourscore eight pounds eight shillings.

The Sheriffdom of *Forfar* and Burghs within the same, except as is after excepted, in the sum of one thousand fourscore four pounds four shillings.

The Town and Paroch of *Dundee*, with the Miln and Miln-lands thereof, in one thousand one hundred threescore two pounds four shillings.

The Sheriffdom of *Sutherland* and Burghs within the same, in the sum of threescore twelve pounds twelve shillings.

The Sheriffdom of *Kaithness* and Burghs within the same, in the sum of one hundred thirty three pounds four shillings.

The Sheriffdoms of *Orkney* and *Zetland* and Burghs within the same, in the sum of one hundred fourscore thirteen pounds sixteen shillings.

The Sheriffdom of *Clackmannan* and Burghs within the same, in the sum of two hundred forty two pounds two shillings.

The Sheriffdom of *Ross* and Burghs within the same, in the sum of two hundred and four pounds.

And if the Excise imposed upon the Inland Salt and Forreign Commodities, shall exceed the foresaid sum of ninety six thousand pounds, appointed by this Act to be raised off the same, then the *superplus* to be employed and made use of, by such as shall be intrusted by His Majesty with that affair, for the relief of such Shires and Burghs, as they shall find to be overburdened, or disproportionat by the foresaid List. And for the better and more speedy inbringing and payment of the said three hundred and eighty four thousand pounds, the Kings Majesty, with advice and consent of His Estates, of Parliament, nominates, appoints, and ordains the persons underwritten, to be Commissioners within the respective Shires and Burghs for regularing, ordering and uplifting of the said Excise; viz:

Edinburgh.

For the Sheriffdom of *Edinburgh* principal, the Town of *Edinburgh* and pertainents excepted,

Lord *Ramsay*, *Walter* Lord *Torphichen*, *James* Lord *Forrester*, Sir *James* *Fouls* of *Collington*, the *Lairds* of *Halton* elder and younger, Sir *John* *Wauchope* of *Nidrie*, Sir *Alexander* *Dalmahoy* of that ilk, Sir *John* *Nicolson* of *Poltoun*, Sir *James* *Dundas* of *Arnistoun*, Sir *John* *Cooper* of *Goger*, *Adam* *Cuninghame* of *Woodhall*, *George* *Fouls* of *Ravelston*, Sir *John* *Fouls* his son, Mr. *John* *Young* of *Leny*, Mr. *Robert* *Prestoun* of *Prestoun*, *Patrick* *Hamilton* of *Prestoun*, Sir *William* *Murray* *Master* of work, Mr. *Lawrence* *Scot* of *Bavilla*, *James* *Boyd* of *Temple*, Sir *Robert* *Murray* of *Cameron*, Mr. *Alexander* *Fouls* of *Ratho*, Sir *John* *Smith* of *Groth*, *Edward* *Edgar* of *Peper-milne*, *John* *Bigger* of *Wolmet*, *Doby* of *Stainie-hill*, Mr. *William* *Little* of *Over* *Libertoun*, Sir *John* *Gibson* of *Adestoun*, *Mark* *Kerse* younger of *Cockpen*, Mr. *Robert* *Dalglish* of *Louristoun*, Sir *Thomas* *Thomson* of *Dudinstoun*, Sir *William* *Murray* of *Newtoun*, *Henry* *Elphinstoun* of *Calderhall*, *Ramsay* of *Whythill*, *Thomas* *Craig* of *Rickertoun*, *William* *Murray* of *Long-harmistoun*, *Alexander* *Calderwood* in *Dalkeith*, the eldest *Baili* of *Musselfurgh* for the time being.

For the Town of *Edinburgh*, the *Magistrates* and *Council* for the time being.

Haddingtoun.

For the Sheriffdom of *Haddingtoun* and *Burghs* within the same, *William* *Earl* of *Roxburgh*, *John* *Earl* of *Haddingtoun*, *John* *Earl* of *Tweeddale*, *Alexander* *Viscount* of *Kingtoun*, *John* *Lord* *Belhaven*, Sir *Robert* *Douglas* of *Blakerstoun*, *Hepburn* of *Wauchtoun*,

Ruthven of *Dunglass*, Sir *Peter* *Wedderburne* of *Goffurd*, *Francis* *Kinloch* of *Gilmertoun*, Mr. *Alexander* *Hay* of *Baro*, Mr. *John* *Hay* of *Aberlady*, Mr. *Cornelius* *Inglis* of *East-barnes*, *James* *Lawder* *Baili* in *Dunbar*, *William* *Seaton* *Provost* of *Haddingtoun*, Sir *James* *Hay* of *Lindplump*, Sir *Robert* *Hepburn* of *Keith*, *George* *Cockburn* *Tutor* of *Ormeistoun*, Sir *Thomas* *Hamilton* of *Prestoun*, Sir *Alexander* *Morison* of *Preston-grange*, *John* *Seaton* of *Saintgermans*, Sir *James* *Durham* of *Luffness*, *George* *Hoom* of *Forde*, *Leading* *toun* of *Sulcoats*, *Hepburn* of *Smetstoun*, *Baili* of *North-Berwick*, *Alexander* *Cockburn*.

Linlithgow.

For the Sheriffdom of *Linlithgow* and *Burghs* within the same, *William* *Duke* of *Hamilton*, *George* *Earl* of *Linlithgow*, *Walter* Lord *Torphichen*, Sir *Archibald* *Stirling* of *Carder*, *Thomas* *Drummond* of *Rickertoun*, Sir *James* *Stewart* of *Kirkhill*, Mr. *Archibald* *Campbel* of *Kinpont*, Mr. *John* *Furholm* of *Craigiehall*, *William* *Sharp* of *Houftoun*, *Robert* *Hamilton* of *Dechmond*, Sir *Robert* *Drummond* of *Meidhop*, *George* *Drummond* of *Carloury*, *James* *Dundas* of *Mortoun*, Mr. *John* *Stewart* of *Kestestoun*, Mr. *Thomas* *Hamilton* of *Parkie*, Mr. *John* *Hay* of *Woodcockdeal*, Mr. *Andrew* *Keir* in *Burrowstonness*, Mr. *James* *Hamilton* of *Westport*, *Thomas* *Hamilton* of *Bathgate*, *Patrick* *Murray* of *Levingstoun*, Mr. *William* *Sandlands* of *Hilderstoun*, *Alexander* *Levingstoun* of *Craigingall*, such of the *Magistrates* of *Linlithgow* for the time being as are not *Brewers*, *Archibald* *Wilson* in *Queensferry*.

Pearth.

For the Sheriffdom of *Pearth* and *Burghs* within the same, *James* *Marquess* of *Montrose*, *John* *Earl* of *Atbol*, *James* *Earl* of *Tulibardie*, *Patrick* *Earl* of *Kinghorn*, *David* *Viscount* of *Stromont*, *James* Lord *Drummond*, *James* Lord *Cowper*, *David* Lord *Lour*, *David* Lord *Madertie*, *Thomas* Lord *Ruthven*, *James* Lord *Rollo*, *Patrick* *Master* of *Gray*, *Mungo* *Murray* of *Gairth*, Sir *John* *Drummond* of *Barn-bank*, Sir *John* *Moncrief* of that ilk, *John* *Campbel* of *Glenurquhay*, Sir *John* *Chisholm* of *Cromlocks*, Sir *James* *Drummond* of *Machany*, Sir *Thomas* *Stewart* of *Gairn-tullie*, Sir *William* *Stewart* of *Innereytie*, Sir *George* *Prestoun* of *Valefield*, Sir *Robert* *Nairn* of *Sirathour*, Sir *William* *Graham* of *Braco*, Sir *James* *Merfer* of *Adie*, Sir *Gilbert* *Stewart* of *Pitcaik*, *Robert* *Murray* of *Abercairny*, *Alexander* *Menzies* of that ilk, *Thomas* *Menzies* of *Inchaffray*, *Patrick* *Graham* of *Inchbraikie*, Mr. *John* *Nairn* of *Muckersie*, *Robert* *Menzies* of *Glassie*, *Robert* *Buchanan* of that ilk, Mr. *David* *Kinloch* of *Bandoch*, *Henry* *Stirling* of *Ardoch*, *John* *Kinloch* of *Gourdie*, *George* *Hay* of *Kirkland*, *George* *Hay* of *Balhouse*, *Lawrence* *Oliphant* of *Bachletoun*, *William* *Murray* *fiar* of *Ochertyre*, *Patrick* *Raitray* of *Craig-hall*, *John* *Campbel* of *Fordie*, *William* *Blair* of *Kinfains*, *Robert* *Murray* of *Buchantie*, *William* *Ogilvie* of *Mary*, *David* *Drummond* of *Innermey*, *Henry* *Murray* of *Lochlene*, *Andrew* *Tosbeoch* of *Monfraid*, *George* *Graham* of *Monzy*, *Patrick* *Stewart* of *Ballenbane*, *Mungo* *Graham* of *Gorthy*, *Robert* *Campbel* of *Glenlyon*, *Alexander* *Robertson* of *Strowan*, *Alexander* *Stewart*

Stewart of Fosse, John Nairn of Seggicdene, John Blair of Edblair, John Stewart of Sheir-
gliss, Alexander Robertson of Lud, John Henderson of Brabster, Duncan Robertson of Auch-
liffe, John Stewart of Belnakeillie, Andrew Small of Dirnanean, Alexander Robertson of
Downey, James Ogilvie of Muretoun, Peter Hay of Leyes younger, Patrick Hay of Fufour
younger, Donald Robertson of Belnacraig, Spalding of Astintullie, Mr. John Pater-
son of Benchilla, William Prestoun of Valest id younger, Mr. Hugh Moncrief of Tibbermalloch,
Sir David Carmichael of Balmadie, Hugh Mitchell of Kincarrochie, John Robertson of Fornoch,
Mr. John Drummond of Lenocho, James Gourlay of Culrofs, the Provost, Bailies, Dean of Gild, and
Treasurer of Pearth, for the time being, the Bailies of Culrofs for the time, Gilbert Campbell of Keath-
ick, John Graham of Balgown, Sir Lawrence Oliphant of Gask, George Campbell of Grunane,
Gilbert Ramsay of Bamff, William Murray of Keilor, Mitchell Balfour of Pirmaden,
Campbell of Glenampyl, James Gray of Balligerny, Thomas Turnbull of Bogemlne, William
Kinnmont of Hill, Alexander Lindsey of Evelick, George Murray of Tibbermure, Mr. Alexan-
der Malloch of Cairnies, William Moncrief of Kirtullo, Mr. John Moncrief of Culsarge, John
Moncrief of Easter-Moncrief, Sir William Auchinleck of Balmario, William Bruce of Fingask,
Robert Graham of Cairny, Patrick Butter of Gormak, Sir Alexander Blair of Balblack.

Roxburgh.

For the Sheriffdom of Roxburgh and Burghs within the same, William Earl of Roxburgh, John
Earl of Hadingtoun, Earl of Lothian, Lord Cranstoun, Sir Archibald Dow-
gliss of Cavers, Sir Gilbert Elliot of Stobs, Sir William Scot of Harden, Sir Gideon Scot of
Haycheffer, Sir Thomas Ker of Cavers, Robert Ker of Gaitshaw, Robert Ker of Crashinball,
Henry Mackdowgal of Mackairstoun, John Rutherford of Edgerstoun, Mr. Gilbert Elliot of
Craigend, Patrick Scot of Thirlestain, John Ker of Elisbuch, James Linlithgow of Dry-grange,
William Ker of Sunderlandhall, Henry Ker of Lintoun, John Turnbull of Minto, Robert
Pringle of Stetchel, John Scot of Gorrenberry, Robert Ker of Graden, Robert Scot of Har-
wood, Robert Pringle of Cliftoun, Mr. John Scot of Langshaw, Alexander Done of Newtoun,
Gavin Elliot of Grange, Andrew Ker of Littledain, and Patrick Done John Ru-
therford Provost of Jedburgh, and John Rutherford Bailie.

Selkirk.

For the Sheriffdom of Selkirk and Burghs within the same, John Murray of Philiphaugh, Tho-
mas Scot of Whitlaid, Sir Thomas Ker of Fairbely, the Laird of Whitebark elder, John Riddel
of Haining, William Scot of Sintoun, William Scot of Hartwood-myres, William Scot of Tus-
law, John Murray of Escheffell, John Scot of Woll, Patrick Murray of Helmburne, Thomas
Scot of Todrig, John Scot of Langhop, Andrew Scot of Bowhill, Mr. John Angus and Robert El-
iot in Selkirk;

Lanerick.

For the Sheriffdom of Lanerick and Burghs within the same, William Duke of Hamilton,
Earl of Carnwath, Lord Fleming, Sir James Lockhart of Lee, Sir William Bailzie of
Lamington, Sir Robert Hamilton of Silvertounhill, VVilliam Lindsey of Coxingtoun, Sir Tho-
mas Hamilton of Prestoun, Sir James Murehead of Lachop, Sir William VVeir of Stancbyres,
Sir James Hamilton of Orbestoun, Gavin Hamilton of Raploch, James Hamilton of Dilzel,
Sir VValter Stewart of Allentoun, Alexander Hamilton of Haggis, John Ballentyne of Corebouse,
Sir James Carmichael of Bonnetoun, James Hamilton of VVoodhall, Thomas Stewart of Cul-
lines, James Stewart of Turrens, VVilliam Ighu of Eastsheil, Alexander Meinzie of Culie-
ravies, John Robertson of Earrock, Mr. Archibald Fleming of Fairne, Mr. Archibald Robertson
of Bedlay, Claud Bailzie of Baigbie, VVilliam Lindsey of Belfane, Robert Chancellor of Sheil-
hill, VVilliam Bailzie of Littlegil, James Murehead of Bradysholme, John VVeir of Clou-
burn, James Cleland of that ilk, Samuel Lockhart of Mr. John Hamilton of
Grene, VValter Lockhart of Kirktoun, James Hamilton Commislar of Lanerick, Mr.
Henry Scot of Mossennane, and James Threipland of two of the Ma-
gistrates of Lanerick for the time being; and two of the Magistrates of Rutherglen for the time
being.

For the Town of Glasgow, which is excepted out of the Sheriffdom of Lanerick, the Magi-
strates and Council for the time being.

Drumfries.

For the Sheriffdom of Drumfries and Burghs within the same, Robert Earl of Nithisdail, James
Earl of Queensberry, Gavin Earl of Carnwath, James Earl of Annandail, William Lord Drum-
langrag,

laugrig, Robert Fergusson of Craigdonnoch, James Hunter of Ballagen, Sir Robert Murray of Glenmure, Robert Dalziel younger of Glerie, James Chrighthead of St. Leonards, Robert Maxwell of Cairnselloch, Gilbert Richart of Barskimming, William Douglas of Mortoun, James Johnstoun of Coreheid younger, Sir James Johnstoun of Westerhill, John Irwing Provost of Drumsfries, James Greer Tutor of Lag, Ambrose Johnstoun of Podeln, John Scot of Newburgh, Christopher Johnstoun of Burnegleif, Hugh Sinclair of Ingleshead.

Air.

For the Sheriffdom of *Air* and Burghs within the same, *William Earl of Glencairn, Lord High Chancellor of Scotland, Hugh Earl of Eglington, John Earl of Lowdown, William Earl of Drumsfries, James Lord Kilmares, Alexander Lord Montgomery, John Lord Macblane, Lord Creighton, Allen Lord Cutcart, William Lord Boyd, John Lord Bagenie, William Lord Cochrane, William Master of Cochrane, Sir Robert Montgomery of Stelmorlie Baronet, Sir David Cunningham of Robertland Baronet, John Blair of that ilk, Sir William Moor of Rowaland, Robert Montgomery of Hestilhead, James Dunlop of that ilk, David Montgomery of Langshaw, Robert Ker younger of Kerland, John Cunningham of Bedland, David Boyd of Keshburn, John Montfod of that ilk, Sir Hugh Campbell of Ceshock, Sir James Dalrymple of Stair, John Chambers of Gaitgirth, John Cochran of Ochiltry, David Bisset of Auchinloch, James Crighthead of St. Leonards, David Blair of Adamtown, James Crighthead of Castlemains, Gilbert Ritchie of Barskimming, Cunningham of Prerick, William Campbell of Glasgow, Kennedie of Culen, Mure of Achindran, Kennedie of Kirkmichael, Thomas Kennedie of Balterstan, Boyd of Trochbeg, James Crawford of Ardmillan, and Kennedie of Craigoch, the Provost and Bailies of *Air* for the time being, and the Provost and two first Bailies of *Irwin* for the time being.*

Dunbartoun.

For the Sheriffdom of *Dunbartoun* and Burghs within the same, *Lord Fleming, Sir John Colquhoun of Laus, John Naper of Kilmahew, Robert Hamilton of Barnes, Sir Humphrey Colquhoun of Balvey, William Bontin of Ardoch, John Semple younger of Fulwood, Aubrey Mackaulay fiar of Ardincapth, Archibald Stewart of Scottistoun, James Fleming of Oxfang, Mr. James Fleming of Biloche, Major George Noble, Walter Watson, John Cunningham, Robert Watson, and John Smollan* Burgeses of *Dunbartoun*.

Argyle.

For the Sheriffdom of *Argyle* and Burghs within the same, the Laird of *Glenurquhay, Sir Dougal Campbell of Auchinbreck, Donald Campbell of Barbreck, Sir James Lawmont of Inverryne, Alexander Macknachten of Dunderave, Archibald Campbell of Kilmun, Sir Hugh Campbell of Caddel, John Mackdowgal of Dunolichie, Colin Campbell of Lochrazel, Duncan Stewart of Aprne, Murdoch Macklean of Lochbowie, Hector Macklean of Corisk, Archibald Campbell of Glencarradel, Mackdonald of Largy, Hector Macchileister of Lorp, Colin Macklauchlan Captain of Inchconnel, Archibald Campbell Factor of Ila, Dougal Campbell of Dail, Duncan Campbell Bailie of Kintyre, the Provost and Baylies of *Inverary* for the time being, and *George Campbell*.*

Fife and Kinross.

For the Sheriffdoms of *Fife* and *Kinross* and Burghs within the same, *John Earl of Crawford Lindsay Lord High Treasurer, John Earl of Rothes President of the Council, Earl of Kelly, Earl of Weymes, Viscount of Stormont, Lord Balgony, Lord Sinclair, Lord Burghly, Lord Melvil, William Scot of Ardross, Sir Philip Anstruther of that ilk, Sir Thomas Gourlay of Kinross, Sir David Auchmuty of that ilk, Sir John Weymes of Bogie, Mr. Alexander Merteyn of Stranery, Sir Alexander Gibson of Dury, Patrick Lindsey of Wormestoun, Sir John Lefly of Newtoun, Young of Kirtoun, Sir Henry Wardlaw of Pitrevey, Sir James Hacket of Pitfirmin, Arnot of Fairny, Mr. David Balfour of Andrew Murray of Pitlochrie, Sir Andrew Ramsay of Abbotsball, William Pitcairn of Forfar, Lindsey of Dowhill, Alexander Bruce Brother to the Earl of Kincairn, Lindsey of Mouth, John Ramsay of Brackmont, Lindsey of Kirkforfar, James Clerk of Pettincrief, Alexander Bruce of Broomhall, Andrew Castlars Burges of St. Andrews, William Simpson Burges of Disert, John Williamson Burges of Kirkaldy, George Turnbull Burges of Cowper, Alexander Blick Burges of Anstruther Easter, Peter Oliphant Burges of Anstruther Wester, James Moncrief Burges of Craib, David Seatoun Burges of Bruntisland, Thomas Thomson Burges of Inverkerthen, Robert Cunningham Burges of Kinghorn, Peter Walker Burges of Dumfermling, Thomas Peacock Burges of Kilreny, and Walter Airth Burges of Pettinriewe.*

Wigtoun.

For the Sherifffdom of Wigtoun and Burghs within the same, *James Earl of Galloway*, *Alexander Lord Gairlies*, *Andrew Agnew* appearand of *Lochnaw*, *Thomas Dunbar* of *Meckrum*, *Patrick Mackdowald* of *Logan*, *William Stewart* of *Castlestewart*, *Uchtrick Mackdonnal* of *French*, *William Gordoun* of *Craichlaw*, *Sir James Dalrimple* of *Stair*, *David Dunbar* of *Baldon*, *Alexander Maculloch* of *Ardvall*, *John Murray* of *Broughtoun*, *John Howstoun* of *Drummaistoun*, *William Stewart* of *Egriues*, *George Stewart* of *Tudergie*, *William Macguffock* of *Alterry*, *Thomas Stewart* of *Glentark*, *Richard Murray* of *Broughtoun* younger, *John Maculloch* of *Myrtoun*.

Stewartry of Kirkcudburgh.

For the Stewartry of *Kirkcudburgh* and Burghs within the same, *Robert Earl of Nithisdail*, *James Earl of Galloway*, *Robert Viscount of Kenmure*, *Alexander Lord Garlies*, *John Lord Herries*, *John Lord Kirkcudburgh*, *Robert Master of Herries*, *John Herries* of *Maybie*, *Sir James Murray* of *Babertoun*, *David Mackbrair* of *Newark*, *William Maxwell* of *Kirkbouse*, *Mr. Alexander Spotswood* of *Sweetheart*, *Mr. Thomas Hay* of *Lands*, *James Maxwell* of *Braikenside*, *Roger Gordoun* of *Trogabon*, *William Gordoun* of *Schirroners*, *Mr. William Gordoun* of *Earlestoun*, *Robert Maxwell* of *Orchartoun*, *William Mackleland* of *Collin*, *George Maxwell* of *Munfies*, *Richard Murray* of *Broughtoun*, *Alexander Mackgibie* of *Balmackgibie*, *William Greirson* of *Bargaton*, *John Corsan* of *Sannick*, *Gilbert Brown* of *Kempiltoun*, *John Dunbar* of *Machirmore*, *John Mure*, Tutor of *Cassincarie*, *Patrick Mackie* of *Larg*, *Andrew Herroun* of *Kiruchtrie*, and *John Ewart* of *Mullack*, the Provost and Bailies of *Kirkcudburgh* for the time being, and the Provost of *Newgalloway* for the time being.

Peibles.

For the Sherifffdom of *Peibles* and Burghs within the same, *John Earl of Traquair*, *John Earl of Tweeddale*, the Lairds of *Blackbarrozie* elder and younger, *William Murray* of *Stainhope*, *Sir John Vaitch* of *Daick*, *John Vaitch* his son, *Sir Michael Naesmith* of *Possa*, *Sir Robert Murray* of *Stirling*, *Robert Hunter* of *Polmude*, *William Horsburgh* of *Horsburgh*, *Walter Murray* of *Halmyre*, *Adam Murray* of *Cardon*, *James Geddes* of *Kirkurd*, *John Murray* of *Romanno*, *Mr. John Dickson* of *Whitslead*, *Alexander Baulzie* of *Flemington-milne*, *Mr. John Hay* of *Haystoun*, *George Tait* of *Pirne*, *Mr. William Burnet* of *Cringseltie*, *George Brown* of *Scotsstoun*, *William Brown* of *Stevinson*, *James Lawson* of *Cairnmure*, *William Goven* of *Cardrona*, *Hamilton* of *Caldcoat*.

Bute.

For the Sherifffdom of *Bute* and Burghs within the same, *William Duke of Hamilton*, *Sir James Stewart* Sheriff of *Bute*, *Dougal Stewart* his son, *Hector Bannatine* of *Beams*, *Ninian Stewart* of *Kilcatten*, *Ninian Stewart* of *Ashboag*, *John Stewart* of *Ardinbo*, *John Hamilton*, *Baily* of *Arran*, *William Hamilton* of *Coats*, *James Stewart* of *Kiniwhinlick*, and *John Glask* of *Branser*, the Provost and Bailies of *Rothsay* for the time being.

Stirling.

For the Sherifffdom of *Stirling* and Burghs within the same, *William Duke of Hamilton*, *James Marquess of Montrose*, *Earl of Wigtoun*, *James Earl of Callender*, *Lord Fleming*, *James Lord Forrester*, *Alexander Levingstoun* Nevy to the *Earl of Callender*, *Sir William Levingstoun* of *Westquarter*, *Sir Robert Elphinstoun* of *Quarrel*, *Normand Levingstoun* of *Milnehill*, *Mr. Andrew Oswald* of *Dalderse*, *John Rollo* of *Woodside*, *William Bruce* of *Newtoun*, *Thomas Elphinstoun* of *Catherhall*, *Jon Murray* of *Polmas*, *James Seatoun* of *Touch*, *Sir John Rollo* of *Bannackburne*, *Sir Charles Erskin* of *Abod*, *William Stirling* of *Herveshire*, *Alexander Monro* of *Beacrofts*, *Sir James Levingstoun* of *Killyth*, *Hamilton* of *Pardewie*, *John Stirling* of *Bankel*, *Sir George Stirling* of *Keir*, *Sir Mungo Stirling* of *Glorat*, *Buchanan* of that ilk, *Alexander Glas* of *Coltinghooe*, *Sir John Stirling* of *Carden* youniger, *Walter Leckie* of *Desbors*, *John Leckie* of that ilk, *Alexander Cunningham* of *Bowhan*, and *Mr. Alexander Nairn* of *Easter-Greengyards*, the Provost, Bailies, Dean of Gild, and Treasurer of the Town of *Stirling* for the time being.

Bamff.

For the Sherifffdom of *Bamff* and Burghs within the same, *William Earl of Marshal*, *Earl of Findlator*, *Walter Ogilvy* of *Boyne*, *Sir John Gordoun* of *Park*, *Sir Alexander Urquhart* of *Dunlugus*, *William Innes* of *Kinermorie*, *Mr. John Abercrombie* of *Glassock*, *George Gordoun* of *Thornbank*, *Alexander Garden* of *Troup*, *James Innes* of *Auchrosk*, *Sir Alexander*

Alexander Abercrombie of Birkinboge, William Dalgarno of Blackwater, and Alexander Ogilvie of Kempcairn. The Provost and Bailies of the Town of *Baniff* for the time being, and the Bailies of *Culen* for the time being.

Sutherland.

For the Sheriffdom of *Sutherland* and Burghs within the same, *George Lord Stranaver*, Lord *Rae*, *Alexander Lord Duffus*, *Earl of Sutherland*, *Langdail*, *Sir Robert Gordoun of Embo*, *Robert Gray of Skibo*, *Robert Gordoun of Carrol*, *Hugh Macky of Scowry*, *Augus Macky of Mehnies*, *John Sutherland of Clyne*, *William Gordoun of Dalphollie*, the Provost of *Dornoch* for the time being, and *Alexander Gordoun Burges* there.

Clackmannan.

For the Sheriffdom of *Clackmannan* and Burghs within the same, *Henry Bruce of Clackmannan*, *Sir Charles Erskine of Alva*, *Mr. Robert Bruce of Schanbodie*, *John Nicolson of Dillicultrie*, *David Bruce of Kennet*, *William Stirline of Herbertshire*, *Mr. Thomas Naper Bailie in Allaway*, *Patrick Burn of Sheirdel*, and *John Keirie in Allaway*.

Elgin.

For the Sheriffdom of *Elgin* and Burghs within the same, *Alexander Earl of Murray*, *Alexander Lord Duffus*, *James Grant of Freuchie*, *Sir Robert Innes of that ilk*, *Thomas Mackenzie of Pluscardin*, *Sir Robert Innes of Mairtoun*, *James Brodie of that ilk*, *Robert Cuming of Altar*, *Walter Kinnaird of Cubin*, *Sir Alexander Innes of Cokstoun*, *Sir Robert Dunbar of Grainghiel*, *John Stewart of Newton*, *Alexander Dowglass of Speiney*, *Alexander Tulloch of Tannachie*, *David Dunbar of Dunfart*, *George Innes of Caldcoats*, *John Grant of Ballandolloch*, *Patrick Grant of Achehangin*, *William Grant of Cardels*, *James Grant of Achernick*, the Provost and two Bailies of the Burgh of *Elgin* for the time being, the Provost and eldest Bailie of the Burgh of *Forres* for the time being.

Inverness.

For the Sheriffdom of *Inverness* and Burghs within the same, the *Earl of Murray*, the *Earl of Segfort*, *James Grant of Freuchie*, *Lauchlan Mackintosh Uncle to the Laird of Mackintosh*, *John Forbes of Cullodin*, *Hugh Fraser of Belladrum*, *Alexander Mackintosh younger of Connedge*, *Hugh Fraser of Foyer*, *Donald Mackintosh of Oldourie*, *Mr. Roderick Mackenzie of Kilmure*, *Alexander Graham of Drynie*, *Sir John Urquhart of Cromarty*, *Alexander Dunbar of Kennedfield*, *Kenneth Mackenzie of Coul*, *Roderick Mackenzie of Davachmaluake*, *Roderick Mackenzie younger of Ferburn*, *Colein Mackenzie of Reidcastle*, *John Cathbert of Castlehill*, *Eune Macpherson Tutor of Cluny*, *Sir Norman Mackleod of Kernary*, *John Grant of Garthinmore*, *Mungo Grant of Cunningham*, *James Grant of Shenglie*, the Provost and Bailies of *Inverness* for the time being, *James Anderson* and *Robert Innes in Forterose*, the Provost and one of the Bailies of *Dingwall* for the time being.

Cromarty.

For the Sheriffdom of *Cromarty* and Burghs within the same, *Sir John Urquhart of Cromarty*, *Alexander Urquhart of Kinnudie*, *Alexander Clunes Bailie of Cromarty*.

Renfrew.

For the Sheriffdom of *Renfrew* and Burghs within the same, *Hugh Earl of Eglington*, *James Lord Kilmores*, *Alexander Lord Montgomery*, *George Lord Ross*, *William Lord Cochrane*, *William Master of Cochrane*, the Laids of *Houfstown* elder and younger, the Laids of *Blackhall* elder and younger, *Sir Patrick Maxwell of Newark*, *Sir George Maxwell* thereof, *Sir James Hamilton of Orbstoun*, *Alexander Cunningham of Craigans*, *Pollock of that ilk*, *Sir John Shaw* younger of *Greinock*, *Cornelius Crawford of Jordanhill*, the Laird of *Bisbopstoun* younger, *Alexander* and *John Poterfields* elder and younger of *Duchel*, *Patrick Fleming of Barnchano*, *George Howestoun of Johnstoun*, *John Maxwell of Blackstoun*, *Archibald Stewart of Scotstoun*, *John* and *James Maxwells* elder and younger of *South-barn*, *James Brubane of Serviland*, *Matthew Brubane of Rosland*, *Sir Adam Blair of Lochwood*, *Andrew Sempil in Renfrew*, *Robert Pollock of Milburn*, the Bailies of *Paislie* for the time being, and *James Dunlop of Howfist*.

Aberdeen.

For the Sheriffdom of *Aberdeen* and Burghs within the same, *Colonel George Keith of Aden*.

Aden, Alexander Frazer elder of Philorth, Sir John Gordoun of Haddoe, Sir John Fortes of Waterhouse, Sir John Keith Knight Marshal, Sir James Baird of Achmedden, Robert Irving of Ledderet, George Gordoun of Cocharachie, John Gordoun of Bletack, Alexander Fraser younger of Philorth, Alexander Keith younger of Ludquharn, John Udnie of that ilk, Major George Keith of Knock, Alexander Bannerman of Elsieck, Bannerman his Son, John Gordoun of Fecbil, Lieutenaunt Colonel Forbes of Foulis, John Seatoun of Thorntoun, Alexander Straguban younger of Glenkindie, Francis Frazer of Kinnundie, Erskin of Pittodrick, Alexander Erskin of Rothnie, Alexander Lumsdaine of Carnday, Colonel John Fullertoun of Dudwick, John Meldrum of Hattoun, and John Gordoun of Auchlenburies, the Provost, Bailies, Treasurer, and Dean of Gild of Aberdeen for the time being, the Provost and two Bailies of Kintore for the time being, John Johnston Bailie of Inverury, and William Ferguson younger Burgeses there.

Ross.

For the Sheriffdom of Ross and Burghs within the same, Kenneth Earl of Seaforth, Sir George Mackenzie of Tarbit, David Ross of Belnagowie, John Monro younger of Foulis, David Ross of Prcalnie, William Ross of Grunord, Walter Innes of Inverreckie, Hector Douglas of Muldarg, Hector Mackenzie of Assint, Mr. Thomas Mackenzie of Inverlael, Sir William Sinclair of May, William Sinclair of Dunbeath, Sir George Monro of Culcairn, and James Hay Burgeses of Tain.

Kincardin.

For the Sheriffdom of Kincardin and Burghs within the same, William Earl of Marshal, John Earl of Middletoun, Robert Viscount of Arbutnot, Alexander Lord Halkertoun, and in his absence Alexander Master of Halkartoun, Alexander Straton of that ilk, Sir John Keith, Alexander Bannerman of Elsieck, and Bannerman his son, David Ramsay younger of Balnagyn, Sir James Straguban of Thorntoun, Sir Robert Graham of Morphee, Sir Alexander Burnet of Leyes, Sir Francis Ogilvie younger of New-grange, John Barklay of Johnstoun, Colonel Henry Barklay of Knox, Arthur Straton of Snadoun, Falconer of Glenforquhar, Robert Keith of Whitriggs, William Rait younger of Halgrein, Andrew Wood of Babignie, Allered of Allered, Sir James Ramsay of Benholme, Sir Alexander Carnagie of Pittaro, Andrew Arbutnot of Fiddes, Mr. William Ramsay of Woodstoun.

Caithness.

For the Sheriffdom of Caithness and Burghs within the same, Earl of Caithness, Sir William Sinclair of Mey, William Sinclair of Ratter, William Sinclair of Dunbeath, John Sinclair of Brims, Murry of Pennieland, David Murry of Clairden, Robert Monro of Borlome, Alexander Sinclair of Telfen, David Sinclair of Dune, Mr. James Innes of Sandfald, James Sinclair of Assere, Frances Sinclair of Stirkaikie, Walter Innes of Orton.

Orkney and Zetland.

For the Sheriffdom of Orkney and Zetland and Burghs within the same, Earl of Mortoun, Colonel John Stewart of Newmark, James Stewart of Gramsay, Hugh Halcu of that ilk, Robert Stewart of Burgh, Mr. Patrick Graham, James Baikie of Tankerness, Patrick Monteith of Egilsbaw, Hugh Craigie of Gairsey, Patrick Blair of Little-Blair, Archibald Stewart of Burrough, George Smith of Rapness, John Sinclair of Quandail, James Sinclair of Skalloway, Andrew Bruce of Munis, William Bruce of Soundburgh, Mr. James Mount Gilbert Ninin, Chein of Eslemont, and Robert Hunter Factor for the Earl of Mortoun.

Forfar.

For the Sheriffdom of Forfar and Burghs within the same, (Dundee excepted) James Earl of Buchan, Patrick Earl of Kinghorn, James Earl of Southesk, Earl of Airlie, John Earl of Dundee, Robert Viscount of Arbutnot, James Lord Ogilvie, George Lord Brichan, David Lord Lour, James Lord Cowper, Sir David Ogilvie son to the Earl of Airlie, Sir James Ogilvie of Newgrange, John Ogilvie of Balfour, Sir John Carnegie of Boyslack, Sir Alexander Erskin of Dun, John Lindsey of Eagle, John Wood of Bonnytown, John Graham younger of Fentry, David Fotheringham of Pourie, John Garden of Latoun, David Erskin of Carboddo, William Fallertoun of that ilk, Mr. Robert Hay of Dronlaw, John Ogilvie of Pettenures, Sir John Carnegie of Bonniemune, James Scot of Logie, Peter Young of Seatoun, Walter Graham of Duntoun, James Durham younger of Omachie, Patrick Lyon of Bridgtoun, William

William Lyon of Eastergill, Henry Mauld of Melgum, William Gray of Innerichtie, John Forthingham of Dunun, John Ogilvie of Peil, Patrick Wentoun of Strickmartine, James Crigh-toun of Ruthven, David Neavoy of that ilk, John Scrimger of Kirkcoun, John Hunter of Bal-gay, Sir Alexander Wedderburn of Blackness, Mr. Patrick Teaman of Dryburgh, Mr. James Kid of Craigie, Peter Lyon of Cossans, Peter Blair of Dunkeny, David Carnegie of Craig, and Robert Arbuthnot of Fyndourie, two of the Magistrates of Forfar, Breichen, Montrose and Aberbrothick, for the time being.

For the Town of *Dundee*, comprehending as said is, the Magistrates and Council for the time being.

Berwick.

For the Sheriffdom of *Berwick* and Burghs within the same, *Sir Archibald Cockburn of Langtoun, James Hoppringle of that ilk, John Home of Blaccader, Sir James Home of Eccles, Sir Robert Dowglas of Blaikerston, John Home of Prandergaist, George Ramsay of Idington, Mr. Robert Sinclair of Longformacus, George Home of Kaimbes, Robert Home of Kimerghame, Archibald Dowglas of Lumsdaine, John Ker of Westnūbit, Patrick Boge of Burnhouses, Alexander Home of Linthill, Robert Home of Bogend, Mr. John Home of Bellita, Mr. Thomas Ridpeth of Fulfardlies, and the two Bailies of Lawder for the time being.*

Nairn.

For the Sheriffdom of *Nairn* and Burghs within the same, *Sir Hugh Campbel of Caddel, John Grant of Moynes, John Hay of Lochlow, Hugh Ross of Kilravock, Thomas Dumbar of Grange, Alexander Campbel of Orchnoy, Alexander Dumbar of Booth, John Sutherland of Kinstairie, Hugh Hay of Birchmony, Colin Campbel of Delneyes, John Ross of Braidley, Hugh Ross younger of Clava, two of the Magistrates of the Burgh of Nairn for the time being.*

With power to the saids Commissioners or major part of them, to take trial of what Malt is brewed and sold within their respective divisions, and to order the collecting and raising of the Excise thereof, at two Merks upon the Boll; and to raise the remainder of the proportion imposed upon each respective Shire and burgh, which shall not arise by payment of the foresaid two merks upon the Boll of Malt, and of the rates imposed upon the other particulars above mentioned, Brewed and sold or imported as said is, from the respective Shires and Burghs in lieu of the Malt brewed in their own houses; and that according to the rule of the valuations as the same were apportioned before *August* last. As also, with power to the saids Commissioners to meet and convene at such times and places as they shall think fit, and to choose their own Conveeners (who is to administer an Oath *De fide li Administratione* to the remanent Commissioners at their first meeting, and take the same himself) and to appoint their own Collectors, and other Officers, except the Clerk, who is to be named by the Clerk of Register, and to modifiencessall Fees for the saids Collectors, Clerks, and other Officers, and to sub-divide themselves for the more speedy and equal ordering of the said Excise. With power also to them to establish Offices of Excise (at which Offices, the whole Brewers are hereby required to make their Entries, at least once every moneth, of their weekly brewing) and by Miller, Maltman, Oath of party, Witneses, or any other lawful manner of way to disprove the Entries given in, and to impose Fines upon the persons whose Entries shall be disproven, not exceeding the double of the value of the Malt conceal'd, and to decern and determine in all cases and debates, relating to the said Excise within their respective divisions; and for that effect to use all lawful manner of probation as said is: And ordains general Letters to be direct *gratis* upon the saids Commissioners, their Deceets, at the instance of the respective Collectors; or otherways with power to the saids Commissioners, to poynd and distrenzie upon their own Deceets, quarter upon the Deficients, or imprison their persons till payment be made of the sums due by them, as well principal as expences; and which expences the saids Commissioners are hereby impowred to modifi. And it is hereby Declared, That there shall be no necessity to apprise the Goods of the Deficients at the Mercat Cross, but that it shall be lawfull to apprise the same, at the nearest Paroch Church, And sicklike it is hereby Sraute and Ordained, that the Commissioners of the respective Shires and Burghs shall be, and are obliged to pay in their respective proportions of the said Shires and Burghs to such as are, or shall be appointed by His Majesty,

to

to receive the same at four terms in the year, *viz.* *Whitsunday, Lambmesse, Martimesse, and Candlemesse*, by equal proportions, beginning the first terms payment at *Lambmesse* next, for the three moneths of *May, June, and July*, immediatly preceeding the same: And which Commissioners, are by these presents impowred to put in execution the whole forementioned Orders and Instructions, for raising and inbringing of the said Excise for their relief. As also the Kings *Majesty*, with advice and consent of His Estates of Parliament, gives power to the Lords of His *Majesties* Privy Council, to nominate and appoint Commissioners of Excise in the respective Shires and Burghs upon the death or inability of any of the Commissioners above-named.

XV.

Act Rescinding and Annulling the pretended Parliaments, in the years, 1640, 1641, &c.

THe Estates of Parliament, considering that the Peace and happiness of this Kingdom, and of His *Majesties* good Subjects therein, doth depend upon the Safety of His *Majesties* Person, and the Maintenance of His Royal Authority, Power and Greatness; And that all the miseries, confusions and disorders which this Kingdom hath groaned under, these twenty years, have issued from, and been the necessary and natural products of these neglects, contempts and invasions, which in and from the beginning of these troubles, were upon the specious (but false) pretexes of Reformation (the common cloak of all Rebellions) offered unto the Sacred Person and Royal Authority of the Kings *Majesty*, and His Royal Father of blessed memory. And notwithstanding, that by the sacred Right, inherent to the Imperial Crown (which His *Majesty* holds immediatly from GOD Almighty alone) and by the ancient constitution and fundamental Laws of the Kingdom; the power of convocating and keeping Assemblies of the Subjects; the power of Calling, Holding, Proroguing and Dissolving of Parliaments, and making of Laws, the power of entering into Bonds, Covenants, Leagues and Treaties; the power of raising Armes, keeping of Strengths and Forts, are Essential parts, and Inseparable priviledges of the Royal Authority and Prerogative of the Kings of this Kingdom: Yet, such hath been the madness and delusion of these times, that even Religion it self, which holds the Right of Kings to be Sacred and Inviolable, hath been pretended unto, for warrant of all these injurious Violations and Ineroachments, so publickly done and owned, upon and against, His *Majesties* just Power, Authority and Government; By making and keeping of unlawfull Meetings and Convocations of the people; By entering into Covenants, Treaties and Leagues; By seizing upon, and possessing themselves of His *Majesties* Castles, Forts and Strengths of the Kingdom; and by holding of pretended Parliaments, making of Laws, and raising of Armes for the maintaining of the same: And that not only without warrant, but contrary to His *Majesties* expresse Commands. And although the late Kings *Majesty*, out of His meer grace and respects to this His native Kingdom, and the peace and quiet of His people, and for preventing the consequences, which such a bad example, and practice might occasion, to the disturbance of the Peace of His other Kingdoms, was pleased in the year, one thousand six hundred and fourty one, to come into this Countrey, and by His own presence, at their pretended Parliaments and otherwayes, to comply with, and give way to, many things nearly concerning the undoubted Interest and Pretogative of the Crown, expecting that such unparallel'd Condescensions should have made His Subjects ashamed of their former miscarriages, and the very thoughts thereof, to be hatefull to them and their posterity for ever. Yet such was the prevalency of the spirit of Rebellion that rag'd in many for the time, that not content of that peace and happiness, which even above their desires, was secured to them; nor of those many Grants of honour and profit, by which, His *Majesty* endeavoured to endear the most desperate of them to their duty and obedience, they then, when His *Majesty* had not left unto them any pretence or shadow of any new desire to be proposed, either concerning themselves or the Kingdom, did most unworthily engage, to subvert His *Majesties* Government, and the publick Peace of the Kingdom of *England*: For which purpose, having joyned in a League with some there, they, for the better prosecution of the same, did assume unto themselves, the Royal Power, kept and held Parliaments at their pleasure; by the pretended Authority of which, they laid new exactions upon the people (which in one month did far exceed what ever by the Kings Authority had been raised in a whole year) levied Armes, sent out Edicts, requiring obedience unto their unlawfull demands; and with all manner of violence pursued such as out of duty to His *Majesties* Authority opposed them, by fines, confinements, imprisonment, banishment, death, and

forfeiture of their posterity; and with their Army thus raised, invaded His *Majesties* Kingdom of *England*, and joyned with such as were in Armes against His *Majesty* there. And thus maintaining their usurped power, and violently executing the same against all Law, Conscience, Honour and Humanity, have made themselves instruments of much loss, shame and dishonour to their native Country, and have justly forfeited any favour they might have pretended to, from His *Majesties* former concessions. And so much, as now it hath pleased Almighty GOD, by the power of His own right hand, so miraculously to restore the Kings *Majesty* to the Government of His Kingdoms, and to the exercise of His Royal Power and Sovereignty over the same, The Estates of Parliament do conceive themselves obliged, in discharge of their duty and conscience to GOD and the Kings *Majesty*, to employ all their power and Interest for vindicating His *Majesties* Authority from all these violent invasions that have been made upon it, and so far as is possible, to remove out of the way, every thing that may retain any remembrance of these things, which have been so injurious to His *Majesty* and His Authority, so prejudicial and dishonourable to the Kingdom, and destructive to all just and true interests within the same. And considering, that besides the unlawfulness of the publick Actings during these troubles, most of the Acts in all and every of the Meetings of these pretended Parliaments, do highly inroach upon, and are destructive of, that Sovereign Power, Authority, Prerogative and Right of Government, which by the Law of GOD and the ancient Laws and Constitutions of this Kingdom, doth reside in, and belong unto, the Kings *Majesty*, and do reflect much upon the honour, loyalty and reputation of this Kingdom, or are expired, and serve only as testimonies of disloyalty and reproach upon the Kingdom, and are unfit to be any longer upon Record. Therefore the Kings *Majesty* and Estates of Parliament, do hereby Rescind and Annul the pretended Parliaments, kept in the years one thousand six hundred and fourty, one thousand six hundred and fourty one, one thousand six hundred and fourty four, one thousand six hundred and fourty five, one thousand six hundred and fourty six, one thousand six hundred and fourty seven, and one thousand six hundred and fourty eight, and all Acts and Deeds past and done in them, and Declares the same to be henceforth void and null. And His *Majesty*, being unwilling to take any advantage of the failings of His Subjects during those unhappy times, is resolved not to retain any remembrance thereof, but that the same shall be held in everlasting oblivion; and that all difference and animosities being forgotten, His good Subjects may in a happy union, under His Royal Government, enjoy that happiness and peace, which His *Majesty* intends, and really wisheth unto them as unto Himself, Doth therefore by advice and consent of His Estates of Parliament, grant His full Assurance and Indempnity to all persons that acted in, or by vertue of the said pretended Parliaments and other Meetings flowing from the same, to be unquestioned in their Lives or Fortunes, for any Deed or Deeds done by them in their said usurpation, or by vertue of any pretended Authority derived therefrom, excepting alwayes, such as shall be excepted in a general Act of Indempnity, to be past by His *Majesty* in this Parliament. And it is hereby declared, That all Acts, Rights and Securities, past in any of the pretended Meetings above-written, or by vertue thereof, in favours of any particular persons, for their civil and private interests, shall stand good and valid unto them, untill the same be taken into further consideration, and be determined in this, or the next Session of this Parliament.

XVI.

An Act concerning Religion and Church Government.

Our Sovereign Lord, being truly sensible of the mercies of Almighty GOD, towards Him in His preservation, in times of greatest trouble and danger, and in his miraculous Restitution to His just Right and Government of His Kingdoms. And being desirous to improve these Mercies, to the glory of GOD and honour of His great Name, Doth with advice and consent of His Estates of Parliament, Declare, That it is His full and firm resolution, to maintain the true reformed Protestant Religion, in it's purity of Doctrine and Worship, as it was established within this Kingdom, during the Reigns of His Royal Father and Grand-father of blessed memory. And that

His

His Majesty will be careful to promote the power of Godliness, to encourage the exercises of Religion, both publick and private, and to suppress all prophaneesse, and disorderly walking. And for that end will give all due countenance and protection to the Ministers of the Gospel, they containing themselves within the Bounds and Limits of their Ministerial Calling, and behaving themselves with that submission and obedience to His Majesties Authority and Commands, that is suitable to the Allegiance and Duty of good Subjects. And as to the Government of the Church, His Majesty will make it His care, to settle and secure the same, in such a frame as shall be most agreeable to the word of GOD, most suitable to Monarchical Government, and most complying with the publick peace and quiet of the Kingdom. And in the mean time, His Majesty, with advice and consent forsaide, Doth allow the present Administration by Sessions, Presbyteries and Synods, (they keeping within bounds and behaving themselves as said is) and that notwithstanding of the preceeding Act; relesory of all pretended Parliaments, since the year one thousand six hundred and thirty eight.

XVII.

Act for a Solemn Anniversary Thanksgiving for His Majesties Restauration to the Royal Government of His Kingdoms.

THE Estates of Parliament of the Kingdom of Scotland, taking to their consideration the sad Condition, Slavery and Bondage, this ancient Kingdom hath groaned under, during these twenty three years Troubles: In which, under the specious pretences of Reformation, a publick Rebellion hath been, by the Treachery of some, and mis-persuasion of others, violently carried on against Sacred Authority, to the ruine and destruction, so far as was possible, of Religion, the Kings Majesty, and His Royal Government, the Laws, Liberties and Property of the People, and all the publick and private Interests of the Kingdom; So that Religion it self, which holds the right of Kings to be Sacred, hath been prostitute for the warrand of all these treasonable invasions made upon the Royal Authority, and disloyal limitations put upon the Allegiance of the Subjects. And hath it not also been pretended unto, for the warrand of all those vile and bloody Murthers, which in high contempt of Almighty GOD and of His Majesties Authority and Laws, were under colour of Justice committed upon His Majesties good Subjects, meerly for the discharge of their Duty to GOD, and Loyalty to the King? Hath not that Royal Government, under whose Protection this Nation hath, to the envy of the World, been so famous for many ages, been of late troden under foot, and new Governments and Governours established and kept up without His Majesties Authority, and against His expresse Commands? Hath not Law, which is the Birth-right and Inheritance of the Subjects, and the Security of their lives and fortunes, been laid in the dust, and new and unjust Edicts and Orders past and published, for subverting both life and fortune, and what else was dear unto any of His Majesties good Subjects, to the Cruel and Ambitious Lusts of some usurping Rulers? Hath not Religion and Loyalty been the only objects of their Rapine and Cruelty? And hath not their new and arbitrary Exactions and Burdens upon the People, exceeded in one moneth what ever had been formerly in many years paid to any of the Kings of this Kingdom? And when the best of men and the most Excellent of the Kings of the earth, had in an unusual way of confidence rendred His Person to the Trust and Loyalty of His Native Subjects, was not the security of Religion pretended unto by some, who then governed in Church and State for the ground of that base (and never enough to be abhorred) transaction, in leaving such a Prince their Native and Dread Sovereign, to the will of these who were in open Rebellion; and for the time had their swords in their hands against Him; And that when by these and many such like undutifull carriages, the Kings Majesty was removed from His Kingdoms, the foundations of this ancient and well constitute Government was overturned, the Liberties and Property of the people inverted; And this Kingdom exposed to be Captives and Slaves to Strangers, and nothing left unto them but the sad meditation of their increasing miseries, and the bitter remembrance of their by-past disloyalties? Yet even then it pleased Almighty GOD to compassionat their low condition, and by the power of His own right-hand, most miraculously to restore the Kings most Sacred Majesty to the Royal Government of His Kingdoms; And thereby to Redeem this Kingdom from its former Slavery and Bondage, and to restore it to its ancient and just Priviledges and Freedom. And the Kings Majesty acknowledging, with all humility and thankfulness, the Goodness, Wisdom and power of GOD, in this Signal Act of His mercy to Him and His people, Doth, with advice and consent of His Estates of Parliament, Statute and Ordain, That in all time coming there be a Solemn yearly Commemoration of the same: And for that end, the twenty ninth of May, (which day GOD Almighty hath specially honoured and rendred auspicious to this Kingdom, both by His Majesties Royal Birth; and by His blessed Restauration to His Government) be for ever set apart as a Holy day unto the LORD, and that in all the Churches of the Kingdom, it be employed in publick Prayers, Preaching;

Preaching, Thanksgiving and Praises to God for so transcendent Mercies: And that all Trade, Merchandize, Work, Handy-labour, and other ordinary employments be forborn, and the remaining part of the day spent in such lawfull divertisements as are futeable to so Solemn an occasion. And it is hereby recommended to all Ministers of the Gospel, and to all Sheriffs, Justices of Peace, and other publick Ministers in the several Countreies, and to all Magistrates within Burghs, to be carefull that for this presant year, and in all time coming, the twenty ninth day of May, be accordingly kept and observed within their several Jurisdictions. And for the speedier and more full intimation hereof to all His *Majesties* Subjects, It is Appointed thir Presents be printed, and published at all the Mercat Crosses of the Royal Burroughs.

XVIII.

Act for the due Observation of the Sabbath-day.

THe Kings *Majesty* considering, how much it concerns the honour of GOD, that the Sabbath-day be duly observed, and all abuses thereof restrained: And that notwithstanding of several Acts of Parliament made in that behalf, particularly the third Act of the sixth Parliament of King *James* the sixth of blessed memory, the said day hath been much prophaned by Salmond-fishing, going of Salt-pans, Milnes and Killies, hiring of Shearers, and using of Merchandize on that day and otherwayes. Therefore our Sovereign Lord, with advice and consent of His Estates of Parliament, Ratifies and Approves all former Acts of Parliament, made for observation of the Sabbath-day, and against the breakers thereof; And by these presents Inhibits and Discharges all Salmond-fishing, going of Salt-pans, Milns or Killies; all hiring of Shearers, carrying of Loads, keeping of Mercats, or using any sorts of Merchandize on the said day, and all other prophanation thereof whatsoever, under the pains and penalties following; *viz.* The sum of twenty pounds *Scots* for the going of ilk Salt-pan, Miln or Kill on the said day, to be paid by the Heritors and possessors thereof; and the sum of ten pounds for ilk Shearer and fisher of Salmond on the said day, the one half thereof to be paid by the Hirers and Conducers, and the other half by the persons hired; and the said sum of ten pounds for every other prophanation of the said Day: And which Fines and Penalties are to be uplifted and disposed of, in manner contained in the Act and Instructions anent the Justices of Peace; and if the Party Offender be not able to pay the penalties foresaid, then to be exemplarily punished in his body, according to the merit of his fault.

XIX.

Act against Swearing and Excessive Drinking.

Our Sovereign Lord, being desirous that all His Subjects within this Kingdom, may live a quiet and peaceable life under His Government, in all godliness and honesty; And in order thereto, having resolved to curb and suppress all sort of sin and wickedness, and especially these abominable and so much abounding sins of Drunkenness and all manner of Cursing and Swearing. Therefore our said Sovereign Lord Ratifies and Approves all Acts of Parliament, made in former times against the said crimes, or either of them. And further Declares, That each person, who shall Blaspheme, Swear or Curse; and whosoever shall Drink into excess, shall be lyable in the pains following, according to the quality of the offenders; *viz.* Each Nobleman in twenty pounds *Scots*, each Barron in twenty Merks, each Gentleman, Heritor or Burghs in ten merks, each Yeoman in forty shillings, each Servant in twenty shillings *toties quoties*, each Minister in the fifth part of his years Stipend: and that the saids Fines and Penalties be uplifted and disposed upon, in manner contained in the Act and Instructions anent the Justices of Peace. And if the party Offender, be not able to pay the Penalties foresaid, then to be exemplarily punished in his body, according to the merit of his fault.

X X.

Act against Cursing and Beating of Parents.

Our Sovereign Lord, and Estates of Parliament, considering how great and atrocious a crime it is, for Children to beat, or curse their Parents; And how the Law of GOD hath pronounced just sentence of death against such, as shall either of these wayes injure either of their Parents. Therefore, His *Majesty*, with advice of His Estates, Doth hereby Statute and Ordain, That whosoever, Son or Daughter, above the age of sixteen years, not being distracted, shall Beat or Curse either their Father or Mother, shall be put to death without mercy: and such as are within the age of sixteen years, and past the age of pupillarity, to be punished at the arbitrement of the Judge, according to their deservings, that others may hear and fear, and nor do the like.

XXI.

Act against the Crime of Blasphemy.

OUR Sovereign Lord, and the Estates of Parliament considering, that hitherto there hath been no Law in this Kingdom, against the horrible crime of Blasphemy. Therefore, His Majesty, with advice of His said Estates, Doth hereby Statute and Ordain, That whosoever hereafter, not being distracted in his wits, shall rail upon, or curse GOD, or any of the Persons of the blessed Trinity, shall be processed before the chief Justice; and being found guilty, shall be punished with Death. Likewise, His Majesty, with advice foresaid, Finds, Statutes and Ordains, That whosoever hereafter shall deny GOD, or any of the persons of the blessed Trinity, and obstinately continue therein, shall be processed, and being found guilty, that they be punished with Death. As also, His Majesty, with advice and consent foresaid, Declares, That all Persons who have committed the foresaid Crimes since the seventeenth of *February*, one thousand six hundred and forty nine, shall be proceeded against according to this Act; and Ratifies all by-gone Decrees and judicial Proceedings, against any Person committer of the said Crimes since the foresaid date, which have been pronounced and done against the saids Committers, according to this present Act. And Declares, That the pronouncers and executors of the saids Sentences shall never be questioned therefore, in any manner of way, but are, and shall be, hereby secured, no less then if this Act had been of the foresaid date.

XXII.

Act concerning the several degrees of Casual Homicide.

OUR Sovereign Lord, with advice and consent of the Estates of this present Parliament, for removing of all question and doubt that may arise hereafter in Criminal pursutes for Slaughter, Statutes and Ordains, That the cases of Homicide after-following; *viz*, Casual Homicide, Homicide in lawful defence, and Homicide committed upon Theeves and Robbers breaking houses in the night; or in case of Homicide the time of masterfull Depredation, or in the pursute of denounced or declared Rebels for capital Crimes, or of such who assist and defend the Rebels and masterfull Depredators by Armes, and by force oppose the pursute and apprehending of them, which shall happen to fall out in time coming; nor, any of them, shall not be punished by death: And that notwithstanding of any Laws or Acts of Parliament, or any Practick made heretofore or observed in punishment of Slaughter; but that the Manslayer, in any of the cases aforesaid, be assailed from any Criminal pursute pursued against him for his life, for the said Slaughter, before any Judge Criminal within this Kingdom. Providing always, that in the case of Homicide casual, and of Homicide in defence, notwithstanding that the slayer is by this Act, free from Capital Punishment; Yet it shall be leifum to the Criminal Judge, with advice of the Council, to fine him in his means, to the use of the defuncts wife and bairns, or nearest of kin, or to imprison him. And His Majesty, with advice foresaid, Declares, that all decisions given conform to this Act, since the thirteenth of *February*, one thousand six hundred and forty nine years; shall be as sufficient to secure all parties interested, as if this present Act had been of that date: And that all cases to be decided by any Judges of this Kingdom, in relation to casual Homicide, or Homicide in defence, committed at any time heretofore, shall be decided as is above expressed.

XXIII.

Act Ratifying the Priviledges of the Colledge of Justice.

OUR Sovereign Lord considering, that nothing is more necessary and of more universal concernment, then the administration of Justice; and in order thereto, that the Judges, Advocats, Clerks and other Members of the Supream Judiciary; should be faithful, able and qualified persons; and for their encouragement to serve the Countrey in their respective stations and places, and to undergo the great toil, trouble and expence of time, and otherwayes for inabling them for, and during their service therein, It hath been the wisdom and practice of all Princes and Nations, and in special, of His Majesties Royal Progenitots, to grant to them diverse Liberties and Priviledges, as is evident by many Acts of Parliament and Statutes concerning the Priviledges and Immunities of the Colledge of Justice, and Members thereof, Granted, Renewed and Ratified from time to time: There-
fore

fore His *Majesty*, with advice and consent of His Estates of Parliament, Ratifies and Approves all and whatsoever Liberties, Priviledges and Immunities, given and granted by His *Majesties* Royal Predecessors, to, and in favour of, the said Colledge of Justice, and of the Senators, Advocats, Clerks, Writers to the Signet, and remanent Members of the same, or whercof they have been in use and possession in any time by-gone, together with all Laws, Acts of Parliament, Statutes and Constitutions, made and conceived in their favours; Holding and Declaring this present Ratification to be as sufficient as if all the foresaids Priviledges, Freedoms and Immunities, Acts, Statutes and Grants, of, and concerning the same, were in special and at length exprest herein. And His *Majesty* with advice and consent foresaid, Ordains and Declares, That the whole Priviledges, Liberties and Immunities foresaid, granted and belonging to the ordinary Lords and Senators of the Colledge of Justice, shall be extended, belong and appertain to, and enjoyed by, the Advocats, Clerks, Writers to the Signet, and remanent Members of the said Colledge of Justice, in all time coming, notwithstanding of whatsoever Act, Custome or Practice to the contrare.

XXIV.

*Act concerning Appeairand Heirs, their payment of their Predecessors
and their own Debts.*

Our Sovereign Lord, with advice and consent of the Estates of Parliament, taking into consideration, that Appeairand Heirs immediately after their Predecessors death, do frequently dispoñe their Estate in whole or in part, in prejudice of their Predecessors lawful Creditors, before their acath come to their knowledge, or before they can do lawful diligence against the saids Appeairand Heirs; and which Dispositions the saids Appeairand Heirs do often make before they be served Heirs and Inieit; or otherwayes, by collusion they suffer their Predecessors Estates to be comprised or adjudged from them for payment of their own proper Debts, real or simulate, without respect to their Predecessors Creditors, And His *Majesty*, considering how just it is, that every mans own Estate should be first liable to his own Debt, before the Debts contracted by the Appeairand Heirs. Therefore, His *Majesty*, with consent foresaid, Declares, That the Creditors of the Defunct shall be preferred to the Creditors of the Appeairand Heir in time coming, as to the Defuncts Estate; Providing alwayes, that the Defuncts Creditors do diligence against the Appeairand Heir, and the real Estate belonging to the Defunct, within the space of three years after the Defuncts death. And because it were most unreasonable, that the Appeairand Heir, when he is served and retoured Heir, and inieit *respective*, should for the full space of three years, be bound up from making Rights and Alienations of his Predecessors Estate; and yet it being as unreasonable that he should dispoñ thereupon immediatly or shortly after his Predecessors death, in prejudice of his Predecessors Creditors, he having year and day to advise whether he will enter Heir or not. Therefore it is hereby Declared, That no Right or Disposition made by the said Appeairand Heir, in so far as may prejudice his Predecessors Creditors, shall be valid, unless it be made and granted a full year after the Defuncts death.

XXV.

Act for Denouncing of Excommunicate Persons.

Our Sovereign Lord, with advice and consent of His Estates of Parliament, considering the insolency of Excommunicate Papists and others, who slight the dreadful Sentence of Excommunication, to the dishonour of GOD, and obduring of their own hearts; Doth therefore ratifie and Approve all Acts of Parliament and Acts of Privy Council, standing before the year one thousand six hundred and fourty, against Excommunicate Persons. And Statutes and Ordains, That in time coming, forty dayes being past after the said Sentence of Excommunication, Letters be direct at the instance of His *Majesties* Advocate, for denouncing all Excommunicate Persons, His *Majesties* Rebels, and putting them to the Horn, and that by warrand of the Lords of Privy Council or Session: which denunciation being used, by vertue of the saids Letters, at the Mercat Crosse of *Edinburgh*, and Peir of *Leith*, is hereby Declared, to be sufficient against them, and for using of Caption thereupon, and taking of the Echeat and Liferent of the Rebels conform to the standing Laws of this Kingdom. Providing alwayes, that before the passing of any such Letters of denunciation, the whole Process and Sentence of Excommunication be exhibite and produced before the Lords of Session, in Session-time, to the end, that they may consider the legality of the Process, and grounds whereupon the Sentence proceeded: and that accordingly they may give forth the saids Letters of denunciation, as they shall think just and reasonable.

XXVI.

Act appointing the Pursuer of the Thief, to have the Goods stolen from him, restored.

Our Sovereign Lord understanding, that when Thieves are taken and execute for Theft, or declared Fugitives, their whole Estate and the goods stolen also, doth fall to His Majesty and to Lords of Regalities, and other Justitiars pretending right to the saids stolen goods. For remed whereof, His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That any person having goods or gear stolen from him, and having purstued the stealer thereof, shall have his own goods again, where ever the same can be apprehended: and where the stolen goods cannot be had, the Pursuer of the Thief, shall have the just value of the goods and gear stolen from him, out of the readiest of the Thiefs goods, with the expences waired out by the Pursuer, he alwayes pursuing the Thief, *usque ad sententiam*; Reserving alwayes to the Sheriff or other Magistrates, and taker of the Thief, the expences waired out by them in taking and putting the Thief to execution.

XXVII.

Act for the Pardon of Penal Statutes.

Our Sovereign Lord considering, that the precise and rigorous exaction of the Pain, Arbitrary and Pecunial, adjected to Penal Statutes heretofore made, would prove a burden to His Majesties Leiges, heavy and unsupportable, it by His Majesties grace and favour they should not be eased and liberate of the same. In consideration whereof, His Majesty, being willing to give ease and relief to His Subjects of the foresaid burden, Hath therefore been graciously pleased, with consent of His Estates of Parliament, to Discharge, freely Pardon and Remit, and by these presents Discharges, freely Pardons and Remits, all Contraveeners of any of the saids Penal Statutes, for all Deeds done by them, contrair to the tenor of the same Statutes, in time by-gone; except only the Statutes concerning the unlawful taking of Usury, Transporting of Silver and Gold, and Slaying of Red and Black Fishes, which are no wayes discharged by this present Act, nor comprehended under the same.

XXVIII.

Act discharging the Quots of Testaments.

Our Sovereign Lord, with advice and consent of His Estates of Parliament, for many weighty considerations moving His Majesty, Statutes and Ordains, That no Quots of Testaments; confirmed since the sixteenth of November, one thousand six hundred and fourty one, and to be confirmed in time coming, shall be exacted from any of His Majesties Leiges by Commissars, Commissar-Clerks, Fiscals, and others whom it effeirs; but prejudice alwayes of the ordinary Fies due to them as accords.

XXIX.

Act for Poynding upon Sheriffs and Commissars Decreets.

Our Sovereign Lord and the Estates of Parliament, considering, That albeit by Act of Parliament, of the date the ninth of July, one thousand six hundred and six years, Letters of Horning are Ordained to be directed by deliverance of the Lords of Session upon Sheriffs, Commissars, and other inferior Judicatories their Decreets, upon the simple Charge therein mentioned: Yet, the Act bears no warrant for Letters of Poynding to be granted by the deliverance foresaid upon these Decreets; whereby the parties interested, obtainers of the Decreets, are oftentimes prejudged of their payment, when these parties, against whom these Decreets are obtained, do sit or remove out of the Shire or Jurisdiction of the Judge before whom the saids Decreets are given. Therefore His Majesty, with advice of the saids Estates, ratifies the Act of Parliament above-mentioned, in the whole heads and points thereof: And for remedy of the prejudice foresaid, Ordains Letters of Poynding to be direct by deliverance of the Lords of Session, at the instance of the Parties interested, upon the saids Sheriffs, Commissars, and other inferior Judges their Decreets contained in the foresaid Act. Sicklike, and

in the same manner, as Letters of Horning are appointed by the said Act to pass upon the same Decrees, that thereby the Parties may have real execution, as well as personal upon their Decrees fore-
 saids. Likeas, His Majesty, with advice and consent foresaid, Declares, That all execution of Poynd-
 ing, legally used upon the saids Decrees since the twelfth of June, one thousand six hundred and
 forty nine years, shall be valid and sufficient; and the Parties, Messengers and others, Executors and
 ushers thereof, shall never be questioned, nor any Process sustained against them therefore, either Ci-
 villy or Criminally, before any Judge whatsoever; But prejudice alwayes to Parties against whom
 Poynding have been used, upon reduceable or unwarrantable Sentences, to pursue repetition as accords
 of the Law.

X X X.

Act anent the Fewers and Vassals of Kirk-lands.

Our Sovereign Lord, with advice and consent of the Estates of this present Parliament, consider-
 ing, That whereas by the general Surrender of Kirk-lands, and Erections made by the Superiors
 and Titulars thereof, in favours of His Majesties dearest Father of ever blessed memory; It is speci-
 ally provided, that the said Superiors and Titulars, notwithstanding their Surrender foresaid, shall
 have right to the Few-ferms and Duties of the Vassals and Fewers of the said Kirk-lands and Erecc-
 tions, till the Kings Majesty make payment to them of the prices of the saids Few-ferms and Duties, mo-
 dified by the Lords and others of the Commission for Surrenders and Teinds. And sicklike the Fewers
 and Vassals of the saids Kirk-lands and Ereccions, are obliged by their new Infestments under the great
 Seal, to pay the saids Few-ferms and Duties to the Kings Majesty and His Successors; and so against
 reason may appear to be lyable to double payment thereof: It is therefore Statute and Ordained by
 His Majesty, with consent foresaid, That the saids Fewers and Vassals of Kirk-lands and Ereccions,
 their Heirs and Successors, shall be obliged to make thankful payment of the saids Few-ferms and Du-
 ties contained in their Infestments; and whereof the said Superiors and Titulars have been in possession
 preceeding the Surrender foresaid, to the saids Superiors and Titulars, their Heirs and Successors, ay and
 while they get payment of the prizes modified by the saids Lords and others of the Commission fore-
 said, according to the Act of Parliament, one thousand six hundred and thirty three years. And that
 Letters of Horning and Poynding shall be granted to that effect, without prejudice alwayes to His
 Majesty, and His Successors, of the Superiority of the saids Fewers and Vassals surrendred in manner
 foresaid, and without prejudice to them of their Infestments taken to be holden of His Majesty and
 His Successors. Likeas it is Declared, That the said Fewers and Vassals of Kirk-lands and Ereccions
 have been, *in bona fide*, in payment of the saids Few-ferms and Duties to the saids Superiors and Ti-
 tulars of all times by-gone, according to the provisions contained in the said general Surrender. It is
 alwayes provided, that this Act shall not be prejudicial to an Act past by this Parliament in favours of
 the Earl of *Lauderdaill* of the Lordship of *Musselburgh*, of the date the ninth day of *April* last.

X X X I.

Act concerning the Registration of Comprisings.

Our Sovereign Lord, with consent of the Estates of Parliament, considering, that the Registra-
 tion of Comprisings, was only established by an Act of Secret Council, and never authorized
 by any Law, or Act of Parliament, and that the Registration thereof did put the Lieges to unneces-
 sar charges: neither adding to the validity of the Comprisings, nor to the benefit of the Comprisers:
 Hath therefore discharged, and by these presents discharges all Registration of Comprisings, with all
 Gifts, Acts of Council, and other warrands and Custome whatsoever, granted and observed, at any
 time heretofore thereanent; and by thir presents Ratifies and approves the Custome observed these
 many years past; whereby, in place of the said Registration, a short Record of all Comprisings of
 Lands, Teinds and others, and of the Comprisers names and designations, the Defenders names, the
 Debts for which the Comprising is deduced, the Messengers and Clerks names, the date of the Execu-
 tions, the Witnesses names thereto, and of the Superiors of whom the Comprised Lands are holden,
 hath been made in a Book by the Clerk of Register and his Deputes, at the allowing of the saids Com-
 prisings, (for which Allowance and Recording, there is only fourty shillings *Scots* to be paid) and
 which Custome is very useful and necessary for information of the Lieges. And therefore His Majesty,
 with advice and consent foresaid, Ratifies and approves the foresaid Custome, and Ordains
 all Comprisings formerly deduced and not allowed and recorded in manner above-written, to be
 brought

brought in to the Clerk of Register and his Deputes, within three score dayes after the publication hereof, and all Comprisings to be led and deduced hereafter, to be brought in to the said Clerk of Register and his Deputes, within three score dayes after the date thereof. With certification, that if they be not allowed and recorded within the said space, any other Comprising though posterior in date, yer if it be allowed and recorded before the prior Comprising, the same shall have preference according to the date of the Allowance and Record; but prejudice alwayes to any further diligence by Inselements, or charges against the Superior, according to the priority or posteriority thereof, *prout de jure*.

XXXII.

Act concerning Heritable and Moveable Bonds.

Our Sovereign Lord, with advice and consent of His Estates of Parliament, for many just and reasonable causes moving Him, Statutes and Ordains, That all Contracts and Obligations for Sums of money payable to parties at any time, made and dated since the sixteenth day of November, one thousand six hundred and forty one, or to be made in time coming, containing clauses for payment of Annualrent and Profit, are, and shall be, holden and interpret to be Moveable Bonds, except in these cases following; *viz.* That they bear an expresse obligation to incest, or that they be conceived in favours of Heirs and Assignes, including Executors, in either of which cases, Ordains the Sums to be Heritable, and to pertain to the Heir; otherwayes to be confirmed by the Executor, and to appertain to the nearest of Kin, and to the Defuncts Executors and Legators, according to the Law and practick of Moveables, Declaring alwayes, that all such Bonds, *quoad fiscum*, shall remain in the same condition as they were before the said sixteenth of November, one thousand six hundred and forty one, not to fall under the compass of single Escheat, nor shall any part thereof pertain to the Relict, *jure relicta*, where the Bonds are made to the Husband, nor to the Husband, *jure mariti*, where the Bonds are made to the Wife, unless the Relict, or Husband, have otherwayes right and interest thereto, Declaring nevertheless, that this provision shall no way prejudice Wife, nor Husband, and their Executors of their respective Titles and interests to the by-gone Annualrents of the saids Bonds, resting before either of their deaths.

XXXIII.

Act for the right Packing of Salmond.

Our Sovereign Lord and Estates of Parliament, understanding, that the Salmond-fishings are one of the principal benefits, whereby Trade is maintained, and Money brought into the Kingdom; And that through the evil ordering thereof, both in the insufficiency of the Barrels, and also in the disloyal packing of the same; not only is the Merchants estate damnified thereby, but also the Nation is dishonoured abroad, and disappointed of what should return thereby. Therefore, Our said Sovereign Lord, with advice and consent of the saids Estates, Ratifies and Approves all and sundry Acts of Parliament, Laws and Constitutions of this Realm, made anent Salmond-fishing, and the sufficiency of the Barrels, and loyal packing thereof, with this addition, That the whole Coupers within this Kingdom, make the said Salmond Barrels of good and sufficient new Knappel, for which they shall be answerable, without worm-holes, and white-wood, and of sufficient tightness, for containing the pickle, and sufficient tightness for enduring all kind of stress in the handling; and that the Barrels contain no less then ten Gallons of the *Stirling* pint, (conform to an Act of His Majesty's Council, of the date at *Halbrood-house* the fifteenth day of July, on thousand six hundred and nineteen years, which His Majesty with consent foresaid, Ratifies and Approves, in all the Heads, Clauses and Articles thereof) under the pain of five pounds; to be paid by the Couper, for each insufficient Barrel, and escheat of the said Barrel, and that the same be well pinned in the pickle before the packing; and thereafter the said Barrels to be well lighted and double girthed before the transporting thereof to Forraign Nations. And that no Barrel be sooner made and blown, but the Coupers Birt be for thereon, on the rapone-staff thereof, in testimony of the sufficiency of the Tree; and that every Couper be answerable and liable in payment of such loss as happen to be laid on the Fish at the Mercat, if it be found to be in the default of the Couper by the insufficiency of the Tree, or packing, or any other means in the Coupers default, and that they keep right gage, both in the length of the staves, the bilg-girth, the wideness of the head, & deepness of the chine, the Barrel being made, marked,

and thrice gene in the packing, shall be marked with the Marking-iron, under a very particular Merchant mark, as use is. And that no Burgh, or any other trading with Salmond, shall presume to counterfeit the Mark or Birn of another Trade, under the pain of confiscation of the Salmond, by and attour the punishment of the parties counterfeiters, at the pleasure of the Judge ordinar; the one half of the said pain to pertain to His Majesty, and the other half to the Burgh so wronged, and ordains the Magistrates within the Burgh to put this Act to execution.

XXXIV.

Act against Clandestine and unlawful Marriages.

OUR Sovereign Lord, and the Estates of this present Parliament, considering how necessary it is, that no Marriage be celebrate, but according to the laudable order and constitution of this Kirk; and by such persons, as are by the Authority of this Kirk warranted to celebrate the same. And that notwithstanding hereof, sundry, either out of disaffection to the Religion presently professed in this Kingdom, or being desirous to eschew the Censures of this Kirk, or to satisfy their promise of Marriage formerly made to others, or to decline the concurrence and consent of their Parents or others having interest, or out of some other unlawful pretext, do procure themselves to be Married, and are Married either in a Clandestine way, contrary to the established order of the Kirk, or by Jesuits, Priests, Deposed or Suspended Ministers, or any other not authorized by this Kirk. Therefore His Majesty, with advice of His saids Estates, Statutes and Ordains, that whatsoever person or persons, shall hereafter Marry or procure themselves to be Married in a Clandestine and inordrly way, or by Jesuits, Priests, or any other not authorized by this Kirk; that they shall be imprisoned for three months, and beside their said imprisonment shall pay, Each Nobleman, one thousand pounds Scots; each Baron and landed Gentleman, one thousand merks; each Gentleman and Burgeis, five hundred pounds; each other person, one hundred merks; and that they shall remain in Prison, ay and while they make payment of these *respective* penalties above-mentioned, which are hereby ordained, to be applied to Pious uses, within the severall Paroches where the saids persons dwels. And that the Celebrator of such Marriages be banished the kingdom, never to return therein, under the pain of Death. Likewise His Majesty, with advice toresaid, Prohibites and Discharges all men and women, having both their ordinar residence within this kingdom, to get Marriage to themselves with others within the Kingdom of *England*, or *Ireland*, without Proclamation of Banns here in *Scotland*, and against the Order and Constitution of this Church, or kingdom, under the pains following, *viz.* For each Nobleman so Married, one thousand pounds; for each landed Gentleman, one thousand merks; for each Burgeis, five hundred pounds; and for each other Substantious person, five hundred merks; for an Yeoman, one hundred pounds; for each person of inferior quality, one hundred merks; the one half of the which penalties, shall belong to the Kings Majesty, the other to the Patoch, or Paroches where the Married Parties did reside; and Ordains His Majesties Advocate, and the Procurator of the Kirk, to pursue before the civil Judge, the Parties Contraveeners of this Act, or either part thereof, for payment of the penalties *respective* above-mentioned; and in case of the poor condition of any man, Married in manner toresaid, Ordains him to be punished with Stocks and Irons: which pains corporal and pecunial, shall no wayes be prejudicial to, or derogat from, the Order and Censures of the Kirks, to be inflicted against the Delinquents.

XXXV.

Act concerning the Election and Charges of the Commissioners from Shires to the Parliament.

THE Kings Majesty considering, That divers debates have formerly occurred, concerning the persons who ought and should have vote in the Election of Commissioners from the severall Shires of this Kingdom to Parliament, and who are capable to be Commissioners to Parliaments, and that it is necessary for the good of His service, that the same be cleared for the future, Doth therefore, with advice and consent of His Estates of Parliament Statute, Enact and Declare, That beside all Heritors who hold a fourty shillings Land of the Kings Majesty *in capite*; that also all Heritors, Liferenters and Wodsetters holding of the King, and others who held their Lands formerly of the Bishops or Abbots, and now hold of the King, and whose yearly Rent doth amount to ten Chalders of
virtual

virtual or one thousand pounds (all Few Duties being deducted) shall be, and are capable to vote in the Election of Commissioners of Parliaments, and to be elected Commissioners to Parliaments; excepting alwayes from this Act all Noblemen and their Vassals. And it being just, that those who shall be chosen and accordingly shall attend His *Majesties* and the Kingdoms service in Parliaments, have allowance for their charges; His *Majesty* doth therefore, with advice foresaid, Modifie and Appoint five pounds *Scots* of daily allowance to every Commissioner from any Shire, including the first and last dayes of the Parliament, together with eight dayes for their coming, and as much for their return, from the furthest Shires of *Caitness* and *Sutherland*; and proportionably at nearest distances; and that the whole Free-holders, Heritors and Liferenters, holding of the King and Prince, shall according to the proportion of their Lands and Rents, lying within the Shire, be lyable and obliged in the payment of the said allowance, excepting Noblemen and their Vassals. For payment of which, all execution of Horning, Poynding and Quartering is to passe, as for raising of the Excise, and that according as the time and dayes of the Parliament shall be attested under the Clerk of Registers hand. And because at this time, some Commissioners of Shires have been put to extraordinary expences in providing of Footmantles for the riding of the Parliament; It is hereby Statute, That the Commissioners shall be relieved of the prices thereof, to be given in under their hands; and that the prices of the Footmantles be raised in the same way and by the same execution, with the daily allowance aforesaid; the Commissioners alwayes, at the rising of each Parliament, making the Footmantles forthcoming to the Shire, to be disposed as they shall think fit.

XXXVI.

Act anent Presentation of Ministers.

Forasmuch as the Kings most Excellent *Majesty*, considering how necessary it is for the right and orderly administration of GOD's Worship, and the exercises of Religion, and for keeping of His good Subjects within their duties they owe to GOD, to His *Majesty*, to their Native Countrey, and fellow Subjects, especially at this time after so many confusions and distractions, both among Church-men and others; That more then ordinary care be had in presenting of Ministers to all such Kirks as are, or shall be vacant within this Kingdom; hath given particular Commission under His great Seal, as to all Presentations to all Personages, Vicarages, and other Benefices and Kirks at His *Majesties* presentation. And as to all other Benefices and Kirks, whereof the presentation belongs to any other Patron or Patrons whatsoever, His *Majesty*, with advice and consent of His Estates of Parliament, Statutes and Ordains, That all Patrons or Persons whatsoever, who hath, or pretends any right to the Presentations to any Patronages, Vicarages; or other Benefices of Cure, Kirks or modified Stipends; be careful in all time coming, that Presentations to these Benefices, Kirks or Stipends, be granted by them to such persons only, as shall give sufficient evidence of their Piety, Loyalty, Literature and peaceable Disposition; And shall, in presence of the Patron or his Attorney, and of the Sheriff of the Shire, Stewart of the Stewartry, or heretable Bailly or Commissar of the bounds, if it be in the Countrey, and of the Magistrates of the Burroughs within the Burgh, before the granting and their accepting the Presentation, take and subscribe the Oath of Allegiance, the said Sheriff, Stewart, Bailly, Commissar and Magistrates having first taken the Oath themselves. And it is hereby Declared, That if any person who hath not taken the Oath of Allegiance, shall be presented by any Patron, not only shall the Presentation be void and null of it self, but the right of the Patronage, as to that vacancy, shall belong to the Kings *Majesty*, and the Patrons be reputed disaffected to His *Majesties* Government, and contemners of His Royal Authority. And Ordains their presents to be printed and published at the Mercat Crosses, that none pretend ignorance:

XXXVII.

Act concerning the Bullion.

Our Sovereign Lord, with advice of the Estates of Parliament, now presently convened by His *Majesties* special Authority, considering how much the penury and scarcity of His *Majesties* Coyn here in *Scotland*, is occasioned by the meanness and smallness of the proportion of Bullion at first imposed, never heretofore considerably augmented; notwithstanding His *Majesties* Customs have been several times augmented, Enacts Statutes and Ordains, That all Commodities lyable in payment of Bullion, shall pay according to the Rates mentioned in the Alphabet of Bullion inter-following, as the same is now augmented and condescended upon. Which Alphabet of Bullion, His *Majesty* with advice foresaid, Ordains to be printed and published. And to prevent all abuse and prejudice to the said Mint, that may occur and fall out by the Customers exacting of His *Majesties*, and His predecessors, their own Coyn from the Merchants exporters of the Commodities lyable in payment of the quantities of Bullion, as is aforesaid, or else exacting so much *per cunce* of the said Merchant exporter, to the great prejudice and utter destruction of the said Mint, His *Majesty*, with advice foresaid, Statutes and Ordains, that every Farmer, or Customer, within this *His Majesties* Kingdom, shall by the advice and concurrence of the several Clerks of Cocquer, cause all and every Merchant, (whether Native or Forraigner) exporter of the Commodities lyable in payment of the quantities of Bullion, set down in the aforesaid Alphabet of Bullion condescended upon, and agreed to, as the same is now augmented and Ordained to be printed and published, find sicker Surety and Caution, or give Pledges that he may answer for, that Bullion equivalent in proportion to the quantity of the goods exported, be delivered to the Officers of His *Majesties* Mint, (and that of Forraign Bullion) either Plate or burnt Silver, twelve Denier fine, and being bales, to be considered by weight and reckoning, and the said Surety, or Pledges, to be taken before the said Merchant receive his Cocquer, Transire or other Warrant whatsoever, for exporting the said goods lyable in payment of the quantities of Bullion, as it is aforesaid; and Prohibites and Discharges all and every of the saids Customers, and Clerks of Cocquet within this Kingdom, to exact or receive any of His *Majesties*, or His Predecessors, Coyns or any other satisfaction whatsoever; except the said Forraign Bullion at the fineness aforesaid, and that not only under the pain of deprivation of their Offices, but also of punishing their persons, and fining of them in their goods, by the appointment and at the discretion of the Lords of His *Majesties* Secret Council; and to the effect any such collusion or transaction may be discovered, His *Majesty*, with advice foresaid, Statutes and Ordains, that each person delating or discovering any such collusion, or transaction, as is aforesaid, shall receive and have paid to him, the third part of the value of the Bullion, that was due to have been paid by the Merchant exporter, but prejudice of the certification foresaid. As also, it is Statute and Ordained, That the saids Customers, their Accounts be controlled upon the quantity of Bullion delivered to the saids Officers of His *Majesties* Mint, according to their Letters of receipt thereof; and what rests not delivered, that the Customers be answerable therefore; and that the saids Customers, grant a convenient time for home-bringing of the said Bullion, correspondent to the distance of the port, at which the goods exported are to be delivered; the longest time not exceeding seven moneths. And in like manner, it is Statute and Ordained, That the Alphabet of Bullion, as the same is now established and appointed to be printed and published, be of full force from the date of thir presents. And that all Commodities exported after the said day, be lyable to the several proportions of Bullion therein contained; notwithstanding of any Act or Acts, made or to be made, in this present Parliament, in favours of any Manufacturies, Companies of Fishing or Trade, or other Acts whatsoever; which are hereby Declared, not to impede the payment of Bullion, augmented in manner foresaid.

Follows the A, B, C. of Bullion, as it is now established by our Sovereign Lord and Estates of Parliament.

	<i>A</i>	<i>Bullion.</i>	
		<i>Silver, twelve Denier fine.</i>	
Asbes, Pot-asbes, Wood, or Soap-asbes, the last	_____	_____	four ounces.
Aquavita, the barrel containing ten gallons	_____	_____	two ounces.
Alum, ilk two hundred weight	_____	_____	two ounces.
Anniz-seeds, ilk hundred weight	_____	_____	two ounces.
Apples, ilk two bolls, or ilk four barrels	_____	_____	two ounces.

		<i>Bullion.</i>	
		<i>Silver, twelve Deniers fine</i>	
<i>B</i>			
Barrel-staves the thousand		two ounces.	
Bear, every four bolls half boll		two ounces.	
Beef, ilk three barrels		two ounces.	
Beans, every four bolls half boll		two ounces.	
Bear, called drinking bear, the tunne		four ounces.	
Bell-metal, the hundred weight		two ounces.	
Bullets, four thousand		two ounces.	
Bird-lime, ilk three hundred weight		wo ounces.	
Brass, ilk two hundred weight, or barrel		two ounces.	
Bridles, the groce, or twelve dozen		two ounces.	
Brazile, ilk two hundred weight		two ounces.	
Butter { good, ilk two barrels		two ounces	
{ corrupt, or <i>Orkney</i> Butter, ilk three barrels		two ounces.	
Bridle-bits, the groce, or twelve dozen		two ounces.	
Baikes, ilk five hundred weight		two ounces.	
Boots, ilk thirty pair		two ounces.	
Buckram, ilk hundred ells		two ounces.	
Bark, ilk eight bolls		two ounces.	
<i>C</i>			
Cables, ilk five hundred weight		two ounces.	
Cable-yarn, ilk thousand weight		two ounces.	
Cards { New Woolen Cards, six dozen		two ounces.	
called { Old Woolen Cards, ilk twelve dozen		two ounces.	
{ Stock Cards, every four dozen		two ounces.	
Cards called playing Cards, every three groce, or thirty six dozen		two ounces.	
Cheefe, ilk five hundred weight		two ounces.	
Coals, every four chalders		two ounces.	
Cordages, tarred or untarred, ilk five hundred weight		two ounces.	
Corbals of Oak, ilk twenty pieces		two ounces.	
Copper, ilk thousand weight		four ounces.	
Cloth of all sorts, Linnen and Woolen, ilk hundred ells		two ounces.	
Copperas, ilk hundred weight		two ounces.	
Cushions, called sewed Cushions of all sorts, ilk twelve dozen		two ounces.	
Cambrick, ilk hundred ells		four ounces.	
<i>D</i>			
Deals of all sorts, the hundred		two ounces.	
Dornick, ilk hundred ells		two ounces.	
<i>E</i>			
Eggs, ilk three Barrels		two ounces.	
<i>F</i>			
Flocks, the thousand weight		two ounces.	
Fustians, ilk three pieces		two ounces.	
Feathers for Beds, ilk three hundred weight		two ounces.	
Flower, ilk four Bolls		two ounces.	
<i>G</i>			
Glew, ilk five hundred weight		two ounces.	
Gloves, ilk six groce		two ounces.	
Grograins of <i>Scots</i> making, ilk four pieces.		two ounces.	
Galls, ilk hundred weight		two ounces.	
Girdles, ilk hundred		three ounces.	
Ginger, ilk hundred weight		two ounces.	
Glasses, called drinking Glasses, and Glas Bottels, ilk twelve dozen		one ounce.	
Glas, called Window Glas, ilk three Chests		two ounces.	
			Hemp.

	H	Bullion
Hemp-seed, ilk six barrels	_____	_____
Hemp, of all sorts, ilk eight hundred weight	_____	two ounces.
Herrings, { White Herrings, ilk six barrels	_____	two ounces.
{ Red Herrings, ilk five thousand	_____	two ounces.
Halberts ungilt, ilk three dozen	_____	two ounces.
Hides of all sorts, ilk three dacker	_____	two ounces.
Hose, { Hose, Bonnets and Socks, of Wool, made in <i>Liech-winde, Dunee</i> and other	_____	two ounces.
{ places in this Kingdom, ilk five hundred pair	_____	two ounces.
Honey, ilk three barrels	_____	two ounces.
Hornes, { Buck-hornes, ilk five hundred	_____	two ounces.
{ Hart-hornes, ilk three hundred	_____	two ounces.
{ Oxen-hornes, ilk two thousand	_____	two ounces.
{ Ram, or Sheep-hornes, ilk five thousand	_____	two ounces.
Horfes or Mears, ilk two thereof	_____	two ounces.
Horfes tails, ilk three hundred	_____	two ounces.
Hooks, ilk two groce	_____	two ounces.
Hops, ilk hundred weight	_____	one ounce.
Half-long Skines, ilk ten dacker	_____	two ounces.
Hard Wair, ilk hundred weight	_____	one ounce.
Horse-shoon, ilk hundred gang	_____	two ounces.

		<i>I</i>	
J eists,	{ of Oak, ilk twentypieces	_____	_____
	{ of Fir, fourty pieces	_____	_____
Jedburgh Staves,	ilk hundred	_____	_____
I ron,	{ ilk fifty stone weight	_____	_____
	{ ilk three Ship-pound	_____	_____
	{ ilk last	_____	_____
Iron Pots,	ilk three dozen	_____	_____
Iron-Ordnance,	ilk four hundred weight	_____	_____
Indigo,	ilk hundred weight	_____	_____
			two ounces.
			two ounces.
			two ounces.
			two ounces.
			two ounces.
			eight ounces.
			two ounces.
			two ounces.
			three ounces.

K	Ettles, ilk hundred weight	_____	K	_____	_____	two ounces.
	Killing, { ilk hundred and one half	_____		_____	_____	two ounces.
	ilk fix barrels	_____		_____	_____	two ounces.
K	nappel of all sorts, ilk five hundred	_____		_____	_____	two ounces.
K	ine, ilk four of them	_____		_____	_____	two ounces.
K	nives, ilk twenty dozen	_____		_____	_____	one ounce.
K	ombes of all sorts, ilk hundred dozen	_____		_____	_____	two ounces.

	L	
L Ambs; ilk thirty	_____	two ounces.
Lead, ilk two thousand weight or fodder	_____	two ounces.
Lead-ore, ilk six barrels.	_____	two ounces.
Leather { Wilde Leather, ilk three dacker	_____	two ounces.
called { White Leather, ilk four hundred skins	_____	two ounces.
{ Leather Points, ilk ten groce	_____	two ounces.
Linning Cloath of all sorts, ilk hundred ells	_____	two ounces.
Lint-feed, ilk three barrels	_____	two ounces.
Lint of all sorts, ilk eight hundred weight	_____	two ounces.
Ling, { ilk hundred and threescore	_____	two ounces.
{ ilk six barrels	_____	two ounces.
Liquorise, ilk hundred weight	_____	one ounce.
Lobsters, ilk two hundred	_____	one ounce.
Lint-wheels, ilk twelve dozen	_____	two ounces.
Leamons, ilk barrel of the measure of ten gallons	_____	one ounce.
		Madder.

M

Bullion.
Silver, twelve Denier fine.

Madder, { cropt-madder, and all other bal-madder, ilk two hundred weight	two ounces.
fat madder, ilk three hundred weight	
Malr, every four bolls half boll	two ounces.
Meal, every six bolls	two ounces.
Masts of all sorts, ilk dozen	two ounces.
Mittons, called woven Mittons, ilk thousand pair	two ounces.

N

Nails of all sorts, ilk twenty thousand	two ounces.
Nurs, ilk eight barrels	two ounces.
Needles of all sorts, ilk twenty groce, the groce containing twelve dozen	one ounce.
Night-caps, ilk thirty dozen	one ounce.
New-lit, ilk hundred weight	two ounces.

O

Oars of all sorts, the hundred containing six score	two ounces.
Oats, every six bols	two ounces.
Oxen, ilk three of them	two ounces.
Oyl, ilk six barrels	two ounces.
Orchard-lit, ilk hundred weight	two ounces.
Onions and Onion heads, ilk four barrels	two ounces.
Oysters, ilk twenty thousand	one ounce.

P

Pans of Brafs, ilk hundred weight	two ounces.
Pans of Iron, ilk five hundred weight	two ounces.
Paffments, { of Silk of all sorts, ilk four pound	two ounces.
{ of Worstead or Threed, ilk twenty groce, the groce containing twelve dozen of ells	two ounces.
Pease, every six bols	two ounces.
Penner and Ink-horns, ilk two groce	two ounces.
Pewter, ilk hundred weight	two ounces.
Pistols, ilk eight pair	two ounces.
Pirch, great or small bind, ilk four bartels	two ounces.
Points { of Silk, ilk four groce	two ounces.
{ of Leather, ilk ten groce	two ounces.
{ of Threed, ilk threecore groce	two ounces.
Pots of Brafs, ilk hundred weight	two ounces.
Pots of Iron, ilk three dozen	two ounces.
Powder, ilk hundred weight	two ounces.
Pyp-staves, ilk six hundred	two ounces.
Purses of Leather, ilk four groce	two ounces.
Plaiding, ilk hundred ells	two ounces.
Pepper, ilk hundred weight	two ounces.
Paper, ilk fourty reams	two ounces.
Plaids called weating Plaids, ilk hundred ells	four ounces.
Phingrim, being a sort of Plaiding, ilk hundred ells	three ounces.
Prunes, ilk two hundred weight	one ounce.
Plouch-socks and culcers, ilk hundred	two ounces.
Pellet-skins, ilk two hundred	one ounce.

R

Ribbands { of Silk, ilk four pound weight	two ounces.
{ or Worstead, ilk ten groce	two ounces.
Roker, ilk three hundred weight	two ounces.
Rye and Rye-meal, ilk six bols	two ounces.
Rafines, ilk hundred weight	one ounce.

E 2

Roe-skins,

Bullion.

Silver, twelve Denier fine.

Roe-skins, ilk hundred	two ounces.
Runds of Cloath, ilk three thousand ells	one ounce.

S

Sail-canvas, ilk two hundred ells	two ounces.
Sack-cloath, ilk two hundred ells	two ounces.
Saddles covered, ilk twenty four	two ounces.
Saddle-stocks, ilk thirty	two ounces.
Soap, ilk six barrels	two ounces.
Salmond, ilk three barrels	two ounces.
Salt, ilk three chalders	two ounces.
Salt-peter, ilk two hundred weight	two ounces.
Sayes { of Scots making, ilk fifty ells	two ounces.
of Flanders making, ilk fifty ells	two ounces.
Searges of Scots making, ilk fifty ells	two ounces.
Sheep, ilk twenty of them	two ounces.
Silk of all sorts, ilk four pound weight	two ounces.
Calf-skins, ilk three dacker	two ounces.
Clipped-skins, ilk fifteen score	two ounces.
Cunning-skins, ilk two thousand	two ounces.
Fulmerts-skins, cald Fitchoes, ten dacker	two ounces.
Futells and Skaldings, ilk thousand	two ounces.
Goat-skins, ilk three hundred	two ounces.
Kid-skins, ilk thousand	two ounces.
Lamb-skins, ilk two thousand	two ounces.
Skins, called Lenton ware, ilk thousand	two ounces.
Marikin-skins made in Scotland, ilk hundred	two ounces.
Mertrick-skins, ilk dacker	two ounces.
Otter-skins, ilk two dozen	two ounces.
Shorling-skins, ilk two hundred	two ounces.
Seal-skins, ilk twenty dacker	two ounces.
Tod-skins, ilk half hundred	two ounces.
Veal-skins, ilk four dacker	two ounces.
Wool-skins, ilk fifteen score	two ounces.
Wool-skins, ilk two dacker	two ounces.
Roof-sparres, ilk hundred	two ounces.
Sparres, Root-sparres of Oak, ilk twenty	two ounces.
Wicker-sparres, ilk thousand	two ounces.
Stalling, every six bolls	two ounces.
Stirrop-irons, ilk ten dozen	two ounces.
Stirrop-leathers, ilk twenty dozen	two ounces.
Sword-blads, ilk three score	two ounces.
Swords mounted, ilk twenty	two ounces.
Sword-belts of Leather, ilk twelve dozen	two ounces.
Swine, ilk ten of them	two ounces.
Sugar of all sorts, ilk sixty pound weight	two ounces.
Sythes, ilk three score of them	two ounces.
Seathes, { ilk five hundred thereof	two ounces.
ilk six barrels	two ounces.
Shoes, ilk hundred pair	two ounces.
Starch, ilk hundred weight	two ounces.
Slyreland, ilk hundred ells	two ounces.
Sewed Beds the piece	three ounces.
Sulfur, ilk hundred weight	one ounce.

T

Tallow, ilk five hundred weight	two ounces.
Tallow, called Narves Tallow, ilk six barrels	two ounces.
Scots Tallow, ilk three barrels	two ounces.
Tar of great and small kind, ilk six barrels	two ounces.
Tyking for beds, ilk hundred ells	two ounces.

Tows,

		Bullion.
		Silver, twelve Denier fine.
Tows, ilk five hundred weight	_____	two ounces.
Trumps, ilk five hundred	_____	one ounce.
Tobacco, ilk hundred weight	_____	one ounce.
Tobacco-pipes, ilk fourty groce	_____	one ounce.

		V
V Eals, ilk ten of them	_____	two ounces.
{ of Wine, ilk two tunns	_____	two ounces.
{ of Bear or Ale, ilk three tunns	_____	two ounces.

		W
W Admoss, ilk two hundred ells	_____	two ounces.
Waincoat of all sorts, ilk thirty of them	_____	two ounces.
Wax, ilk last or fourteen Ship-pounds	_____	four ounces.
Wheat, every four bolls half boll	_____	two ounces.
Whale-shot, ilk two barrels	_____	two ounces.
Worstead yarn for Sewing, ilk twenty pound	_____	two ounces.
Wool, ilk six stone weight	_____	two ounces.
Wines, ilk tun	_____	two ounces.
Winecellars, ilk twenty of them	_____	two ounces.
Whingers or Durks, ilk sixty of them	_____	one ounce.

		T
Y Arn, Cable-yarn, ilk eight hundred weight	_____	two ounces.
Cotton-yarn, ilk sixty pound weight	_____	two ounces.
Irish-yarn, ilk three hundred weight	_____	two ounces.
Raw Linning-yarn, Dutch or French, ilk sixty pound	_____	two ounces.
Scots-yarn, ilk fifty pound weight	_____	two ounces.
Spruce or Muscovia-yarn, ilk two hundred weight	_____	two ounces.
Woollen or Bay-yarn, ilk hundred weight	_____	two ounces.

XXXVIII.

Commission and Instructions to the Justices of Peace and Constables.

Our Sovereign Lord, taking to His Royal consideration, how much the appointing of Justices of Peace and Constables within all the Shires of this Kingdom, under the Reign of His Majesties Royal Predecessors, did contribute to the Peace, Quiet and good Government thereof, and to the speedy and impartial execution of Law and Justice to all persons subjected to their jurisdiction and power. Therefore, and for the furtherance of these ends in the future, His Majesty, with advice and consent of His Estates of Parliament, Doth hereby Statute and Ordain, That in all time coming, there shall be Justices of His Majesties Peace appointed within each several Shire of this Kingdom, to be nominated, from time to time, by His Majesty and His Royal Successors: Which Justices of Peace are hereby empowered to administer Justice, and put His Majesties Laws in execution, according to the particular Instructions after-mentioned, viz.

The Justices of Peace at their first sitting, shall take the Oath of Allegiance, and Oath *De fidelis administratione*: which at first shall be administered to them by the Sheriff or his Depute of ilk respective Shire, or in their absence, by the President and Conveener for the time.

Followeth the Oath of Allegiance.

I For testification of my faithfull Obedience to my most gracious and redoubted Sovereign, Charles, King of Great Britain, France and Ireland, Defender of the Faith, &c. Affirm, testify and declare, by this my solemn Oath, that I acknowledge my said Sovereign, only Supream Governour of this Kingdom, over all persons, and in all Causes, and that no Forraign Prince, Power or State, nor Person Civil or Ecclesiastick, hath any Jurisdiction, Power or Superiority over the same: And therefore I do utterly renounce and forsake all Forraign Jurisdictions, Powers and Authorities; and shall at my outmost power, defend, assist and maintain His Majesties Jurisdiction foresaid against all deadly, and shall never decline His Majesties Power nor Jurisdiction; as I shall answer to GOD.

Followeth

Followeth the Oath *De fideli administratione*.

I As one of the Commissioners and Justices of Peace, within shires, according to my knowledge, wit and power, shall do equal Right both to rich and poor, conform to the known Statutes and Customs of the Land: and that I shall not be of Council with any person in any quarrel or matter depending before me; and that I shall every Quarter keep the Sessions, or oftner, as I shall be required, not having any just impediment in the contrair, and shall faithfully and truly discharge my duty as a Justice of His Majesties Peace, and shall leave nothing undone that may tend to the preservation of the same: So help me GOD.

The Justices of Peace, in each respective Shire, shall meet and convene together, four times in the year, *viz.* On the first Tuesday of May, the first Tuesday of August, the last Tuesday of October, and the first Tuesday of March. In which Sessions, they shall administer Justice to the people in things that are within their Jurisdiction, and punish the guilty, for Faults and Crimes done and Committed in the preceding Quarter: and by mutual and conjunct advice, make and rectifie Ordinances for the Fees of Servants, Shearers in Harvest and other Labouring men, appoint Prices for all Handicrafts, elect or continue Constables or other Officers, and dispose of the Fines and Mulcts for Payment of the constables, Clerks and other Officers Fees, and employ the remnant on such necessary and pious uses, as they shall find most expedient; and shall have power to continue the said Sessions, or to adjourn the same to such dayes and place as shall be most convenient.

And one Justice shall have power upon complaint of any person, being threatned and fearing to be wronged, to bind the party complained upon, under such a pecunial sum to keep the Peace, as he shall think fitting: As also commit him until Surety be found by him, the said Complainer always giving his oath before the Justice, that he hath just cause to dread him harm. And albeit no person complain; yet if the Justice be credibly informed of appearance of trouble betwixt any parties, he shall bind them to the peace in manner foresaid, except the parties declare upon their consciences, that neither of them bear any grudge to other: And all such Bonds shall be kept and Recorded by him, and he shall make delivery of the same to the Clerk of the Peace at the next Sessions, to be kept and registrate by him.

If any person being charged to make his appearance before a Justice of Peace, shall refuse or delay without cause, if the party be a Landed Gentleman, whose Rents exceed ren chalders of victual, or one thousand Merks of silver, then the Justice (whose command is contemned) shall inform the same to some of His Majesties Privy Council, to the effect, the party of the quality foresaid may be bettalled and fined for his disobedience; and if the disobeyer be of a meaner degree, the Justice or Peace shall hereby have power to command the next Constable, or in absence of a Constable, his own servant, or any other person having a Warrant in writ subscribed by the said Justice of Peace, with assistance of the Country, to bring any such party before him.

If either the Sheriff or Bailly shall condemn any person in Blood-wyt: or otherways convict him in any pain proper for him to impose, the Justice shall have no power of new to fine that Offender for that offence; but if they shall find him not condignly punished in regard of the offence committed by him, they shall then inform His Majesties Council thereof, that they may take order therewith; and if there be no satisfaction made by the Sheriff or Bailly to the Party offended, the Justices may modifie a reasonable satisfaction to the Party offended, he pursuing therefore before them: And if they find the satisfaction decreed by the Sheriff or Bailly, in favours of the said party offended, not condign, nor answerable to the offence and wrong sustained, then they shall also inform His Majesties Council thereof, that they they may take order therewith as appertaineth.

If either Sheriff or Bailly or their Deputes, by collusion with the Deliquent, shall suffer any person guilty, to be quitted or cleared by an Assize, the Party once declared, is not to be brought further in question before the Justices, but upon their information, the Judges are to be called, censured and severely punished by His Majesties Council.

The saids Justices shall hereby have power to proceed upon all persons committing Riots, and breaking the Kings Peace under the degree of Noblemen, Prelats, Councillors and Senators of the Colledge of Justice, and to punish and fine according to the quality of the Crime, and the Estate of the Offender. And if any of the saids persons, being Charged to compear before the saids Justices, shall disobey, the Summons being indorsed, the lawfull Citation verified, and Fact proven, the Justices shall punish and fine the not compearing, according to the quality of the Crime and Estate of the Offender. And for the more clear determination of the order which shall be kept by the saids Commissioners

Commissioners, in the deducing of any such proceſs, Our Sovereign Lord, with advice of His Eſtates, Declareth, That it ſhall be lawfull to the ſaids Juſtices, whenſoever they have any occaſion to move any action againſt Parties, for committing any like Faſt or Riot, to reſter the fiſt Summons to the Parties oaths of verity, failzeing of other lawfull probation; who being perſonally ſummoned by that fiſt Citation, ſhall be holden as conſeſt, and Decreet to be pronouncd againſt him, conſorm to the Libell and Summons. And if he be not perſonally ſummoned by the fiſt Citation, the ſaids Commissioners ſhall be holden to cauſe Summon him of new again, by a ſecond Summons at his dwelling place; which two Citations ſhall be as ſufficient to infer Decreet and Sentence upon the Libell againſt him, as if he were apprehended perſonally. And which Sentence given after the manner and form of probation above-written, His *Majeſty*, with advice foreſaid, Authorizes and Suſtains as good and lawfull in themſelves. And as concerning theſe Perſons of higher degree, the ſaids Commissioners ſhall uſe all their power for preventing and ſtaying of the Riots, commanding the attempters in His *Majeſties* Name to ceaſe, and to find Caution for keeping of the Peace, and for their comparance before His *Majeſties* Council, And if any perſon being charged to find Caution, and reſuſe it, or delay to do the ſame, and in the mean time contraveneth the ſaid Charge, by committing of ſome Deed betwixt the time of the Charge and finding of the Caution, nevertheleſs he ſhall be answerable for the pain, from the date of the Charge, like as if Caution had been then found.

The ſaids Commissioners ſhall put His *Majeſties* Act of Parliament to due and full execution againſt willful Beggars and Vagabonds, ſolitary and idle Men and Women without Calling or Trade, lurking in Ale-houſes, tyed to no certain ſervices, repute and holden as Vagabonds; and againſt thoſe perſons who are commonly called Egyptians, and they ſhall puniſh and fine their Reſſetters and Setters of houſes to them accordingly, by ſuch competent pains as is proper for them to enjoyn.

The ſaids Commissioners and Juſtices of Peace are hereby authorized and impowered, to give order (as they ſhall think moſt convenient, and with leaſt grief to the Subjects) for mending of all High-ways and Paſſages, to or from any Mercat-town or Sea-port within that Shire, and ſhall call before them all ſuch perſons as ſhall ſtrait theſe Paſſages (or otherways by caſting of Ditches or Fulſies through the ſame) ſhall make theſe High-ways noiſome and troubleſome unto paſſengers, and ſhall puniſh and fine them according to the quality of their offence. And to the effect it may be known of what breadth all common High-ways ſhould be to Mercat-towns, Our Sovereign Lord, With advice foreſaid, Declareth, That the ſame ſhould be of twenty foot of meaſure in breadth at the leaſt, and where any are of larger breadth, they Ordain the ſame ſo to remain unaltered or ſtrained, and that the ſaids Juſtices maintain the ſame, with all other Wayes from any Town in the Paroch to the Paroch Churches, in the eſtate as they are: And where they find any neceſſity of other Wayes from any Town in the Paroch to Paroch Churches, they ſhall inform His *Majeſties* Secret Council thereof, who ſhall give them (after ſufficient information) their direction thereunto; according whereunto, they ſhall be holden to proceed. And if any perſon reſuſe to conent for mending of High-ways and Paſſages, the ſaids Juſtices ſhall have power to cenſure and puniſh them according to their diſcretion; with proviſion alwayes, that if in their proceedings therein, they uſe ſuch ſeverity or rigour as may move juſt complaints againſt them, they ſhall be cenſured therefore by His *Majeſties* Secret Council as appertaineth.

The ſaids Juſtices ſhall put His *Majeſties* Acts of Parliament to execution, againſt Cutters and Destroyers of Planting, Green-Wood, Orchards, Gardens, Haynings, Breakers of Dove-houſes and Cunnighares, Stealers of Bees and Bee-hives, uſers of unlawfull Games with Setting Dogs, Slayers of red and black Fiſhes and Smolts, in forbidden time, Foulers fouling in other mens Lands, Makers of Moorburn and Moſſeburn, Setters of Crooes and Nets in Waters and Dames, having, and keeping of Crooes and Yairs in forbidden time, and ſhall proceed againſt them accordingly. And tot their better warning and to proceed in the premiſſes, it is His Highneſſe pleaſure, that Commiſſions be granted to the ſaids Juſtices of Peace, to try and puniſh the violators of the ſaids Acts; in the tryal whereof they ſhall proceed by witneſſes, or by oath of Party; and the puniſhment to be inflicted by them, ſhall be a pecuniial ſum, answerable to the circumſtance of the offence, and quality of the offenders; with ſpecial proviſion, that their Cenſures and Punishments ſhall extend againſt none, but thoſe againſt whom by privilege of their Inſtructions they may lawfully proceed. And alſo with proviſion, that the ſaids Commiſſions be not extended to any perſons, who ſhall be attreſted and convened for the ſaids crimes, before any other ordinary Judge. It is alſo provided, that the ordinance and power contained in this Article, ſhall no wayes be prejudicial to any other Commiſſions, or Rights, whatſoever, granted to other parties, whereby they have power to proceed and cenſure the crimes and offences above-written.

Beggars Vagabonds &c.

High Ways &c. from Market Towns or Sea Ports

Setters of Dogs
Breakers of Dove-houses
Stealers of Bees &c.

These

Item, They shall inform the Kings *Majesties* Council, and His Highnesses Treasurer, or Advocat, at the least once every year, of Forestallers and Regraters of Meercats, that order may be taken with them, conform to the Acts of Parliament.

It shall not be lesse to any Hoastlar, to resset any Masterles Men and Rebels at the Horn, any Vagabonds, or other persons guilty of known Crimes, or using Stouth and Reaf; under the pains underwritten: To wit, fourty shillings to be incurred by them for the first fault, four pounds for the second, and ten merks for the third; together with the losing the liberty of Brewing: The incurreurs of the which pains, shall be punished according to the order foresaid, by the Barrons and Masters of the ground whereupon the Hoastlar dwelleth, within the space of fifteen dayes after the committing of the Fact; and if the saids Barrons and Heritors, neglect to do the same, within the said space, it shall be lawful to the saids Justices, to pursue and fine the Delinquents in their Courts, according to the pains foresaid, and to uplift the same from them; without prejudice alwayes of whatsoever Acts, made against the saids Hoastlars in the Barron Court Books, under whom they dwell, bearing any higher pain, then as is set down in this above-written Act, and also without prejudice of all Action, Criminal or Civil, competent of the Law, against the saids Hoastlars, in case they be under the danger thereof, which shall not be taken away by any punishment, set down, and to be inflicted, conform to this Act.

Item, They shall inform the Kings Treasurer and Advocat, of breakers and contraveeners of the Acts of Parliament, made against Malt-makers, that the transgressors and contraveeners thereof may be punished, conform to the Tenor of the said Acts.

They shall set down order in the Countrey, for Governance in time of Plague, and shall punish severly the disobeyers of the order appointed by them according to the quality of the Delinquent.

They shall appoint at the Quarter Sessions to be kept in *August* and *February*, the ordinary Hire and Wages of Labourers, Work-men and Servants, and who shall refuse to serve upon the price set down by them, shall be imprisoned, and further Punished at their discretion: and to the effect Servants may be the more willing to obey the Ordinances to be made by the saids Justices, for the saids Fees, the saids Justices shall have power to decern, and compel the Master to make payment of the Fees, appointed by their Ordinance, in case the Servants please rather to pursue for the same before them then any other Judge.

The saids Justices shall take notice in all Sherifffdoms, where there are any Goals, and Prison-houses, within any Burgh, that the same be kept up and not suffered to decay or become ruinous: and if there be any Shire, where there is not any Goal or Prison-house, they shall inform His *Majesties* Council thereof, that they may appoint and give order for building of one within the Head Burgh of the Shire, and according to the directions to be given thereanent, the Justices shall be holden to proceed.

And because there be a great many of Prisoners apprehended and committed, who having no means of their own for their maintainance and entertainment, will otherways famish and strave before they can come to their tryal, who not the lesse, in regard of the crimes committed, can no wayes be put under surety, or otherways, in faults of lesse consequence, are unable to find sufficient Caution to be made forth coming and answerable at the next Session; Therefore it shall be lawful to the saids Commissioners and Justices, at their Quarter Session, to rate every Paroch for a weekly proportion, for the entertainment of those poor Prisoners; providing they do not exceed the sum of five shillings Scots money at the most, nor under one shilling at the least; which sum shall be uplifted for that use by the Minister or Reader who shall serve at every Paroch, from such Deacons, who shall be appointed to collect the same; and the saids sums to be delivered by the Constable of the Paroch, at the Quarter Sessions, in presence of the whole Bench then convened, to such persons as the saids Justices shall trust therewith, and who accordingly, shall make due account in paying the Jaylor's such rates as shall be allowed for the poor Prisoners, and making the rest forth coming for such use and intent of the like nature, as the saids Justices shall appoint.

All Magistrates of Burghs, and keepers of any Goals or Prisons, shall receive into their Prisons, all such persons as either shall be brought by Constables, or sent unto them by warrands under the hand of any one Justice of Peace, the saids Justices causing satisfe for their entertainment; and if any Magistrates, or their Jaylor's, suffer any persons, committed by the Justices to their Prisons, to escape, they shall be condignly punished therefore, at the discretion of His *Majesties* Council.

Item, Our Sovereign Lord, with advice foresaid, Ordains the saids Commissioners, to set a price upon Crafts-mens work, and upon the Ordinars of Penny-Bridals, together with the price of Shearers Fees, and to punish the contraveeners, as appertaineth.

They shall cause sufficient single and double Ale to be brewed in every Shire, and shall appoint Visitors to that effect, with consent of the Barron and Over-lord of the ground: They shall set down Acts against notorious and common Drunkards, and impose sums upon the Contraveeners, according to their qualities and deserts.

Our Sovereign Lord, with advice foresaid, Declareth, That Three Justices of Peace shall be a full number and Session, to decide in matters occurring betwixt the four Quarter Sessions.

Also Declares, that no Letters of Caption ought to be granted against the saids Justices, for apprehending of Rebels, except they be found subject to do the same, by possessing of such other Offices and places, to the which the obedience and putting to execution or any such charges doth belong.

And because there is sensible prejudice seen and felt through many parts of the Kingdome, by reason of diversity of Measures and Weights used in the same. Therefore Our Sovereign Lord, with advice foresaid, for removing of all abuses, which may ensue in any time to come thereby, Hath found expedient, and by this Decree and Statute of Parliament, Decerns, Statutes and Ordains, That there shall be but one just Measure and Weight through all the parts of the Kingdom, which shall universally serve all His Highnes's Lieges, by the which they shall sell and buy, and receive, and give out in all times to come; whch Measure, His Majesty with advice foresaid, finds should be that Measure of *Lincolne*, which is now commonly used and which hath been used most customably, through the greatest parts of this Kingdom these many years by-past. And for setting a persit Order, whereby all the Measures that are now used may be reduced to the conformity of the saids Measures now authorized; and for making of proportion answerable betwixt the lesser Measure and Weights, and the greatest. His Majesty with advice foresaid, hath granted full Power and Commission to *Alexander Fraser* of *Phallorth*, *Sir Gilbert Ramsay* of *Balmoryn*, *William Scot* of *Ardrors*, *John Murray* of *Toucheadam*, *Sir Robert Hepburn* of *Keith*, *James Gresham* of *Saint Leonards*, *Sir Andrew Ramsay*, *Sir Robert Murray*, *Sir Alexander Wedderburn*, *John Bell*, *William Cunningham*, *Andrew Glen*, *Sir William Thomson*. Whom, or any seven of them, His Majesty, with advice foresaid, Ordains to meet and convene together, at such time and place as they shall thinke expedient, and to consult and advise together, and to appoint and determine upon the most convenient means, how the said Measures and Weights may be reduced to the conformity foresaid; and after they have ripely advised therewith, and given forth their determination thereanent, they shall deliver the same, and whole course of their proceedings, in the said matter to the Commissioners and Justices of Peace, and to the Deans of Gild of the Head Burghs of the Shires, who shall be holden carefully to do their diligence to see the Measure foresaid, now appointed, to have course through all parts, as well Burgh as Landwart. And that there may be one constant conformity in Head Burgh and Land, Our Sovereign Lord, with advice and consent foresaid, Ordains, that the saids Justices of Peace in Landwart, take tryal of the Measures and Weights used in Burgh, and to take a Note from the Magistrates, and Deans of Gild of every Town, of the Weights and Measures, and of the number thereof, which the saids Magistrates and Deans of Gild in Burgh, shall be holden to shew, declare and give up to them, to the effect the saids Justices to Landwart, may confer the same with the standard now authorized; and where they find any disconformity in the same, from the saids Standard, the saids Justices shall inform the Kings Majesties Council thereof, that they may take order therewith as appertaineth: For it is expressly provided by these presents, that the saids Magistrates in Burgh, shall not be permitted to have or use more Measures within Towns, then the number to be presented by them, and given up in Writ to the saids Justices to Landwart, as said is: this alwayes being respected, That if the saids Magistrates within Burgh, find any necessity for having any more Measures then was given up and used by them before, it shall be licenced to them to make more Measures, they being answerable and conform to the Standard; and making the saids Justices to Landwart foreseen and acquaint therewith, and declaring the number of the Measures, whereof they find the necessity of use.

The saids Justices shall be holden to give command and direction to their Constables, to apprehend any such person, who shall be found contemptuously to have disobeyed the Censures of the Church, they being lawfully required to do the same.

The saids Justices of Peace, as well Burgh as Land, shall convene and be present at the Quarter Sessions of the Shire where the Burgh and Land lyeth, give their Oath to the Bench at their admission, make their Record, and make payment of the Fines intromitted with by them as Justices of Peace of that Shire, to their Collector.

They shall appoint a sufficient Collector for uplifting the Fines and Penalties, which they have power, to impose upon an Offender, and are to take Caution of him for making due accomt.

They shall have, during the time of Sessions, for every day of their abode (so it do not exceed the number of three dayes at the most at one time) allowed to every one of them, forty shillings Scots money, daily to be paid and uplifted by the Collector of the Fines; but neither Earl, Lord, Bishop, Privy Counciler, or Sessioner, shall have any allowance; and all such Justices as have the benefit of that allowance, and shall be absent from every ordinary Quarter Sessions, or otherwise when he is required lawfully by the *Custos Rotulorum* to any particular Meeting, shall incur the penalty of forty pounds Scots money, not being lawfully excused, and the excuse allowed by the rest of the Justices there assembled.

The Lords of Session shall direct general and summar Charges of Horning and Poynding, at the instance of the Collector appointed in every Countrey for ingathering all Fines and Penalties

Quorum

Measures & Weights

Dean of Guild to see if Measures be lawfully used as well in Burgh as Landwart

whatsoever intred, upon a simple Charge of fifteen dayes; and no Suspension shall be granted thereof, but upon consignation of the fums contained in the Sentences, and by finding Caution for payment of the Charges at the modification of the saids Lords.

The saids Commissioners, at the end of every Quarter Sessions, shall send to His Majesties Council, a Catalogue of all such persons as they have either committed, or otherways put under surty, with a short Abbreviate of the cause thereof; to the effect, that thereupon the Council, as they shall think expedient, may return to them against their next Session, or the *Custos Rotulorum* in the mean time, their further directions.

The saids Justices shall put in execution, all Acts of Parliament made for punishing all persons whatsoever, who shall Curse or prophantly Swear, or shall be Mockers or Reproachers of Piety, or the exercise thereof; and shall require and levy upon every Offender, the several penalties following, *viz.* Of a Nobleman twenty pounds: each Barron twenty merks; each Gentleman, Heritor or Burges, ten merks; each Yeoman fourty shillings; each Servant twenty shillings, *Scots* money; each Minister in the fifth part of his years Stipend; without prejudice to other proceedings against any such Minister for the same. And in any of all the cases before specified in this Instruction, the saids Justices shall put in execution all such Laws, as for Corporal punishments, have any provisions mentioned in them for such cases: And in case of the inabilities of the parties Delinquents to pay the sum mentioned in this Instruction, the saids Justices shall put in execution such Laws, as for Corporal punishments, have any provision mentioned in them for such cases; and that the Wives Delinquents shall be punished according to the quality of their respective Husbands, and that their Husbands be lyable for the payment of their Wives Fines respectively, in manner above-mentioned, *toties quoties* for each fault: And all others whatsoever, not particularly herein nominat, are to pay in proportion to their respective qualities and degrees. And also, the saids Justices are to put in execution, the Acts of Parliament made for the punishing of all persons that shall be found guilty of the sin of Fornication; and that they levy or cause to be levied, the several pecunial fums therein mentioned, *viz.* For each Nobleman, for the first fault four hundred pounds; each Barron two hundred pounds; each other Gentleman and Burges one hundred pounds; every other person of inferiour quality ten pounds, *Scots* money; and that these penalties shall be doubled *toties quoties*, according to the relapses and degrees of the Offence, and quality of the Offenders. And that the said penalties shall be levied, not only of the Man, but also of the Woman, according to her quality, and the degree of her offence, the one without prejudice of the other. All and sundry which penalties so to be levied, Are to be disposed of as followeth; To wit, one half to pious uses in the same Paroch where the Offenders live, or the Offence hath been committed, and the other half to be divided in two equal parts, one part whereof to be given to the Informer and Prosecutor, and out of the other half, to satisfie the Constable, or other persons who shall be employed for bringing the person accused to Justice, and the remainder to be disposed to pious uses, or to satisfie the Constables for their travel and service in other parts of their office, according as the Justices shall think fit.

That the Justices shall put the Acts of Parliament in execution; for the punishing of all persons found guilty of the sin of Drunkenness or excessive Drinking, especially under the names of Healtys, or haunting Taverns or Ale-houses after ten of the Clock at night, or at any time of the day, except in time of travel; or for ordinary refreshments. As also against the keepers of the Taverns or Ale-houses, that shall sell the drink unto them: Which penalties in the saids several Acts contained, the saids Justices are to levy, or cause to be levied, upon the saids Delinquents; and the saids penalties are to be disposed of by the saids Justices, in like manner as aforesaid.

The saids Justices shall put in execution, all Acts of Parliament, made against such persons as shall Profane the Lords-day, and require or levy the penalties therein contained: which penalties foresaid, the saids Justices are to dispose of, in like manner as aforesaid.

And at what time and whensoever one shall accuse another person or persons to be guilty of Treason, Murder or other Felony, Blasphemy, Incest, or any other hainous Crimes; in such cases the said Justice or Justices, shall forthwith cause such person or persons to be apprehended, and after inquiry made in the cause, the saids Justice or Justices, if they find cause, shall commit the Offender to prison; or take sufficient Bail, if the case by the Law be bailable; and shall take the information of the Party accusing upon oath, and bind him to Prosecute, and shall take the testimony or deposition of the Witnesses likewise upon oath, and bind them to give in evidence, and shall also take the Examination of the Party accused. All which Recognizances, Informations, Depositions and Examinations, the said Justice or Justices, shall certifie to the next Quarter Sessions, Assizes or Criminal Courts respectively, to the end the Justice may proceed against them according to the Law.

And if any Nobleman, Barron or Bail, or any in their names, having power, shall accuse the right of jurisdiction to proceed against any Delinquent apprehended by a Constable for any Capital crime: Then, and in that case, any of the Justices shall receive security of the said Party, who required the Defender to be delivered to him, that justice shall be duly ministered, and then shall cause delivery of the said person to be made to him; and the said Justice of peace, at the next Session, shall certify the whole matter to the Bench; to the effect they may enquire, whether justice hath been accordingly ministered, and if any fault be found, to advertise His *Majesties* Council, that order may be taken therewith.

The saids Justices shall twice in the year, at the first of *December* and the first of *June*, take up a list of the Poor in every Paroch within Burgh or Land; into which number there shall no person be received, who are any way able to gain their own living; and to the effect these Poor may no longer be necessitate to seek their living, with such hardship and difficulty by scandalous vaging as hitherto they have been in use of, the Justices shall appoint two or more persons of good fame and quality in every Paroch, to be Overseers for the Poor in each Paroch aforesaid, and to authorize the saids Overseers to make due tryal and examination of the condition and number of such Poor, Aged, Sick, Lame and impotent inhabitants of the said Paroch, who (of themselves) have not to maintain them, nor are able to work for their living, as also of all Orphans and other poor Children within the said Paroch, who are left destitute of all help: and the saids Overseers are to list and inroll all such persons, and to provide them such a convenient House for their dwelling, either a part or together, as they shall judge requisite; and upon consideration had, what the necessary maintenance will extend to weekly, the saids Overseers are to call for the Collections of the said Paroch, or other Sums appointed for the maintenance of the poor thereof; and the persons who have the saids sums in their hands, are hereby required to deliver the same to the saids Overseers; and their Receipts under their hands, shall be their sufficient Discharge: which sum so received, the Overseers, are to dispose proportionably to the several poor people aforesaid, according as they shall find their necessities to require, and the saids Overseers are to take due tryal of the good behaviour and carriage of the poor persons, listed and inrolled as aforesaid, that if any of them being so provided, shall go abroad to beg, or otherways miscarry themselves, or shall refuse, being able, to work any manner of work that they are able to perform; in such cases, the said Overseers are to acquaint the said Justices therewith, who shall appoint such punishments for the first fault, as in their judgements they shall find requisite; and if they shall continue in such miscarriages, they are to be holden and repute as Vagabonds, and so to be proceeded against according to the Law in that case provided. And to the end that there may be an exact performance of the premises, the saids Justices are hereby required, to call before them the saids Overseers once in every six months, or oftner if they shall think expedient, to give an account upon Oath of the whole Sums received by them, and to produce the Rolls of the said poor, together with an Account of what money they have received any otherways, for the use of the said poor; and after a due consideration of the charge, together with the Discharge thereof, to approve, allow, or disallow the same, as shall be found just, and the said Justices are to take due tryal and examination how the said Overseers have discharged their Trust; and in case of refusal of any of the saids Overseers, nominat and elected as aforesaid, to accept the said office, or having accepted, shall be found negligent therein, or shall refuse or delay to give an account of their intrusions, when required as aforesaid, or to deliver what money shall be found resting in their hands, undisposed of at the end of the year, unto such new Overseers as shall be appointed: in such cases the offenders shall incur the penalty of twenty pounds *Scots*, to the use of the Poor, and suffer further Censure, at the said Justices, at their Quarter Sessions, upon consideration had of their fault, shall see meet to impose.

And further, the saids Justices are hereby empowered and commanded, to call for an account from these who took upon them to exerce that place and office, during the late Usurpation, of all Fines, Penalties and others, raised, exacted or uplifted of any persons, and to ordain them to deliver and make payment to them of what hath not been by sufficient order disposed of: in any case of any difference arising thereupon, that the Justices consult His *Majesties* Council, who shall give their orders therein.

Constables.

Our Sovereign Lord, with advice of His Estates, findes and Declares, that the Constables are to be made choise of, by the Commissioners and Justices of Peace, in their Quarter Sessions, throughout the whole Countrey, two at least in every Paroch, or more, according to their discretion, having consideration of the quality thereof; In great Towns likewise, not being Cities nor free Burghs, they are to appoint a number of Constables proportionably to the greatness thereof; but in all Burghs Regall, and free Cities, the Constables are to be chosen by the Magistrates of the same; and they are to endure, and to be changed, from six to six months.

And who shall refuse to accept the Charge, and not to give his Oath for dutifull execution thereof, shall be imprisoned, and fined at the discretion of the Justices of Peace at their next sitting.

Followeth the Oath to be taken by the Constables.

I Do swear, that I shall faithfully and truly discharge the Office of Constabulary, within the Paroch of, &c. induring the time appointed to me, and shall not for favour, respect, or fear of any man, forbear to do what becometh me in the said Office: and above all things, I shall regard the keeping and preserving, of the Kings Majesties Peace, and shall at every Quarter Session and meeting of Justices, give true and due information of any breach which hath been made of His Majesties Peace, within the bounds of my Commandment; and shall no way hide, cover, nor conceal the same, nor any of the proofs and evidences which I can give for the clearing and proving thereof: So help me GOD.

All the Constables, or at least one of every Paroch intrusted with power to answer for the rest within the said Paroch, shall attend at every Quarter Session; their to give information of all such breaches of the Peace, and other misdemeanors as have happened within their bounds, since the preceding Sessions, and have come to their knowledge; and shall no way hide, cover, nor conceal the same, nor any of the proofs and evidences which they can give for the clearing and proving thereof; and to receive from the said Justices at the end of the Session, such order and direction, as they shall enjoyn and appoint.

Every Constable, in their respective Patoches, shall apprehend any suspicious persons, who are night walkers, and cannot give a good account of themselves, and carry them to the next Justices of Peace, to find Caution for their good behaviour, or otherwise be Committed to Prison; and the said Constable, or Constables, shall stay and arrest all Vagabonds, sturdy Beggars and Egyptians, and carry them before some Justice of Peace, who shall take order for their committing to Prison, or other punishments, according to the Statutes of Parliament.

Every Constable, in their respective Paroches, shall arrest all idle persons, whom they know to have no means to live upon, and will not betake themselves to any Labour, Trade or Occupation; and shall carry them before some Justices of Peace, who after examination shall either commit them to Prison, or take surety of them for their appearance at the next Quarter Session.

All Constables in their respective Paroches, shall apprehend every person or persons, that shall be guilty and culpable of Slaughter, Murther, Theft or any other culpable crime whatsoever, and shall require his Neighbours to assist for safe conveying of such person or persons, to the next Justice of Peace who shall commit him or them, to take Surety according to the Instructions given to the Justice of Peace in such like cases. And if any person or persons, shall refuse or delay to assist the said Constables, in executing his or their offices, such persons, for refusing or delaying, shall be imprisoned, or otherwise punished by the said Justices at their Sessions.

All Constables shall arrest any person not being in His Majesties service, who shall be found wearing of Hagbuts, Guns or Pistols in any sort, and shall carry them before some Justice of Peace, who is either to take security for their appearance the next Quarter Session, or commit them prisoners till they do the same, unless they be Licenced from the Council, or some empowered from them to give such Licences.

Upon the appearance of any Fray or Stir betwixt parties, the Constable shall require the assistance of his Neighbours, for fundering of the parties; and if there be any harm done to the Constable, or any of the Assistance, by them who made the Fray, they shall be punished by the Justices at the next Session.

When any person or persons, have made a Fray, and then flee to an house; The Constable or Constables may follow to the house, to open the doors; which if he or she shall refuse, he shall take notice of the Master or Keeper of the house, and require witnesses thereon; and albeit the Delinquent shall flee further, without the bounds of the Constables charge, yet may the Constable follow and apprehend him in a fresh pursuit, and crave concurrence of the Countrey for that effect.

The Constables in every Paroch, shall execute all such Precepts and Warrantands as they shall from time to time receive from the Justices of the Peace.

And that the saids Constables may have satisfaction for their travels and pains, Our Sovereign Lord, with advice foresaid, Ordains the saids Justices to give up particular Notes in writ, to the Auditors of His Majesties Exchequer, of the Fines in-brought to them, that out thereof, such measure and satisfaction may be appointed and given to the saids Constables; and also to the Clerks of the Peace as may recompence their travels; wherein if it shall be found, that the saids Fines shall not be sufficient, the saids Lords of His Highness Chequer, shall appoint such further satisfaction to them, as in their discretion they shall think their labours and diligence do deserve, and cause them be paid of

of the same. And notwithstanding of this above-written Act, and all the particulars foresaid, contained in the same, Our Sovereign Lord, with advice and consent of His saids Estates, Statutes Decerns and Declares, That the erection of the saids Commissioners and Justices of Peace, and grant or Jurisdiction and Privileges to them, and the making or approbation of the particular Acts above-written, introduced in their favours, or any thing therein contained, shall not be in any sort derogatory or prejudicial to the Rights, Privileges and Liberties, granted and bestowed by His Majesty or His Highness Royal Predecessors of before, to any of His Majesties Subjects, of whatsoever estate or quality from the highest to the lowest: But Declares, that the saids Rights, Privileges and Liberties shall remain in their own integrity, safe, intire, unhurt or unprejudged by the Premises, or any thing exprest in the saids Articles and every one of them, and are holden as especially relieved and excepted out of the same.

And lest this above-written Reservation, should seem altogether to destroy the power granted to the saids Justices, or should beget controversie betwixt them and any other having right and liberty of Jurisdiction as said is, Our Sovereign Lord, with advice foresaid, for removing of all question, which may arise betwixt them thereanent, Declares, That it shall not be lawfull nor permitted to the saids Justices, to make any Citation of Parties before their Courts, till the expiring of the space of fifteen dayes after the Committing of the Fact for the which the Committer is to be conveyed: At the compleat out-running of the which space, if any having Power and Jurisdiction as said is, hath omitted and neglected to use and exerce the Privilege and Liberty of their Right and Power; it shall then be lawfull to the saids Justices to make Citation, and to Proceed against the Parties, according to the Power and Authority given to them by His Highness, with advice foresaid and conform to the particular Articles above-written in all points, and no otherways.

If any Party complain to a Constable that he is threatened by another, then shall the Constable apprehend the Threatner and carry him with the party Complainer before the next Justice of Peace, and if he refuse to go, then shall he carry him to Prison.

Which all and sundry the premises, Our Sovereign Lord, with advice and consent foresaid, Ratifies and Approves in all points, in manner as the same proports. And gives unto them the strength and force of Acts and Ordinances of Parliament, and Ordains execution to pass upon the same as effects.

XXXIX.

Act for the Fishing, and Erecting of Companies for Promoving of the same.

Our Sovereign Lord, considering the best and readiest means for improving the benefit and advantages which properly belong unto Him, by the Fishes which are, or may be taken within the Seas, Channels, Firths and Lochs; adjacent and surrounding this His ancient Kingdom. And perceiving the same may be of great advantage many wayes, especially in that the same Trade will not only be a Nursery for Sea-faring men, and a speedy occasion of building Ships for His Majesties and His Subjects use, both in Peace and War; But likewise will set many poor and idle persons a work, and furnish the materials of a great native Export, for the continual enriching of His Majesties Kingdoms by a sure foundation of Trade and Commerce. For which ends, and that the said Trade of Fishing may be the more effectually advanced and promoted within this His Majesties ancient Kingdom, His Sacred Majesty, with consent of His Estates now convened in this present Parliament, hath Erected, and by the tenour hereof Erects, Creates and Establishes, particular Societies and Companies of His Majesties own free born naturalized Inhabitants in *Scotland*; and of all others who shall be taken and inrolled in any of the same Companies and Societies, and admitted to the privileges thereof, and shall enter themselves in the said Societies within any Shire or Burgh of this said Kingdom, one or more, betwixt and the . . . day of . . . as the first modern Societies and Companies to the effect after-specified, Constituting and Creating such persons who shall enter themselves, and their Successors, in a Body and Incorporation politick, to exerce the Trade under-written. And Ordains that none be accepted therein, except he who shall enter the sum of five hundred merks *Scots*, at least, of Stock, in the said Society. And Wils and Grants; that whosoever are of the foresaid Societies or Companies to be Constitute, their Heirs or Assignes, shall enjoy the yearly benefit of the Stock to be given by them, in all time after the in-giving thereof; but to have no power to uplift the Stock, except by consent of the Company or Council thereof after-specified. Granting and Committing, likeas His Majesty, by the tenour hercof, Gives, Grants and Commits, to the saids Companies and Societies so to be Constitute, and to all such whom they or their Successors shall admit or receive therein, full power to take and fish, Herring and White-fish, in all and sundry Seas, Channels Firths, Rivers, Floods, Lakes, and Lochs of this His Majesties said ancient Kingdom of *Scotland*, and Isles thereunto belonging, whersoever Herring or White-fish are, or may be taken and to bring in and disburthen the saids Herring and other White-fishes, to salt and sundry Ports, Harbours, Shoars, & to lay the same on the Land, & to pickle them with Salt, and to dry; and load the same in Barrells and Puncheons; and for conservation of the saids Herring and Fishes, to build Houses and little Cottages, and other things necessary for the use of the said fishing-trade, in whatsoever places shall be convenient, upon the payment of the allowance underwritten, unto the Lord or Master of the ground, or otherwise, to sell, use and dispose upon the saids Herrings and other

Fishes, to the Inhabitants, to keep and conserve the same in their Ships and Boats, and to make and prepare them therein, and to carry and transport the same to forraign parts beyond Seas, in Ships and other Vessels belonging to them, or His *Majesties* other Subjects; and to sell, use and dispose thereupon, to such who shall be in friendship and amity with His *Majesty* and His Successors. With power also to the saids Companies and Societies *respective*, to elect and make choice of such of their own number as they shall think fit, for making and framing of Laws, Statutes and Rules, for the regulating, managing and carrying on of the said Trade of Fishing (the saids Laws being always approved and allowed by the Council of Trade) and to punish transgressors accordingly. And that none be admitted to be Councillors of the saids Societies, except such who shall enter of Stock the Sum of one thousand merks money foresaid, and that they be *Scots-men*, or naturalized Strangers, and Residents within the said Kingdom. And to the which Council, so to be Nominate and Constitute, the said Companies *respective* shall submit, and to all their Acts, Statutes and Rules, especially, but prejudice of the generality foresaid, to the particular Rules under-written. To wit; First, That none after the creating and setting of the said Company or Society, may enter or come in but by consent of the Company or the Council thereof, after the said day of next, except they be appointed to be intolland taken in by the Council of Trade, to whom any person, in case of execution, may make his Address. Secondly, That the return from Forraign places upon the Stock, may be all sold in free Burghs and to free Burghesses within this Kingdom, by the saids Companies or any of them or their Factors, without any previous offer to the Burgh; providing they do not retail by selling less quantities nor five Tun of Wine, or the equivalent in value in other Commodities; and if the Import and Return shall be of less quantities, then and in that case these Commodities shall only be sold in whole sale, without any retail whatsoever. Thirdly, That no Herring or White-fish taken by *Scots-men* in the said Kingdom or Isles thereto belonging, be sold, fresh or salt, to any but to Natives, except by the Companies *respective*: And that no Stranger unnaturalized, shall have any liberty to make and prepare Herrings or White-fish upon the Land, or to make Booths for that effect, under the pain of confiscation of what shall be seized upon, and the double thereof to be exacted of the Seller, except they be free of one of the Companies foresaid. With power also to the said Council, to use and have a Seal and Gage for ilk Company *respective*, wherewith all their Barrels or Puncheons may be marked, and that ilk Barrel of green fish contain twelve gallons, which is to be the ordinar Gage betwixt Buyer and Seller. And also to make use of, and employ, all and sundry Tolbooths and Warding-houses, where necessity requires, for holding of Courts, warding or punishing of transgressors, the Burghs being always free of the charges of the Prisoners; and further, to depute such of their number as they think fit concerning all businesses and affairs, and to cognosce and determine in all questions and debates relating to the said Trade of Fishing; and to cause execute such Decrets and Sentences as shall be pronounced thereupon: and for that effect, to make choice of Officers and Servants, and to administer Oaths to them, and amongst themselves, for the good of the Trade; and if need be, with power to the said Council, to design certain Judges under them in convenient places, to administer Justice in the matter of the Trade of Fishing allanely. And Our Sovereign Lord, being most willing to cherish and encourage the foresaid Societies and Companies, in the said Trade, hath out of His Innate Beneficence and Royal Bounty, Ordained; and by the tenour hereof Decerns and Ordains, that Salt, Cordage, Hemp, Cork, Pitch, Tar, Clapboard, Knapple, Skew-hoops, and Holland Nets, imported for the Trade of Fishing foresaid, by the foresaid Companies *respective*, is, and shall be, free of any Customs or other Imposition whatsoever; and that the Herring and White-fish taken, made or prepared therewith, are and shall be free of any manner of Taxation or burden in the exportation of the same. And also, that all Strangers Fishers, who shall repair to this His *Majesties* ancient Kingdom, and will come and make their residence within the same, shall be naturalized by His *Majesty*, upon the desire and application of any of the saids Councils, and shall be entered Burghesses in any City where they shall reside, and shall be freed of all manner of exaction, for the space of seven years next after their arrival. And further His *Majesty* hath Released and Discharged, and by the tenor hereof *simpliciter* Releases and Discharges, the Teind Herring and Teind Fish, of all such Herring and Fish, which shall be taken by the Boats and Fishers of the saids Companies *respective*, or such who shall be hired by them, in all time hereafter. And also, Exoners and Discharges the Excise Herring due to His *Majesty* (except the Herring of *Dumbar*) for all the dayes, space, years and terms of nine years, next after the date hereof. And in like-manner, His *Majesty* Declares, That all Ale, Beer, Strong-waters, and other provisions for our-reeking of any Vessel for the saids Fishings of the said Companies, is, and shall be, free of all manner of Impositions whatsoever, Commanding hereby the Lords and Masters of the ground, in all places through the said Kingdom where there is Loch or other Fishings, not only to protect, maintain and defend the said Company and Society, and all Masters of Ships, Fishers and others whatsoever, going about the said Trade, and belonging to the respective Companies of Fishing, from all harm, trouble or damage whatsoever, or else to satisfy and refund their losse and damage which they shall sustain upon their Land; but also, that they, nor none of them, presume nor take upon hand, to exact

or lery, any more from the saids Fishers, Merchants, or their Servants, belonging to the saids Companies, for Ground-leave, but only twelve shillings *Scots* for every Last; and that in full satisfaction of the Saturdayes fishing, or any manner of Dues whatsoever. And for the greater encouragement of Merchant-fishers, Masters of Ships and other Vessels, and their Servants, to attend the said Trade of Fishing; His Majesty, by His Sovereign Authority and Prerogative Royal, not only by these presents Declares the Ships, Boats and other Vessels, with their Furniture, provided for, and in exercise of, the said Trade of Fishing, no wayes to be Arrestable by any Creditor, but that the same and those that shall serve therein, shall not be pressed to any publick service, without His Majesties particular Command. And that the Fishers, Masters and Servants, in the saids Vessels, and makers of Herring and White-fish, during the whole time of the said Fishing, and their employment therein, shall be free from all Actions, and no wayes conveyable before any Judge or Judicatory whatsoever for any cause or causes Civil, which may be intended against them; But also by the tenour hereof, Declares the saids Fishers, Masters and their Servants above-written, shall be free of all Captions, Arrestments or other Attachments on their persons, or against their Materials and Instruments of Fishing, during the time and season of Fishing, they being actually serving therein allannerly. And further, that none who shall be upon the Council, or any of the Societies of Trade fore-said, shall be lyable to Sels, Stents or Taxations, for what Stook they have entered or shall enter in the saids Companies or Societies *respective*, or for the benefit and profit arising thereby in time coming. And it is hereby Declared, that it shall be licent to any of the Council or Societies of the said Trade of Fishing *respective*, for the good thereof, to dwell and reside in any part or place of this said Kingdom, albeit they be Burgeses in any Burgh Royal, and not thereby loss their freedom, notwithstanding of any Act or Acts in the contrair. And in like-manner it is hereby Declared, that no person or persons shall have liberty to export Herring or Fish, nor use or have the Priviledges, Liberties and Immunities above-written, but those that shall enter themselves and be free in one or other of the saids Companies and Societies. And finally; it is hereby Statute and Ordained, that those in the severall Shires and Burghs of this Kingdom, who shall enter in the saids Companies and Societies, conform to the tenour of this present Act, shall give an account thereof to the Parliament, or His Majesties Council of Trade for the time within after the creation thereof, that the same may be Recorded *ad futuram rei memoriam*.

X L

Act for Erecting of Manufacturies.

Our Sovereign Lord, considering how many great advantages this Kingdom, and the Subjects thereof, may have by the Erecting, Cherishing and Maintaining of Manufacturies, thereby keeping in the Country great sums of money, daily exported for bringing in such Commodities as may be made at home, and bringing in money for such Commodities as may be made and wrought within the same, and exported to Forraign Nations; besides that thereby many Poor people and Idle persons and Vagabonds, will be set at work and entertained, whereby vertue will be increased and idleness curbed and restrained. And that upon this account, and for this end, severall Acts have been past by His Majesties Royal Predecessors, in their Parliaments, Conventions and Councils; and especially the one hundred and thirteenth Act of the seventh Parliament, and the two hundred and fifty, and two hundred sixty two Acts of the fiftenth Parliament of King James the sixth, and Acts of Council in the years one thousand six hundred, one thousand six hundred and one, one thousand six hundred and twelve, one thousand six hundred and fourteen, one thousand six hundred and sixteen, one thousand six hundred and twenty, one thousand six hundred and twenty three, and Acts of Convention, one thousand six hundred twenty five; and one thousand six hundred twenty six years. And His Majesty, being resolved to prosecute what hath been formerly intended, and to give such new encouragements as is necessary for advancing of Manufacturies; Hath therefore thought fit, with advice and consent of His Estates of Parliament, hereby to grant to all such persons as have or shall undertake to set up any Manufacturies, the Priviledges following, *viz.* If any Stranger shall come, or be brought into this Kingdom by Natives, to set up Work, and teach his Art in making Cloath, Stuffs, Stockings, Soap, or any other kinde of Manufactory, he shall enjoy the benefit of the Law, and all other Priviledges that a Native doth enjoy; with power to erect Manufacturies either in Burgh or Landward as they shall think fit, and there to dwell and exercise their Trade without any stop or trouble.

And

And for their further encouragement, Declares, all Oyl, Dying-stuffs, Forraign Wool, Pet-Allies or any other materials whatsoever usefull for Manufacturies, that shall be imported, to be free of Customs, Excise and other publick Dues; and that all Cloath, Stuffs, Stockings or any other Commodity to be made and exported by them, be free of Custom and Excise, for nineteen years after *January*, one thousand six hundred and sixty two years. And if any Stock shall be employed for erecting or entertaining of any Manufacturies of any kind, the same is to be free of all publick and private Taxes whatsoever. Likeas all Customers, Collectors, Farmerers of Customs or Excise, and others, are hereby discharged to demand any Custom, Excise, or any other Imposition whatsoever, for such Materials before mentioned and belonging to Manufacturies, as they will be answerable. And in regard of the great prejudice to the Kingdom by Exportation of Wool, and Skins with Wool upon them, and of other Native Commodities and Materials fit for Manufacturies; Therefore His Majesty, with advice foresaid, Doth hereby Discharge all and every person whatsoever, Native or Stranger, to Export out of this Kingdon any Wool, or Skins with Wool upon them, or Skins of any kind, or any Materials usefull for Manufacturies, until they be made in work, or put to the best avail for the good of the Kingdom; Certifying such as do in the contrair, they shall forfeit such Wool, Skins and other Materials, or the just value thereof, the one half to His Majesty, and the other half to the Informer, who shall discover, apprehend, and prosecute the same before His Majesties Exchequer, besides that the persons and estates of such Contraveeners, shall be lyable to such punishment and fine for the same, as His Majesties Exchequer shall appoint. And also His Majesty, with advice foresaid, Discharges all Regraters and Foretallers of Mercats of Wool, and that no Merchant nor person whatsoever, buy and keep up Wool to a dearth, but that they bring the same to be sold in open Mercats, under the pains contained in the Acts of Parliament made against Regraters and Foretallers. And in regard there is much deceit by wrapping up of Wool in the Fleece, by putting stones, Sand, and other insufficent stuff in the same, It is hereby Declared, that all such Wool shall be confiscat, the one half to His Majesties use, and the other half to the use of those who shall apprehend, discover, and pursue the same. Likeas His Majesty, for the further encouragement of the saids Manufacturies, Doth with advice foresaid, Discharge all Quartering, or Levying of Souldiers upon Manufacturies, or the Masters thereof; and that no person whatsoever entice, respect, or entertain any of the Servants or Apprentices of the Manufacturies, without consent of their Master, under the Pains contained in the Acts of Parliament against Coal-hughers, Salters, and their Rescoters. And for the further improving of the saids Manufacturies, His Majesty, with consent foresaid, Doth hereby Impower the Masters, Erectors, or Entertainers of Manufacturies, to meet by themselves for making of Ordinances for the good and advancement of their Trade, for the right ordering of their Servants, and for the sufficiency of their Stuffs, Cloath and others; and chuse one of the most expert of their number for visiting of their work, that a Mark or Seal may be put upon it, distinguishing what is sufficient and what not. And because many things may occur hereafter, which may be necessary for advancement of Manufacturies; Therefore His Majesty, with consent foresaid, Doth Impower the Lords of His Majesties Privy Council or Exchequer, or such as shall be appointed by His Majesty, during this present Parliament, or thereafter, to consider such Overtures as shall be offered for the good of Manufacturies; and to make such Orders, and grant such further Liberties and Priviledges to them as they shall think just. It is always Declared, that it shall be free and lawfull to His Majesties Treasurer and Commissioners of Exchequer, as they shall find cause, to grant licence for exporting of Wool and Skins, any thing in this Act to the contrary notwithstanding.

X L I.

Act for Planting and inclosing of Ground.

Our Sovereign Lord, considering how many laudable Laws have been made, by His Majesties Royall Progenitors, for Parking and Inclosing of Ground, and Planting of Wood, and for preserving of the same: and finding the great prejudice have followed upon the not dew observance of so notable and necessar Laws. And how expedient, fit and necessar it will be, for the good of this His Majesties ancient Kingdom, especially for Shipping and Building, that Timber be Planted; and how advantageous it is for the increase of Corns and Cattel, and the sowing of Lint and Hemp for Manufacturies, that Parking and Inclosings be made. Doth therefore with consent and advice of His Estates of Parliament, Revive the ninth Act of the fourth Parliament of King James the first, of Blessed memory, Entitled, *An Act for Planting of Woods, Forrests and Orchards*, and all other Acts made for that effect, by His Majesty or any other His Royal Predecessors; and Ordains the same to be put to execution in time comming, conform to the Tenor thereof, in all points; with this addition. Likeas His Majesty with advice of His saids Estates of Parliament, Doth hereby Statute and Ordain, that every Heritor, Liferenter, and Wodsetter (according to the qualifications under-

under-written) within His said ancient Kingdom of *Scotland*, with one thousand pounds or yearly valued Rent, shall inclose four Aikers of Land yearly at least, and plant the same about with Trees of Oak, Elm, Ash, Plain, Sauch or other Timber, at three yards distance. And that all other Heritors of greater or lesse Rent nor the said sum or one thousand pounds money foreaid, do Plant, Inclose and Ditch yearly, more or fewer Aikers, according to their respective Rents, for the space of ten years next ensuing; and that of such Lands as the Heritors shall think most fit for Planting and capable for inclosing, to be also Planted, Ditched or Inclosed in manner foreaid; and that the saids Heritors begin to Plant, Ditch, and Inclose, the said ground at the feast of *Michaelmasse* next to come, and uphold the same in time coming. And for the further encouragement of the saids Heritors, Wodsetters and Liferenters, to go about the ready observance of the said Act, liberty and power is granted to them, at the sight of the Sheriffs, Stewarts, Lords of Regalities, Barons, and Justices of Peace in their respective bounds, to call about the High-ways to their conveyance, providing they do not remove them above two hundred ells upon their whole ground; Excepting all-ways heretofore, Burrough and incorporate Aikers, which are no ways to be Parked or Inclosed, unless the Heritors thereof shall think it meet and expedient. And where there are Liferenters upon Lands, it is hereby Declared, that the same shall be done upon the equal charges and expences of the Liferenter and Heritor. And in case of Proper Wodlets, it is also hereby specially Declared, that the same shall be done by the Wodletter, and the charges thereof is and shall be added to the reversion, and no ways redeemable, while they make payment thereof, as well as of the sums for which the Lands are Wodlet. And for the better encouragement of Heritors, and for preserving of the said Planting and Inclosures, It is Statute and Ordained, that whosoever shall cut or break any of the saids Trees, (not being the Heritors themselves) shall pay unto the Heritors or persons wronged, twenty pounds for every Tree: or if he be not able to pay the said twenty pounds, it shall be in the power of the party thereby wronged, to make him work six weeks, giving him meat and drink allanely. And further it is Ordained, that whosoever shall break down the Hedges or Dikes on the saids Parks or Inclosures, or be found within the same, being a stranger, shall be holden and repare a breaker down thereof, and pay five pounds for every fault; or if he be not able to pay the said five pounds, to work ten dayes to the owner of the saids grounds, for meat and drink as said is. And for the greater encouragement of all persons who shall be virtuously inclined to Ditch Inclose or plant their ground, in manner aforesaid, His *Majesty*, with consent above specified, hath Declared, and by this presents Declares such parts and portions of their said ground, as shall be so Inclosed and Planted, to be free of all manner of Land-tithes, Taxations or Impositions, of whatsoever nature, or Quarterings of Horse in the saids Inclosures, for the space of nineteen years, next after the date hereof; and that at the proportioning of the saids Burthens, the same inclosures shall be exempted and made free thereof accordingly. And also for the better preserving of the saids Inclosures, and of the Trees and Planting to be let about the same, it is Statute and Ordained, that ilk Heritor, Tennant and Cottar, keep their Cattel and Goods, out of their neighbours Inclosures at all times, that their Trees, Planting and Ditching, be no ways Damified or prejudged, under the penalty of five pounds for ilk contravention, *toites gaires*, to be paid to the party damified. And further Statutes and Ordains, That where Inclosures fall to be upon the border of any persons Inheritance, the next adjacent Heritor shall be at equal pains and charges in Building, Ditching and Planting that Dike which parteth their Inheritance. And Recommends to all Lords, Sheriffs and Baylies of Regalities, Stewarts or Stewartries, and Justices of Peace, Baylies of Burroughs, and other Judges whatsoever, to see this Act put in execution, and to grant Proccle in the instance of the Parties damified and prejudged, and to see them repaired, after the form and tenor of this Act above-written, in all points.

XLII.

Act Establishing Companies, and Societies for making Linnen-cloth, Stuffs, &c.

Our Sovereign Lord, considering that all the laudable Laws and Statutes, made by His *Majesties* Ancestors, anent Manufacturies, for enriching of His *Majesties* ancient Kingdom, putting of Poor children, Idle persons and Vagabonds to work for the maintenance and relief of the Countrey, of the burthen of such unprofitable persons, have been hitherto rendred ineffectual; And that many good spirits, having aimed at the publick good, have for want of sufficient stocks, council and assistance, been crushed by such undertakings, Do conceive it necessary, to Create and Erect Companies and Societies for Manufacturies, that what was above the capacity of single persons, may be carried on by the joynt assistance, council and means of many. And therefore His *Majesty*, with advice and consent of His Estates of Parliament, Doth Establish particular Societies and Companies, in the persons of such as shall enter themselves in the saids Societies within any Shire or Burgh, one

or moe of this Kingdom; and after their decease, in the persons of their Successors, (it being al-
ways Declared hereby, that not any of them shall be represented but by one person allannerly) or
at the first modern Societies and Companies for making of Linnen-cloath, Worstead Stockings, Sear-
ges Baifes Sayes, Cottons, Sempeternums, Castilians, Perpetuanacs, and all all other Woollen Stuffs
with advice and consent foresaid, Prohibits and Discharges any of His *Majesties* Liegcs, to carry and trans-
port into *Spain, Portugal, Riscay, Russia, France*, or any place beyond Seas, any Linnen-Cloath,
Baifes, Sayes, Cottons, Sempiternums, Castilians, Perpetuanacs, or any other Woollen Stuffs or
Cloaths, except they be free, and of one of the Societies aforesaid, and that all the saids Stuffs or Cloaths,
all Materials imported for the use of the saids Manufacturies, and that all the saids Stuffs or Cloaths,
exported by the said Company, shall be free of all Customs, Excise, or any other Imposition what-
soever, for the space of nineteen years after the day of all other Merchants not
free in one or other of the saids Companies, paying the usuall Customs, Excise, or any other Impo-
sitions, for any of the saids Commodities Exported by them. As also His *Majesty*, with advice
foresaid, for the good and encouragement of these who shall enter themselves in the saids Companies,
Doth discharge the saids Companies *respective*, where ever the same shall be erected, to receive any
within the same, except these who shall contribute and bring in, to make up a Stock to the saids Manu-
facturies, the sum of five hundred merks *Scots*, and doth grant liberty to the saids Members of the
saids Societies *respective*, to choose and elect a certain number of their own Incorporation and So-
ciety, to be a Council for making of Laws, for their better regulating and ordering of the said Com-
pany and Manufactory, and things belonging thereto; providing alwayes, that no person elected have
less of Stock, in the said Company or Society, nor one thousand merks *Scots* money. And that this
Pious, Charitable and profitable Design, may be no longer frustrate, nor poor Children, Vagabonds
or Idle persons, continue to be burdensome to their Countrey; It is Statute and Ordained, that
there be in each Paroch, one or moe persons provided and appointed, upon the charges and expences
of the Heritors thereof, for instructing of the poor Children, Vagabonds and other Idlers, to fine
and mix Wool, spin Worstead, and knit Stockins. And for the more speedy perfecting of the laud-
able Design and Policy so much aimed at by His *Majesties* Royal Predecessors, and now prosecute
by His *Majesty* in His prudence, and condescending care for the meanest of His Subjects, It is Sta-
tute and Ordained, that within moneths after the dissolving of this present Parliament,
the Commissioners of Shires do convene the whole Heritors within their respective Shires, for electing
of some of the Heritors within each Paroch, to see this present Act made effectual, and persons ap-
pointed for instructing of the Children and others foresaid, to fine and mix Wool, knit Stockins, and
spin Worstead, and to see a maintenance setled in every paroch upon the saids Instructors: And with-
in the space of next after the said first meeting, that they convocate the persons elected,
within the several Paroches of the respective Shires, to take an account of them and of their care
and diligence in the matters aforesaid; and in case they shall be found to have failed, that the saids
Commissioners now attending this present Parliament, do see this present Act put in execution after
the time aforesaid, in all the said Paroches where the saids persons elected shall be found to have been
deficient; and Ordains Magistrates of Burghs to be carefull that the same be made effectual within
their Burghs and Liberties. And in case all or any of the saids Commissioners or Magistrates afore-
said, do fail herein after the foresaid time, His *Majesty*, with advice and consent of the Estates a-
foresaid, Doth commit the care hercof to the Lords of His *Majesties* Secret Council, that the
Laws may be no longer frustrate, nor the Kingdom burdened with Idle persons, Vagabonds or poor
Children. And that Manufacturies may be promoted, and for the encouraging of skilful Artizans
to come from abroad, for training up the persons foresaid, and working for the use of the saids Com-
panies, It is hereby Declared, that all such as shall be brought home and employed for the saids Com-
panies, shall be free to set up and work in Burghs and Landwart where the Companies shall think
fit, without paying any thing whatsoever to any person or persons, under whatsoever colour or pretext
for their Freedom; and shall be free of Taxes and publick Burdens or Exactions during their lifetime;
notwithstanding of any Law, Statute, Priviledge or Indulgence, made or granted in the contrair by
His *Majesty* or any of His Predecessors, in favours of any Commitee, or Incorporation whatsoever,
which are all hereby Cassed, Rescinded, and Declared void and null, in so far as they may be con-
ceived to derogate from the Priviledges and Immunities granted by this present Act, in favours of
Tradf-men, Natives or Strangers, belonging to, or brought home by, the saids Companies, for work-
ing in the saids Manufacturies. And to the end that the foresaid Stuffs and Cloaths may be more useful
at home, and have the better vent abroad, His *Majesty*, with advice foresaid, doth Prohibit and
Discharge any Weaver belonging to the saids Companies or private Tradf-men, to make any Searges,
under the breadth of an ell and a nail; Perpetuanacs and Sempiternums, under the breadth of three
quarters and a half, nor no Woollen cloath under an ell and a half broad; under the pain of twenty
pounds, to be paid by the Weaver thereof, and the saids Stuffs and Cloaths, to be confiscat, the one
half

hath to His *Majesties* use, and the other half to the use of the discoverers thereof. Further, His *Majesty*, with advice foresaid, for encouragement of these who shall enter into the saids Companies or Manufacturies, doth grant to ilk one of the saids Companies all the Priviledges and Immunities that are, or shall be hereafter by the Kings *Majesty* indulged to the Companies or Societies of Fishers, as if the same were herein exprest. Whereanent, His *Majesty*, with consent foresaid, hath dispensed, and hereby dispenses for ever.

XLIII.

Act discharging the exportation of Linnen-yarn, and regulating the breadth of Linnen-cloth, &c.

Our Sovereign Lord, conceiving it necessary for the good and wel-being of His *Majesties* Subjects, to project and endeavour the improvement of all the Native Commodities of this His *Majesties* ancient Kingdom, and to make Laws and Ordinances, for evirng and preventing of all fraud and deceit used heretofore, in making Sale of the saids Commodities; And considering that it would tend more to the advantage of His *Majesties* Subjects, and promoting of Manufacturies, to restrain the liberty that Merchants have taken to export Linnen-yarn, then suffer them to carry the same unto other places and Kingdoms. Therefore His *Majesty*, with advice and consent of His Estates of Parliament, Discharges any Merchant or others whatsoever, to transport out of this Kingdom any Linnen-yarn, under the pain of Confiscation of the same, the one half to His *Majesties* use, and the other half to the use of the Attacher and Apprehender of the said Yarn; and Statutes and Ordains that all Yarn be sold by weight, and that no Reel be made use of within this Kingdom, under the measure and length of ten quarters, and that under the pain of Confiscation of any Yarn brought to the Mercat of a shorter Reel, the one half to His *Majesties* use, and the other half to the use of the Delaters and Apprehenders of the said Yarn. As also, His *Majesty* considering, that Linnen-cloth is one of the most usefull Commodities of the product of this Kingdom, whereby much money in ancient times was brought home; And that now, to the great prejudice of the said Commodity, the same is brought in contempt abroad, and become hardly vendible, through the deceitfull Making, evil Bleerching, and unequal Breadth thereof; Therefore His *Majesty*, with advice and consent of the saids Estates, doth Discharge and Prohibit all Weavers to make any Linnen-cloth, of the price of ten shillings *Scots* the ell, or above, under the breadth of an ell and two inches, after the first day of *November* next to come, under the pain to be imprisoned, for the space of fourteen dayes, and of twenty pounds *Scots* to be paid for each fault, to Magistrates of Burghs, Sheriffs of Shires, Lords of Regalties, and Barrons within their respective bounds, and of the Confiscation of the same, to the use of the Atrachers and Discoverers thereof; and Statutes that all Linnen-cloth be taken up by Selvage, and not by the Rigg, and so to be presented to the Mercat; and that all Linnen-cloth be Bleerched without Lime, under the pain of twenty pounds for each fault, to be paid to the Magistrates foresaid, within their respective bounds. And lastly, it is hereby Declared that all Flax and Linnen-yarn Imported, and all Linnen-cloth Exported, by such as shall enter into the Companies and Manufacturies for making of Linnen-cloth, shall be free of all Custom, and all other Imposition, for the space of fifteen years after the saids Manufacturies shall be established in the persons of such as shall enter themselves in the said Companies, betwixt and the first day of *January* next, conform to another Ordinance of Parliament for establishing the saids Companies.

XLIV.

Act for encouraging of Shipping and Navigation.

Our Sovereign Lord, considering that the Wealth, Safety and Strength of this Kingdom, are very much concerned, in the increase of Shipping, and encouragement of Trade and Navigation; both which are much decayed; if not wholly ruined, by the late unhappy Wars, and the said effects that have followed thereupon. And perceiving the present low condition of Trade, and the small number of Ships and Sea-men within this Kingdom, Hath thought expedient, out of His Princely zeal for the publick good, with advice and consent of His Estates of Parliament now presently convened, to Statute and Ordain, and by these presents Statutes and Ordains, that from and after the day of and thence forward, no Goods nor Commodities whatsoever, that are of Foreign growth, Product or Manufacture, which are to be brought into *Scotland*, or any of the Isles thereto belonging, shall be shipped or brought from any other place or places, Countrey or Countries but only from those places where the saids Commodities do grow, are produced or made, or from the Ports where the saids Goods and Commodities commonly are, or usually have

been, first shipped for Transportation, and from no other place or Countrey; and in noother Ships or Vessels, but such as do truly and only belong to His said Kingdom; and whereof the Master, and three fourth parts of the Mariners, are Natives and Inhabitants within the same; or at least in such Ships and Vessels, as do truly and only belong unto, and are of the build of, these Kingdoms or Countries where the saids Commodities do grow, are made or produced; and whereof the Master, and three fourth parts of the Mariners, are Natives and Inhabitants within the same. All which is to be verified and attested, under the Seal of the City or place from whence they come, and Oath of the parties to whom the said Ships or Vessels do belong, under the pain of Confiscation of all such Goods as shall be Imported from any other place or Countrey, or in any other Ship or Vessel, contrair to the true intent and meaning of this Act; As also of the Ship in which they shall happen to be imported, with all her Guns, Furniture, Tackle, Ammunition and Apparelling, the one half to His Majesty, and the other half to the use of those who shall discover the Contraveeneers of this present Act, and pursue for the same before the Lords of His Majesties Exchequer. And further it is Statute and Ordained by His Majesty, with advice and consent foresaid, that all Goods or Commodities whatsoever, produced or shipped, as is above express, which from and after the said day, and thence forward, shall be Imported into this Kingdom, or any Islands thereto belonging, in any Ships or Vessels, that shall not truly and only belong to the Natives and Inhabitants thereof (except in English or Irish Vessels, providing alwayes that Scots Vessels, enjoy the like benefit of Trade within the Kingdoms and Dominions of England and Ireland, and no otherways) shall be lyable to double Custome, and pay accordingly, whether the said Goods pertain to Natives or Aliens. And further it is Statute and Ordained, that from and after the said day, and thence forward, all Goods and Commodities whatsoever, belonging to Aliens, Exported or Imported in whatsoever Ships or Vessels, whether Forraign or Scottish, shall be lyable to double Custome and pay accordingly. And it is further Statute and Ordained, that from and after the said day, and thence forward, all Goods or Commodities whatsoever, Exported, in any other Ships or Vessels, then such as do truly and only belong to the Natives and Inhabitants of this Kingdom, shall be lyable to double Custome and pay accordingly, whether the saids Goods appertain to Natives or Aliens. And it is further Enacted and Ordained by His Majesty, with advice and consent foresaid, that after the said day, and thence forward, all Ships and Vessels belonging to this Kingdom, shall be Navigated only by Scots-men, dwelling in Scotland, at least the Master and three fourth parts of the same being such, under the pain of being esteemed Forraign Vessels, and paying double Custome, for all the Goods and Commodities, Imported or Exported within the same. And for preventing of all fraud, which may be used in the buying or Forraign Ships, It is Statute and Ordained by His Majesty, with consent foresaid, that from and after the said day, no Ship whatsoever shall be deemed, or pass as a Ship belonging to Scotland, or enjoy the benefit of such a Ship or Vessel, untill such time that he or they, claiming the same to be theirs, shall make appear to the chief Officer or Officers of the Customs at *Lieth*, he or they residing in any place betwixt *Berwick* and *Stirling* on the South side or *Forth*, and to the chief Officer or Officers at *Burntisland*, he or they residing in any place betwixt *Stirling* and *Fife-ness* upon the North-side of *Forth*, and in case of their abode in more remote places, to the Officer or Officers of the Port next to the place of his or their abode, that they or he are not Strangers, and shall have taken an Oath before such Officer or Officers, who are hereby authorized to administer the same, that such Ship or Vessel was *bona fide*, and without fraud, bought by him or them, for a valuable consideration, expressing the Sum, Time, Place and Persons, from whom it was bought, and who are his Partners (if he any have) All which Partners shall be lyable to take the said Oath before the chief Officer or Officers of the Customs *respective*, as said is; and that no Forraigner, directly nor indirectly, hath any part, interest or share therein; and that upon such Oaths, he or they shall receive a Certificate under the Hand or Seal of the said chief Officer or Officers of the Port next the abode of the persons so making Oath, whereby such a Ship may for the future passe, and be deemed as a Ship belonging to the said Port, and enjoy the Privilege of such a Ship or Vessel; and the said Officer or Officers, shall keep a Register of all such Certificates, as he or they shall so give, and return a Duplicate thereof to the chief Officers of the Customs at *Lieth*, for such as shall begranted in all the other Ports of this Kingdom, together with the names of the person or persons, from whom such Ships were bought, and the sum of money which was paid for the same; as also the names of all such persons as are Partners, if any such be. And it is further Enacted by His Majesty, with consent foresaid, that if any Officer of the Customs, shall from and after the said day, allow to any Forraign Ship or Vessel, the priviledges due to a Scots Ship, till such Certificate be by them produced, or such Proof and Oath taken before them, or such as they shall appoint to receive the same, and to examine whether the Master and three fourth parts of the Mariners at least be Natives and Inhabitants within this Kingdom; that for the first offence, such Officer or Officers shall be put out of their Offices or Places. And it is further Statute and Ordained, that no

Merchant

Merchants belonging to this Kingdom, shall employ any Alien, or person not born within this Nation or naturalized, or made a free Denizen thereof, from and after the said day, as Factor in any place beyond Seas, for the use and account of the Merchants of this Kingdom, under pain of a pecuniary Mute, to be paid by him, or them that shall employ him: which sum shall be imposed at the discretion of the Council of Trade, the one half thereof to His Majesty and Successors, and the other half to him or them that shall inform and pursue for the same. It is alwayes hereby provided, that this Act, not any Clause therein contained, extend not to, or be meand to restrain or prohibit the Importation of any of the Commodities of *Asia*, *Africa*, or *America*; as also of the Commodities of *Musco* and *Italy*, from such Ports and places, and in such Ships and Vessels, as may be gotten most conveniently, until such time as the Merchants of this Kingdom have actual Trade to these respective places; and that the same be prohibited by Act of Parliament, Privy Council, or Council of Trade. It is hereby Declared, That it shall be lawful to import any sort of Corns, in time of dearth, from any place or places, in any Ship or Vessel whatsoever, without being lyable to Confiscation, double Custom, or any other Penalty contained in this present Act; the dearth and necessity of import being alwayes cognosed and declared, by a publick Act of the Privy Council, or Council of Trade.

XLV.

Act discharging the Exportation of Skins, Hides, &c.

THe Kings Majesty, considering how necessar it is, that all former Laws for improving of Native Commodities be Revived; and understanding that the Deacons and remnant Trades-men of the Skinners, have upon their own charges, brought from Forraign places, Perfumers, Makers and Preparers of Leather, by whose pains and Art, the Kingdom may be furnished with Gloves at easier Rates, and be able to furnish other Nations abroad with Made-work; Doth therefore with advice and consent of the Estates of Parliament, Ratifie and Approve the hundred seventy eight Act of the thirteenth Parliament of King James the sixth of blessed memory, discharging the Exportation of Skins and others therein contained; and Ordains the same to be put to execution, conform to the tenor thereof in all points. And also considering how useful Goat-skins, Hart, Deer, and other wilde Beasts Skins might be, if they were prepared and improved by Skinners within the Kingdom; His Majesty doth therefore with advice foresaid, Discharge all Merchants, Trades-men and others, to Transport any Cali-skin, Kid-Skin, Hudderen, or Shorling-skins, or any Goat-skins, Hart, Buck, Deer, or any other wilde Beasts Skins forth of the Kingdom under pain of Confiscation of the same. And for the further encouragement of the Skinner-trade and Manufactory, Licence is hereby given to Export Gloves made within the Kingdom, free of all Custom and Excise, for the space of ninteen years after the date hereof; reserving alwayes to the Lord-Treasurer and Commissioners of Exchequer, to give Licences for Exporting of Skins, as they shall find cause, after one year from the date hereof.

XLVI.

Act discharging Exportation of Wollen-yarn, Worstead, broken Copper and Pewter, &c.

THe Kings Majesty, considering the great prejudice this Kingdom and Manufacturies do receive by the Export of Worstead, Wollen-yarn; Raw and Unwaked-cloath and Stuffs; and the discouragement that Trades-men and Artists have by the Export of broken Copper, Brass and Pewter; Doth therefore, with advice and consent of His Estates of Parliament, Discharge all Merchants, Trades-men, and others whatsoever, as well Strangers as Natives, upon any colour or pretext whatsoever, to Export forth of this Kingdom any Worstead, Woollen yarn, Raw or Unwaked-cloaths and Stuffs whatsoever, made within the same, (Plaiding excepted) or any broken Copper, Brass or Pewter, under the pain of Confiscation of what of any of the particulars above-written shall be apprehended in the Exporting; the one half to be applied for His Majesties use, and the other half for the use of the apprehender and pursuer of the same.

XLVII.

Act discharging Tradef-men to Import Made work.

THe Kings *Majesty*, considering the great discouragement given to Manufacturies and Trades, by Tradef-men's bringing home from Forraign places, such Commodities as may be made within the Kingdom, by these of the same Trade; Doth therefore, with advice and consent of the Estates of Parliament, Inhibit and Discharge all Tradef-men and Mechanicks, to Import from Forraign parts any Made-work belonging to that Trade or Calling whereof they are Free-men; or to vend the same, or any such Ware brought home by Merchants, in their Shops or otherwayes, under the pain of Confiscation, the one half to His *Majesties* use, and the other to the apprehender or purchaser of the same.

XLVIII.

Act for encouraging of Soap-works.

THe Kings most Excellent *Majesty*, considering the great advantage this His ancient Kingdom hath had, and may have by erecting and keeping up of Soap-works, whereby the Eastern Trade and Green-land Fishing will be much helped, by Importing of Pot-ashes and other Materials; and money brought into the Kingdom, by the Exported Soap made within the same; And His *Majesty* being sensible of the prejudice this Kingdom hath suffered during these troubles, by the decay of these works, and being willing to give all due encouragements to the same for the future; Doth therefore, with advice and consent of the Estates of Parliament, Declare all Oyl, Pot-ashes, and other Materials of any kinde whatsoever, to be Imported for the use of Soap-works or making of Soap, and all Soap made within the Countrey, to be free of all Custom and Excise, and all other publick or private Dues whatsoever; and also that all Soap, so made and Exported, shall be free for the space of nineteen years after the setting up of these works, and after the date hereof, for such works as are already set up; and discharges all Customers, Collectors or Fermerers of Excise or Custom, and all others whatsoever to demand Custom, Excise or other Duty, for any Oyl, Pot-ashes, Tallow, or other Materials Imported for making of Soap, or use of Soap-works allannerly, or for Soap made within the Kingdom, and exported as said is.

XLIX.

Act Reducing the Annals to six for the Hundred.

THe Kings *Majesty*, with advice and consent of the Estates of Parliament, Hath thought fit upon diversie good considerations, to Reduce, Likeas hereby they do Reduce, the Annualrents of all money within this Kingdom, to six for the Hundred yearly, in all time coming. And Declares the said six for the Hundred to be free of all Retention, or other publick Burdens whatsoever.

L.

Act and Offer of Twelve thousand pounds Sterling to the Lords of Session.

FOrasmuch as among the many and unparallel'd blessings, wherewith it hath pleased the Almighty GOD to visit these Kingdoms, is the return of His *Majesty* to the exercise of His Royal Government, it is the greatest happinesse of this Kingdom, that the ordinary Judicatories, the fountains and seats of Justice, are by His *Majesty* established, according to their ancient and well grounded Constitutions; And the Estates of Parliament considering, how much it doth import the advancement of His *Majesties* service, the honour of the Kingdom, and the good of the Subjects, that the Senators of the Colledge of Justice (who are the Supream Judges under His *Majesty*, in all civil Causes) should be provided to a competent allowance, towards their charge and expenses, in their attendance on this their publick Administration. And understanding, that by the calling down of the Annualrents from ten to six of the hundred; and by the disability of some Debtors, and by laying aside the twentieth penny of Sentence-silver, (which is conceived to be an unequal burden and grievance to such as must sue the benefit of the Law; and so are lyable thereto, before they can have repetition

tion of it, or recovery of their just Debts) the present yearly allowance to each of them will not exceed one hundred pounds Sterling; which being so mean, and unsureable to the honour and reputation of that employment, and to equity and Justice, as to the persons called by His Majesty to serve therein; Therefore the Estates of Parliament have thought fit to grant, Likas they do hereby make a free offer and grant of a Taxation of twelve thousand pounds Sterling, towards the making up of a Stock, whereof the Annualrent is to be employed for the use aforesaid, and to be paid by the Shires and Burghs of the Kingdom; the one half thereof in the moneth of *November* next to come, and the other half in the moneth of *May* thereafter, in the year one thousand six hundred and sixty two years, and to be raised in the same manner, the present or last Impositions are, and have been paid. And in order thereunto, The Kings Majesty, with advice and consent of His Estates of Parliament, Doth hereby Statute and Ordain, the said sum of twelve thousand pounds Sterling, to be paid by the Shires and Burghs of the Kingdom, in manner for the use aforesaid, the one half thereof in the moneth of *November*, and the other half in the moneth of *May* next to come; and that the same be brought in and delivered to any, whom the Senators of the Colledge of Justice shall appoint to receive the same; and whose discharge upon the receipt thereof, in whole or in part, shall accordingly be a sufficient exoneration to the Shires and Burghs, and all others whom it effeirs. And the saids moneths of *November* and *May* respective, being past, Ordains Letters of Horning and Poynding, and all other Execution necessary to be directed at his or their instances, against the Shires or Burghs of the Kingdom and their Collectors: And twenty dayes being expired, after either of the saids moneths respective, Ordains Quartering to be upon deficient Shires, and Burghs; and that all who command the Forces within the Kingdom, gives orders, and be assisting hereunto accordingly.

L I.

Act concerning Arrestments.

Owring to their Debtors, by vertue of Heritable Bonds, Contracts and other Writs bearing payment of Annualrents: which in respect of the Obliegment for Annualrents, were not in former times Arrestable. Therefore the Kings Majesty, with advice and consent of His Estates of Parliament, Finds and Declares, that all sums of money which are addebted by Bonds, Contracts and other personal Obliegments, whereupon no Infestments have followed, are, and shall be Arrestable at the instance of any Creditor, notwithstanding that the Bonds, Contracts and other Obliegments bear payment of Annualrents. And the Kings Majesty, with advice and consent aforesaid, Declares that this shall no wayes change the nature of the saids Sums, nor prejudice the Heir nor any other person their rights to the same as being Heritable, which are hereby Declared to remain in their own nature unchanged by this *Act pro ut de jure*, except that only the same are Arrestable. And it is hereby expressly provided, that all Arrestments and Executions thereof, since the twenty ninth day of *July*, one thousand six hundred and forty four years, used conform to the tenor of this Act, shall be as valid and sufficient, as if this present Act had been of the said date; But prejudice alwayes to the Creditors to Comprise the saids Heritable Sums, if they shall choose rather to Comprise then to Arrest.

L II.

Act concerning the disposal of Vacand Stipends.

Forasmuch as by divers Acts, it is found that Stipends and Benefices of Vacand Kirks, or which thereafter should vaik by Decease, Deposition, Suspension, Transportation of Ministers, Dis-union of Kirks, or any other way, should, during the Vacancy thereof, be employed on pious uses; and the Kings Majesty considering, that during these troubles, many Learned and Religious persons in the Ministry and Universities, for their expressions of duty and loyalty to His Majesty, or not concurring in the confusions of the time, have been Deposed, or Suspended from their Charge and Ministry, and have been otherwayes put under great sufferings, and they and their Families, reduced to extrem misery and want. And conceiving it to be an Act of great Piety and Justice, to have regard to the sufferings of those honest and faithfull Ministers and others, and in some measure to provide for them, and repair their losses; Therefore His Majesty, with advice of His Estates of Parliament, Ordains all Stipends or Benefices of Kirks that are Vacand, and not already disposed of, or which shall vaik by Decease, Deposition, Suspension, Transportation, or any

any other wayes to be employed for the supply and maintenance, and towards the reparation of the sufferings and losses of the persons aforesaid, and of the Wives and Bairns of such of them as are dead; and that in such manner and wayes as after tryal of their merits and sufferings, and the causes and grounds thereof, shall be thought fit by the Lords of His *Majesties* privy Council, to whom His *Majesty*, with advice and consent foresaid, commits the care of this busines; And doth hereby empower and require them to use all diligence, that the favour and Justice hereby intended by His *Majesty* to these suffering Persons and their Families, may be made effectual; and that notwithstanding of any thing contained in any of the saids Acts to the contrair. It is alwayes provided, that this Act is without prejudice of any benefit, which by the Law and Custom of this Kingdom, falls to the Relict, Bairns or Executors of a Minister after his deceale; and that this Act is to endure for the space of seven years, and longer as His *Majesty* shall think fit.

LIII.

Act ratifying the Act of Parliament 1633. anent the Annexation of His Majesties Property, &c.

OUR Sovereign Lord, with advice and consent of the Estates of this present Parliament, Ratifies and Approves, and for His Highnesse, and His Successors, perpetually Confirms, the tenth Act of the first Parliament of His *Majesties* Royal Father of blessed memory, King *Charles* the first, holden at *Edinburgh*, in *Anno* one thousand six hundred and thirty three, Intituled *An Act anent the Annexation of His Majesties Property*, in the whole Heads and Clauses thereof, especially that Clause of the same whereby His *Majesty* and the Estates of Parliament then convened, did Declare the right and title of Superiority, of all and sundry Lands, Barronies, Milns, Woods, Fishings, Towers, Fortalices, Mannor-places, and pertinents thereof pertaining to whatsoever Abbacies, Priors, Prioresses, Preceptories, and whatsoever other Benefices, of whatsoever Estate, Degree, Title, Name or Designation the same were of, Erected in temporal Lordships, Barronies or Livings, before or after the general Act of Annexation of Kirk-lands made in the moneth of *July* one thousand five hundred eighty and seven, together with the whole Few-mails, Few-fermes and other Rents and Duties of the saids Superiorities to be annexed, and to remain with the Crown for ever, upon the reservation of the Lords and Titulars of Erection therein specified: Likeas thereby His *Majesty* and Estates foresaid, Found and Declared, that all Titulars of Erection without exception, should hold their property and proper Lands of the Kings *Majesty* and His Successors in Few-ferm, for payment of the Few-ferm-duties, contained in the Infeiments, granted to them before the said Act of Annexation, and no otherwayes. And that all Rights and Deeds, made and granted to whatsoever person or persons, preceeding the date of the foresaid Act, which might prejudice His *Majesty* and His Successors, in the peaceable injoying of the said Superiorities and Few-ferm-duties, should be null and of no avail, by way of Action, exception or reply. And further His *Majesty* with advice and consent foresaid, of new Declares, the foresaid Superiorities of all and whatsoever Kirk-lands, Milns, Woods, Fishings and whole pertinents of the same, pertaining of before to whatsoever Chapters, Priors, Prioresses, Preceptors, and whatsoever other Benefices of whatsoever other Estate, Degree, Title, or Designation they be of, whereof the presentation belonged to His *Majesty* and His Highnesse Predecessors, erected in temporal Lordships, Barronies and Livings, to pertain to His *Majesty* and His Highnesse Crown, therewith to remain all time comming. And also Declares all and whatsoever Grants, Rights or Infeiments, of any of the saids Superiorities of the Lands and others pertaining to whatsoever Chapters, Priors, Prioresses, Preceptors, Abbacies, and whatsoever other Benefices of whatsoever Estate, Degree, Title, Name or Designation the same were of, with all Warrands, Tacks, Commissions, Baileries or Deputations for entering of the Vassals thereto, made and granted by His *Majesty* or His said Umquhile dearest Father in any time by-gone since the Surrender in *Anno* one thousand six hundred twenty seven, or to be made in time comming with all other Gifts and Donations of the saids Few-duties formerly belonging to the saids Lords of Erection, and made by His *Majesties* said Umquhile dearest Father after the Surrender, and before the Redemption thereof from the saids Lords, and all heritable and irredeemable Rights granted by His *Majesties* said Umquhile dearest Father after the redemption whereby the Profits Casualties & Emoluments of the Superiority of the said Kirk-lands, may be consierd to any other person, except the proper Vassals thereof, directly or indirectly, of whatsoever Name, Title or Designation they be of, & of all Gifts of new Regalities or Jurisdiction, to be null by way of exception or reply: Reserving alwayes to these persons, who have right to the Few-duties, the right and Title thereto. And reserving to *John* Earl of *Lauderdale*, His *Majesties* Sole Secretary for the Kingdom of *Scotland*, a Signatur superscribed by His *Majesty* at His Court of *Whitehall*, the twenty fifth day of *May* last by past, and past in His *Majesties* Exchequer, of all and whole the Lordship, Barrony and Regality of *Mulleburgh*, containing a new gift of Union and Erection of the same, in a free Lordship, Barrony, and Regality; and discharges the Treasurer Principal and Depute, Commissioners of the Treasury and remnant Lords

Lords of Exchequer, Writers to, and Keepers of the Seals, from all passing or expeding any such new Grants, Rights, Infeiments, Tacks, Warrands, Commissions, Bailieries, or Deputations for entring of Vassals, except rationally such Infeiments and Signatures, as shall be granted to the Lords and others, who had formerly right to the saids Erections and Superiorities, whereby they might have right to claim the Few-fermes and Few-duties addelbed by the Vassals and others subject in payment thereof, allanerly, ay and while they be satisfied therfore, in manner specified in the fourteenth Act of his Majesties said unquibled dearest Father His first Parliament, and with the whole remanent exceptions and reservations, contained in the saids Acts, made in *anno* one thousand, six hundred, and thirty three, which are holden as repeated and exprest herein. It is alwayes Declared, that notwithstanding of this Act, any who have gotten or shall get any new Infeiment of Superioritie of Kirk-lands, the same shall stand good, as to such Vassals who have given their consents to the said right of Superioritie: In regard that such a consent, as to His Majestie, is of the nature of a Resignation of their proprietie, in favours of the said Superior, to be holden of the King. But prejudice neverthelesse to His Majestie, of His Highnesse Right of Reversion of the Few-ferm, Few-duties and Casualties, conforme to the foresaid Act of Parliament, one thousand, six hundred, and thirty three.

L IV.

Act in favours of Laick Patrons, of Provestries, Prebendaries, Chaplanaries and Alterages.

OUR SOVERAIGNE LORD, with advice and consent of His Estates of parliament, Ratifies and Approves the Act of Parliament, made by King James the sixth, His Majesties Grand-Father of eternal memorie, Parliament first, Chap. twelfth, *Anent Provestries, Prebendaries, Alterages, Chaplanaries, and Collegiat Kirks*, pertaining to laick Patrons, together with the Act of Parliament twelfth Chap. one hundred and fifty eight, Ratifying the same; and Ordaines the saids Acts to have full force and effect in all time coming; with this Declaration alwayes, That in respect the Vassals which held Lands of the saids Provests, Prebendars, and others foresaid, are put to a great uncertainty of their Superiors, it not being known to them who are provided to the saids Provestries, Prebendaries, Chaplanaries, Alterages, and others foresaid, by reason there is no publick Register, to the which they may have recourse for knowledge and notice thereof, and that the most that they can know by any Register, is the Infeiments and Seizings, made to those who are laick Patrons holding of His Majestie. Therefore, for securing of the Vassals, who hold Lands, Milnes, Fishings, Tenements, Annual-rents or others whatsoever, of the saids Provestries, Prebendaries, Collegiat Kirks, or of Chaplanaries, Alterages, and others of that nature, at any time of before; It is Statute and Ordained, that the entry of the saids Vassals by Retour, Precept of *Clare constat*, Resignation, Comprising or otherwise whatsoever, shall pertain to the laick-Patrons and their successors, who stand inest in the said laick-Patronages, holding immediatly of His Majestie; and that the entry of the Vassals by them, shall be as valid and sufficient to the saids Vassals, receivers thereof, as if they were entred by the Titulars of the saids Provestries, Prebendaries, Alterages, Chaplanaries, and others foresaid. And that the saids laick-Patrons, shall be in all time coming in their place, as Superior to the saids Vassals, and to have the same power to give Infeiments to His Majesties Subjects, upon Retour or by precept of *Clare constat*, or by Resignation, Comprising, or any manner of way, with Gifts *De novo damus*; and that without consent of persons provided, or so be provided, to the saids Provestries and prebendaries of Collegiat Kirks, Alterages, Chaplanaries, or other Titulars of Collegiat Kirks; and also without consent of the Chapter or Convent of the saids prebendaries thereof, or most part of the same, which of before was in use and custom. Whereanent, and anent all Acts in the contrair, His Majestie, with consent foresaid, dispences for ever; Reserving alwayes to the Titulars of the saids Provestries, Prebendaries, Alterages, Chaplanaries, and others foresaid, the Fruits, Rents and Emoluments of the saids Provestries, Prebendaries, and others foresaid, which are no wayes prejudged by this present Act. It is hereby further Statute and Ordained, with advice and consent foresaid, where there are any Prebendaries, Chaplanaries, Alterages, or other foundations of that nature above-mentioned, founded, and situated within any Burgh Royal of this Kingdom, that the Provost, Bailies and Council of that Burgh, where the same are founded, are and shall be in all time coming, only undoubted Superiors, by whom and by no others, the Vassals and Tennants shall enter in manner above-specified; the saids Provost, Bailies, and Council having been formerly Patrons of these Chaplanaries.

L V.

Act anent Cocquets and Entries of Ships.

OUR SOVERAIGNE LORD, understanding there are divers abuses committed by the Customers and Receivers of entries of Ships; and by the keepers of the Cocquet, in sometime, exacting from Masters of Ships, greater sums of money then is due to them, and sometimes absenting themselves,

selves, to the great prejudice of the Merchants estate, and to the hazard of the loss of their voyage. Therefore Our Sovereigne Lord, with advice and consent of the Estates of Parliament, Ordains that there be no greater price exacted, for entering their Ships and Goods, then the sume of twentie three shillings four pennies; and for the said Cocquet, then the sume of forty shillings; and that the keepers of the said Cocquet, attend by themselves or their servants, diligently and readily to answer and give out Cocquets to all Merchants and Masters of Ships, under pain of losing their place, whensoever they shall be found either to exact more then the said sum above-written, or shall occasion to the saids Merchants and Masters more delay nor is needful for writing of the same.

LVI

Act anent Coal-hewers.

OUR SOVERAIGNE LORD, with advice and consent of His Estates of Parliament, Ratifies the eleventh Act of the eighteenth Parliament of King JAMES the sixth, of worhie memorie, made anent Coal-hewers and Salters, with this addition, That because Water-men who laves and draws Water in the Coal heugh-head, and Gate-men, who work the wayes and passages in the saids Hewghs, are as necessary to the Owners and Masters of the saids Coal-heughs, as the Coal-hewers and Bearers. It is therefore Statute and Ordained by Our Sovereigne Lord, with advice and consent foresaid, That no person shall hire nor seduce any Water-men, Windf-men and Gate-men, without a Testimonial of the Master whom they serve, under the pains contained in the former Acts in all points. And because it is found by experience, that the giving of great Fees, hath been a mean and way to seduce and bring Coal-hewers from their Masters, It is therefore also Statute and Ordained, That it shall not be lawfull for any Coal-Masters in this Kingdom, to give any greater Fee then the sum of twentie merks in Fee or Bounteth, under any colour or pretext: and because the saids Coal-hewers and Salters, and other work-men in Coal-hewghs within this Kingdom, do ly from their work at *Pasch*, *Zule*, *Whitsonday*, and certain other times in the yeare; which times they employ in Drinking and Debauchry, to the great offence of God, and prejudice of their Masters; It is therefore Statute and Ordained, that the saids Coal-hewers and Salters, and other Work-men in Coal-heughs of this Kingdom, work all the six dayes of the week, except the time of Christ masse, under the paine of twenty shillings *Scots*, to be paid to their Master; for ilk dayes failzie (by and attour the prejudice sustained by their saids Masters) and other punishment of their bodies.

LVII

ACT discharging the Custome of two and a halfe of the Hundred, and the Impost of four pounds on the Tun.

OUR SOVERAIGNE LORD, considering that the prices of all Merchandise do dayly rise to exceeding great dearth, which is alleaged to be occasioned through extraordinary Customs and Impositions. For remedy whereof, His Majestie, with advice and consent of His Estates of Parliament Doth discharge all and sundrie whatsoever Customs and Impositions exacted by the Customes, which are not allowed by the Acts of Parliament, and especially the late Custome of two and an half *per cent*, and the late new Imposition of four pounds upon the Tun of Wine, and all raisings of His Majesties Customs, directly or indirectly, without consent of Parliament. And because that the too much troubling of Merchants, and drawing of Masters and Mariners from their ordinary charges, doth much impede the Trade; Therefore His Majestie, with advice and consent foresaid, discharges the taking of Merchants, Masters and Mariners Oaths in the matter of Customs. And to the end, that the Subject of Trade may not be restrained with unnecessary Customs, His Majestie, with advice and consent foresaid, Declares, That all Goods and Merchandise, Imported from Forraign places to this Kingdome and out of the same, paying Inward-custom, shall be free of all Outward-custom, according as is used in *England* and *Ireland*. Like-as His Majesty Declares, that He consented to the Act above-written upon this condition, that Commission and Warrant be granted to the Exchequer, to establish the Book of Rates; according as the prices of Merchandise now rules; and His Majesty permitted the option to the Burroughs, whereupon the Burroughs having advised, they made choice to be ruled by the Book of Rates anent the Customs; and consented, that Commission should be granted to the Exchequer to establish the Book of Rates, according as the prices of Merchandise now rules. In respect whereof; Our Sovereigne Lord, Ordains a Commission to be drawn up to the Exchequer to the effect foresaid, and extracted thereupon, for establishing the Book of Rates according as the prices of Merchandise now rules: And therefore Our Sovereigne Lord, with advice and consent foresaid, Ordains the Act above mentioned to stand as a Law, in manner and to the effect above-rehearsed.

LVIII.

Act in Favours of these who get their Ward-holding changed by the Kings Majestie.

THE Estates of Parliament having taken to consideration, that some difficulty hath occurred in the prosecution of his Majesties Royal Fathers intention of; changing of Ward-holdings in Few, for the well of his Subjects, conform to the two Commissions, granted by His said Majestie thereanent; under the Great Seal of this Kingdom: And that the said difficulty hath risen upon this ground, that diverse of His Majesties Subjects, holding Lands of His Majestie or of the Prince, ward, or Few *Cum maritagio*, holds also other Lands of other Superiors, Ward; who whilst their Vassals held Lands Ward, or Few *Cum maritagio*, of His Majestie or of the Prince, could pretend no right to the Marriage of the Vassals Heir; when the same shall be changed in Few, and Composition and a yearly Few-duty being granted to His Majestie or the Prince for the said Ward and Marriage, the other Superiors of the saids Vassals, of whom he holds Ward, may contend for the benefit of the casualty of the Marriage of His Vassals Heir, when the same falls out, he being the Vassals eldest Superior of whom he holds Ward; which was grievous to the Vassals, who by this new course of changing of his holding, hath composed both for Ward and Marriage. Therefore It is Statute and Ordained, by the Kings Majestie, with advice and consent of His Estates of Parliament, that all Vassals, holding Ward of His Majestie or the Prince, or holding Few *Cum maritagio*, who shall hereafter compose and agree with the Commissioners to be appointed by His Majestie, for changing of their Holdings, from Ward to Few, or for renunciation of the Marriage, contained in their Few-infeftments, their Heirs and Successors in the saids Lands, shall be free of the Marriage that can be acclaimed by their Superiors of the Lands holden by them of their saids other Superiors, Ward; and that the saids other Superiors, shall have no right to the Marriage of their Heirs, when the same falls out, no more then they would have had, if the Lands holden Ward of his Majestie or the Prince, had continued still Ward: but that the saids Vassals, whose holding shall be changed, or who shall compose for their Marriage, as said is, their Heirs and Successors, shall enjoy their Lands in all time thereafter, free of any such burden of Marriage: Providing alwaies, Like-as it is hereby Provided and Declared, that if the foresaid Vassals whose Holding shall be changed as said is, and who shall compose for the renunciation of the Marriage contained in their Few-infeftments, or their Heirs or Successors in the saids Lands which once held Ward, or Few *Cum maritagio*, shall alienate and dispose the saids Lands to any other persons; then and in that case, the Aliener, or his Heirs shall no longer have the benefite of this present Act; but that notwithstanding of this present Act, if they hold Lands Ward of any other Superior, that their Superior shall enjoy all the benefit of his Superioritie, as if this present Act had never been made. And such-like, for the greater furtherance of His Majesties Lieges, in the way of the changing of the tenours of the saids Ward-holdings, or renouncing of the Marriage contained in their saids Few-infeftments, Our Sovereigne Lord, with advice and consent foresaid, Ordains Signaturis to be past to the Lieges by the Exchequer, on the recommendation of the saids Commissioners of the Ward-lands in their favours, upon the Lieges their Resignation for new Infeftments to be granted to them; bearing the new manner of Few-holding, or bearing the renunciation of the said Marriage contained in their old Few-infeftments, as shall be Ordained by the saids Commissioners of the Ward-lands.

LIX.

Act anent the Exchequer.

THE Kings Majestie, considering that some doubts and debates may arise, concerning the meaning of the eighteenth Act of the Parliament, holden by his Majesties Royal Father of blessed memorie, in the year one thousand, six hundred, and thirty three, *Anent the deciding & Judging in Causes concerning His Majesties proprietie*; Doth for explanation thereof, with advice and consent of His Estates of Parliament, Find, Declare, Statute and Ordaine that the validity and invalidity of Infeftments of His Majesties Property, or of any other Infeftments, may nor be discussed not decided in the Exchequer, neither by way of Exception, Action nor Reply; but that the discussing and decision thereof, is only proper to the Lords of Session; Reserving alwaies to the Exchequer to judge in all other buisnesses concerning His Majesties Rents and Casualties, as they might have done before the year one thousand, six hundred, and thirty three.

L X.

Act concerning Docqueting of Signatures.

THe Kings *Majestie*, with advice and consent of His Estates of Parliament, Doth Ratifie and Renew the twentieth Act of the tenth Parliament of King *James* the sixth, of blessed memory, and accordingly Statutes and Ordains, that no Signatures, Writs, Letters or Warrants shall be presented to be signed by His *Majestie*, but by His ordinary Officers, to whose charge the same properly belongs. And that His *Majestie* may the better know what passeth under His Hand, and upon what grounds He signs the same, It is appointed, That any of His *Majesties* Officers, who shall present any Signature, Writ, Letter or Warrant to be signed by His *Majestie*, shall cause Registrare the Docquet of the same in a Register, and then send the just double thereof under their hands to His *Majesties* Secretary, who is to give His *Majesty* timely notice of any prior Deed, differing or contrary to the same, that His *Majestie* may give His further Orders concerning the same.

L X I.

Commission for Plantation of Kirks, and Valuation of Teinds.

Our Sovereign Lord, considering the great care His Royal Father and Grand-father, of ever blessed memory, had, at all times, of the Reformed Religion, within this Kingdome, and of the Maintenance and Provision of the Ministry and Churches thereof; Concerning which, and for the publick good of the Nation, His *Majesties* Royal Father did emit a declaration, immediately after His succession to the Crown; and concerning diverse other particulars relating to Teinds and Superiorities of Kirk-lands: in order whereunto, diverse Acts and Ordinances of Parliament and of Commissions, were from time to time made, during the Reign of His ever Glorious Father; And yet, by the unhappy Troubles of the time, His Royal purpose hath not got a final accomplishment, so that diverse Churches are as yet unprovided with sufficient Maintenance, many Teinds unvalued, and diverse other particulars are as yet unperfected; And His *Majestie* being desirous to prosecute this good Work, for the universal good of the People, and namely for the encouragement of the Ministers of the Gospel, His *Majesty*, with advice and consent of the Estates of Parliament, Doth Ratifie and Approve the nineteenth Act of the Parliament holden at *Edinburgh* by His Royal Father, in *Anno* one thousand, six hundred, and thirty three, intituled, *Commission for Valuation of Teinds &c.* in the whole Heads, Clauses and Contents thereof, except in so far as there hath been any derogation made thereto, by Acts and Commissions made and granted by His *Majesty*, since the date of the said Act, or granted by pretended Parliaments since and which are Ratified or Salv'd, or to be Reserved by this present Parliament. And His *Majestie*, with advice and consent foresaid, doth give full power and Commission to the persons aftermentioned, *viz.* *John* Earl of *Middleton* His *Majesties* Commissioner, *William* Earle of *Glencairn* Lord High Chancellor, *John* Earl of *Craufurd* and *Lindsay* Lord Thesaurer, *John* Earl of *Rothie* President of His *Majesties* privy Council, *William* Duke of *Hamilton*, *James* Marquess of *Montrose*, *John* Earl of *Lauderdaile* His *Majesties* Secretary, *William* Earl of *Marischal*, *John* Earl of *Arbuthnot*, *George* Earl of *Linlithgow*, *James* Earl of *Home*, *James* Earl of *Tullibardine*, *William* Earl of *Roxburgh*, *John* Earl of *Haddington*, *James* Earl of *Annandale*, *William* Earl of *Dumfries*, *John* Earl of *Tweeddale*, *James* Earl of *Calendar*, *John* Earl of *Dundee*, *David* Viscount of *Stoimount*, *John* Lord *Sinclair*, *David* Lord *Cardros*, *John* Lord *Belhaven*, Lord *Halkerton*, *William* Lord *Cochran*, *William* Lord *Belleuden*, *Sir John* *Gilmor* of *Craigmiller* President of the Session, *Sir Archibald* *Primmer* of *Chester* Knight and Barronet, Clerk of His *Majesties* Council, Registers and Rolls, *Sir John* *Fletcher* His *Majesties* Advocate, *Sir Robert* *Murray* Justice Clerk, *Sir James* *Lockhart* of *Lce*, *Sir George* *Mackenzie* of *Tarbet*, *Sir James* *Foulis* of *Colington*, *Sir Archibald* *Stirling* of *Carden*, *Sir James* *Dalrymple* of *Stair*, *Sir John* *Scougal* of *Whitekirk*, Senators of the Colledge of Justice; *Alexander* *Bruce* of *Kincairn*, *Sir John* *Urquhart* of *Cromarty*, *Sir Robert* *Flecker* of *Salton*, *Sir Alexander* *Gibson* of *Durie*, *Sir Robert* *Innes* of that ilk, *James* *Crichton* of *St. Leonard*, *George* *Kinnaird* of *Rossie*, *Sir Gilbert* *Ramsay* of *Balnayn*, *John* *Murray* of *Pohnais*, *William* *Scot* of *Ardrase*, *Sir James* *Dundas* of *Arnestoun*, *Sir John* *Foulis* of *Ravilston*, *Richard* *Murray* of *Broughton*, *Sir Robert* *Hepburn* of *Keith*, *Mr. Robert* *Preston* of that ilk, *Sir Andrew* *Ramsay*, *Sir Robert* *Murray*, *Sir Archibald* *Sydeserf*, *Sir William* *Tomson* and *John* *Mih* *Burgesses* of *Edinburgh*, *Sir Alexander* *Wedderburn*, & *Alexander* *Wedderburn* of *Dundee*, *Mr. John* *Pater* son of *Perth*, *John* *Bell* of *Glasgow*, *William* *Cunningham* of *Air*, *Andrew* *Glen* of *Linlithgow*, *Duncan* *Nairn* of *Stirling*, *Alexander* *Bruce* of *Culross*, *Andrew* *Carstairs* of *St. Andrews*, and *William* *Seaton* of *Haddington*, *Burgesses*: Or any thirteen of them, there being alwayes present three Noblemen, three Gentlemen, and three *Burgesses*, with His *Majesties* Commissioner, the Lord Chancellor, Lord Thesaurer, Lord President of the Council, Lord Privy Seal, the Lord Secretary, or any one of them, with power to them, or *Quorum* foresaid, to meet and convene at *Edinburgh*, or such other place or places, at such times and diets as they shall appoint, to value and cause value whatsoever Teinds great or small, Parsonage or Vicarage, of whatsoever Lands and others within this Kingdom lyable to the payment of Teinds of whatsoever

soever nature or quality the same be of which are yet unvalued. Providing the Ministers serving the Cure; who do lead Teinds, be secured of good and thankful payment of so much vitual or money answerable to the worth of the saids Teinds, as the Teinds shall be valued to. And also with power to them to receive reports from Sub-commissioners, and to appoint Sub-commissioners conform to the former Acts and Commissions, to appoint constant and local Stipends, and grant augmentations, to disjoyn too large and spacious Kirks, build and erect new Kirks, dis-member, annexe and unite Kirks, and to take order that every Heritor and Life-renter shall have the leading and buying of their own Teinds, if they be willing, according to the Rates prescribed by former Commissions, namely by the foresaid Commission granted by his Majesty, with consent of the Estates of Parliament, in Anno one thousand six hundred thirty and three. And with power to the saids Commissioners or *Quorum* foresaid, to give recompence to Parties for the augmentation of Stipends to be imposed by this Commission in the same way as was done by former Commissions, namely by the Commission in Anno 1617. With power to them to determine all Questions concerning the Prices of Teinds betwix Titulars and others having right to the Teinds, and the Heritors: And to appoint such securities in favours of the Titulars and others having right, by the Heritors payers of the valued Duties or buyers of the saids Teinds, and in favours of the Ministers as to their maintenance, as the saids Commissioners shall think fitting, according to the Rules set down in the saids former Acts, namely in the said Act, in Anno one thousand six hundred thirty and three. And suchlike, with power to them to appoint and provide for such other pious uses in each Paroch as the Estate thereof may bear: Declaring, that where the Vicarage of any Paroch is a several Benefice and Title from the Parsonage, the same shall be severally valued, to the effect the Titulars or Ministers serving the Cure, having right to the said Vicarage, be not frustrate of the true worth thereof. It is alwayes Declared, That Ministers serving the Cure, who now lead their Teinds, and that Colledges, Schools and Hospitals be not constrained to sell, set nor dispone their Teinds in prejudice of their Successors notwithstanding of the valuation thereof; and that Titulars and others having right to Teinds, shall not be forced to dispone any Teinds valued or to be valued, which they shall be content and willing to assign and dispo to the Minister serving the Cure of the Paroch as apart of his Provision. And His Majesty, with consent foresaid, Declares, That where valuations are lawfully led against all parties having interest, and allowed by former Commissions, according to the order observed by them, that the same shall not be drawn in question, nor rectified upon the pretence of enorm lesion, at the instance of the Minister, not being Titular; or at the instance of his Majesties Advocate, for and in respect of his Majesties Annuitie: Except it be proved that collusion was used betwix the Titulars and Heritor, or betwix the Procurator-fiscall and Heritors and Titulars; which collusion is Declared to be where the Valuations are led with the diminution of a third of the just Rent; and which diminution shall be proved by the Parties Oaths. And albeir that all the Acts of the pretended Parliaments, in the years one thousand six hundred and fourty, and one thousand six hundred fourty and one, and since; are declared by an Act of this present Parliament, null and of none avail in all time coming; yet it is hereby Declared, That all and whatsoever Valuations, Acts, Sentences and Decrets, done, concluded, and decerned by vertue of any Commissions granted by the saids pretended Parliaments, with all execution used or to be used thereupon, are and shall stand valid in all times coming, notwithstanding of the foresaid Act Rescissory; And this for the good and ease of the People, and for incouragement of the Ministers of the Gospel, whereunto his Majesty hath alwayes a tender respect. And although by a special Act of this present Parliament, the pretended Parliament holden in Anno one thousand six hundred and fourty nine, and in the beginning of the year one thousand six hundred and fifty, is from the beginning Declared void and null, and all that hath followed thereon; Yet nevertheless His Majesty Doth, with advice foresaid, Authorize all Valuations, Acts, Decrets and Sentences led, deduced and pronounced by the Commissions one or moe appointed by the said pretended Parliament, for Plantation of Kirks and Valuation of Teinds, and all execution competent thereupon; Excepting such Decrets and Sentences given in favours of Ministers for their Stipends, or for dividing, uniting, annexing or building of Kirks, which shall be found to have been unjustly or exorbitantly decerned: The determination whereof is hereby referred by his Majesty, with consent foresaid to the saids Commissioners, that they after hearing of parties, and consideration of particulars, may take such course for altering, annulling or allowing of the saids Acts, Decrets, and Sentences, as they shall think fitting, conform to the Laws, Practique and custom observed preceeding the year one thousand six hundred and fourty nine: and Ordains Proccesse upon Supplications to be summarily granted, parties alwayes being cited, and that without any reduction. And it shall be lawful to the saids Commissioners or *Quorum* foresaid, to proceed in all Summons and Actions to be intended for that effect, within the space of two years after the first down-fitting of the Commission. As also, with power to the saids Commissioners, upon the dependance of the saids Complaints and Proceses to discharge execution upon the foresaid Decrets, in whole or in part, as they shall find just, ay and while the matter be determined by them. As also in respect that by diverse Decrets pronounced by the saids Commissioners appointed by the said Commission, in Anno one thousand six hundred and fourty nine, the burden of an Augmentation was put upon diverse Tacks-men of Teinds, and yet no recompence was made to them by prorogating of the saids Tacks; in regard also that diverse Registers of Commissions, preceeding the year one thousand six hundred and fourty nine, are lost, whereby Prorogations were granted in favours of Tacks-

men, and the Extracts also perished the time of the Troubles: Therefore his Majesty, with consent foresaid, Gives power to the saids Commissioners, or *Quorum* foresaid, appointed by this Commission, to grant recompence and prorogation to the saids Tackl-men, in the same manner as was prescribed by the former Commissions, namely by the Commission in Anno one thousand, six hundred, and seventeen, the Titulars alwayes being cited thereto. And whereas it may fall out that some of the saids Commissioners now appointed, may be unable to attend the service, through death, sickness, or some other notour and known impediment. Therefore His Majesty Declareth, that He shall be careful to fill their places with other persons qualified, whose Oaths for faithful discharge of the same, shall be taken by the Lord Chancellor, or in his absence, by the President of the said Commission for the time: And ordains this present Commission to endure ay and while the same be discharged by His Majesty; and Ordains the Acts, Decrees and Ordinances thereof, to have the force, strength and effect of a Decreet, Sentence and Act of Parliament; and the Lords of the Session to grant and direct Lettters of Horning, Poynding and others requisite, in manner contained in the foresaid former Commissions. And considering that it was the will and pleasure of His Majesties Royal Father, that all Heritors, who should be willing to buy, should have their own Teinds at reasonable Rates; Therefore His Majesty, with advice foresaid, Statutes and Ordains, that all Heritors whose Teinds are not valued, shall have liberty to value and buy the same at such Rates as are contained in the Act of Parliament one thousand, six hundred, and thirty three years. With power to augment the saids Rates according to the burden of Augmentations and others sustained by the Titulars, since the said Act of Parliament one thousand, six hundred, and thirty three years; and the saids Heritors to have the liberty of buying, as said is, within the space of three years after the valuation. With power to the saids Commissioners to determine therein according to Justice; with this Declaration alwayes, That in case the impediment during the space foresaid, flow from the Titular, by reason of his minority or other inability, in that case, the Heritor who offered himself ready to buy his own Teind within the space foresaid, shall have place, so soon as the impediment is removed, to buy his Teinds, notwithstanding of the expiring of the years and space above exprest. And it is Declared, that if the Heritor be Minor, and his Tutors neglect the buying of his Teinds within the foresaid space, the Minor shall have Action for two years after his minority, to compel the Titular for selling of the saids Teinds.

XLII.

ACT for ordering the payment of Debts, betwixt Creditor and Debitor.

OUR SOVERAIGNE LORD, considering how necessary and essential it is to the very being and flourishing of Kingdoms and Nations, that there should be a National confidence among the people themselves, and with these of other Nations with whom they have correspondence and traffick abroad; and that the most effectual and proper way to beget, cement, and maintain the same, is, that Promises, Pactions, Obligments and Debts be faithfully performed and satisfied, without which there can be no trust, and consequently no society, intercourse and commerce at home, and all Trade and Traffick with other Nations will certainly decay and cease, to the irreparable loss, ruine and discredit of the Nation: Yet, the troubles and difficulties of the time being so great, that it is fit some breathing time and encouragement should be given to the Debtors, for the better enabling them to keep their credit, and to take some effectual course for payment of their Debts. Therefore His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That for all Sums and Debts contracted before the reatm of Whitfunday, one thousand, six hundred, and fifty eight years, and exceeding one thousand pounds Scots of principal, personal execution shall be forborne by the space of six years, to begin at Whitfunday last by-past, in this instant year, one thousand, six hundred, and sixty one; Providing that the Debtors make payment of one yeats Annual-rent at Candlemesse next, in the year one thousand, six hundred, and sixty two, and that the residue of the by-gone Annualrents of the saids Sums resting unpaid at Whitfunday next, shall become and be made a principal Sum, and the Debitor shall give security for the same to these who have right to the by-gone Annualrents, when they take the benefit of the foresaid forbearance, in manner after-mentioned; or at any other time that the same shall be demanded: Which Security to be granted for the said by-gone Annualrents, made up in a principal Sum, shall bear obligation to pay Annualrent for the same, in manner and from the terms after-specified, *viz.* For a third part thereof, from Whitfunday next, one thousand, six hundred, and sixty two years; and for an other third part, from Martmessé thereafter, in the said year, and for the last third part, from Whitfunday, in the year one thousand, six hundred, and sixty three, during the not payment of the said principal Sum so made up, for which, personal execution is to be forborne, as for the other principal Sums, by the space aforesaid of six years after Whitfunday last. And without prejudice of the Security to be granted in manner foresaid, It is also Declared and Ordained, that the said by-gone Annualrents, are made up, and shall be holden and esteemed principal Sums; And that Annualrents shall be due and payable for the same from the terms and in manner foresaid, and that execution shall follow at the instance of those who have right

right to the same, upon and by virtue of their Bonds, Contracts and Rights, and of this present Act and Ordinance, in the same manner as if a new Security were already granted in manner and of the tenour above-written.

And notwithstanding of the Premises, It is hereby Declared, that the Lords of Session shall have power to grant and passe Suspensions for Sums not exceeding one thousand pounds, upon such reasons as they shall think just.

And where those who have right to by-gone Annualrents are only Liferenters, and have no right to the stock and principal Sum, It is Ordained, that it shall be lawful to them to use execution for the whole by-gone Annualrents due to them, as they might have done before the making of these Presents; and that the saids Lords of Session shall have power to grant and passe Suspensions against the saids Liferenters, in case they shall find just grounds and cause for granting of the same.

It is likewise Provided, that the benefit of the said forbearance, shall only be granted and competent to such Debtors, as shall pay the said years Annualrent, within the time foresaid, and shall betwixt and the first day of November, compare before any of the Lords of Session with the Clerk, and declare before them upon Oath, that their Debts exceeds the value of Four years Rent of their Estate, pertaining to, and possess by them: which Declaration, extracted under the hand of the Clerk of Register, or his Deputies, shall be a sufficient Security against Personal execution: And for which Extract, the Clerk Register and his Deputies shall have for their Fees the sum of thirty three shillings four pennies Scots, and no more. And it is Declared, that all persons, who shall not by themselves, or their Tutors or Curators, appear and declare within the time, and in manner foresaid, shall be excluded from the benefit of the foresaid forbearance, and shall never be reponed or admitted thereafter, upon any pretext whatsoever.

And the benefit of the foresaid Forbearance being granted to the Debtors, or any of their Cautioners, upon the compareance and declaration foresaid, shall only be personal for them and their Heirs and others representing them, and shall not be extended to those who are bound with them, and lyable to the saids Debts, unless they also compare and declare, that their own proper Debts and Cautionry for persons who have taken the benefit of this Act, exceeds the value of Four years Rent of their Estate, and that within the time and in manner foresaid.

And for the more ease of the Debtors, It is Ordained, that in case within the time of the Forbearance foresaid, the Debtor shall offer to the Creditor a part of his Debt, not being beneath or within the third part of the whole Sums due by them to the Creditor for the time, the Creditor in that case, shall be holden to accept of the said partial payment: and in case of his refusal, offer being made of a part of the saids Sums, not within the proportion foresaid, in presence of a Notary and Witnesses, the Debtor, upon consignation of the same in the hands of the Clerk of the Bills; shall be free of the Annualrent of that part of the said Sum that shall be consigned, in all time coming after the consignation foresaid.

And whereas the legal reversion of Comprisings was formerly limited to seven years, His Majesty, for the reasons and with consent foresaid, is graciously pleased to extend the same to ten years in all time coming; and Statutes and Ordains, that all Comprisings already deduced, and whereof the legal reversion is not yet expired, or which shall be deduced any time hereafter, shall be redeemable within the space of ten years after the date of the same; and all comprisings deduced since January, one thousand, six hundred, and fifty two years, and whereof the legals are expired, and all comprisings deduced before the said Moneth of January, one thousand, six hundred, and fifty two years, and which were not expired before the said Moneth of January, one thousand, six hundred, and fifty two years, shall be redeemable within the space of three years, after Whitsunday now last by past, notwithstanding the legal reversions of the same be now expired.

And in case the Lands and others comprised, exceed in yearly Rent and value, the Annualrent of the Sums contained in the saids Comprisings, and of the expence disbursed in obtaining Infestments thereupon, and the Debtor shall desire the Creditor to possess the Lands and others comprised, it shall be lawful to the Lords of Session, like-as the saids Lords are hereby impowered and authorized, upon a Supplication to be made to them by the Debtor, and citation of the comprisers, to appoint the Apprifiers to possess such of the saids Lands and others, during the legal reversion, as the saids Lords of Session shall think just and reasonable; the saids Debtors always giving possession to those who have right to the saids Comprisings, and ratifying their possession already apprehended by them (if any such possession they have) of such of the saids Lands and others, as the saids Lords of Session appoint, not being beneath in yearly Rent and value of the Annualrents above-mentioned; or otherways giving to the Creditors (whether they have possession or not) sufficient security, at the sight of the saids Lords, for payment of the saids Annualrents, during the time foresaid; the saids Lords of Session having always power to determine, whether in the cases foresaid the Debtor shall give surety to the Creditor, for his Annualrents, or the Debtor not being able to give surety, the Creditor shall be obliged to take possession of the Debtors Lands. And if the Lords of Session shall appoint, in the case foresaid, the Creditor to be possess for his Annual-rent, then and in that case, the Debtor shall be holden to deliver the Evidents of the saids Lands to the Creditor, or transmits thereof, providing always, that the Creditors right, by virtue of the saids Comprisings, be noways prejudged after the expiring of the same; And

And that the whole Lands and others, both such as shall be possessed by the Debitor, and the remanent of the Lands and others contained in the saids Comprisings, shall pertain to the Creditor irredeemably.

And because oftentimes Creditors, in regard they live at distance, or upon other occasions, are prejudged and prevented by the more tedious diligence of other Creditors, so that before they can know the condition of the common Debitor, his Estate is comprised, and the posterior Comprisers have only right to the Legal reversion, which may, and doth often prove ineffectual to them, not being able to satisfy and redeem the prior Comprisings: (their means and money being in the hands of the common Debitor) Therefore it is Statute and Ordained, that all Comprisings, deduced since the first day of January, one thousand, six hundred, and fifty two years, before the first effectual Comprising, or after, one thousand year and day of the same, shall come in *pari passu* together, as if one Comprising had been deduced and obtained for the whole respective Sums, contained in the forefaids Comprisings. And it is Declared, that such Comprisings as are preferable to all others in respect of the first real Right and Infestment following thereupon, or the first exact diligence for obtaining the same, are and shall beholden the first effectual Comprising, though there be others in date before and anterior to the same; and the forefaid benefit given and introduced hereby, in favours of these whose Comprisings are led within the time, and in manner forefaid, is only granted and competent in the case of Comprisings, led since the first day of January, one thousand, six hundred, and fifty two years, and to be led after the date of their presents, and for personal Debt only, without prejudice alwayes of ground Annuals, Annualrents due upon Infestment, and other real Debts, and *Debita fundi*, and of comprisings therefore of Lands and others affected therewith, which shall be effectual and preferable according to the Laws and Practick of this Kingdom now standing; And it is also provided, that the Creditors having right to the first comprising, except as is above excepted, shall be satisfied by the posterior comprisers, claiming the benefit forefaid, of the whole expence disbursed by them, in deducing and expeding the said first comprising and Infestments thereupon.

And further, for obviating the frequent and fraudulent practice of the appearand Heirs of Debtors, who are in use to acquire the right of expired comprisings, and by vertue thereof, to enjoy and possess their Predecessors Lands and Estate, to the prejudice and defrauding of the posterior comprisings and other Creditors, It is Statute, that in case the appearand Heir of any Debitor, or any other confident person to his behoof, shall at any time hereafter acquire the right of an expired comprising, already deduced, or which shall be led and deduced hereafter, the said right shall be redeemable from the appearand Heir, or the said confident person their Heirs and Successors within the space of ten years, after the acquiring of the said right, by the posterior comprisers, upon payment allanerly of the Sums truly paid and given out, for buying and acquiring the saids rights, at the least so much thereof as shall be testifying unsatisfied, for the same, by the intromission of the appearand Heir, or of the said confident person, or their forefaids.

And His Majestie, with consent forefaid, doth Declare, That the benefit forefaid introduced hereby anent Comprisings, shall be extended to Adjudications for Debt; so that the Creditors, at whose instance the same are obtained, and those who have right to redeem the same, shall be in the same case as to the benefit forefaid, as if the said Adjudications for Debts were Comprisings.

And in case a Creditor, against whom the benefit of the forefaid forbearance for six years shall be taken, or who hath led or shall lead a Comprising against the Debitor, shall think fit, and be willing, and desirous to take his Debtors Lands, or other Estate, or any part thereof for security or payment, and in satisfaction of his Debt, then and in either of these cases, the Debitor shall be holden to give Security out of his Lands, and other Estate, or to sell the same to the Creditor, at the sight of the Lords of Session, with such warrantize, and at such rates and prices (if the Creditor be content to buy) as they shall appoint; with certification, that otherwayes the Debitor, refusing or failing, shall lose and forfeit all benefit introduced in favours of the Debtors by this present Act, as if it had never been made.

And in regard some persons may have taken advantage of the late times and troubles, by taking and acquiring of proper Wodfets of Lands and others, exceeding the Annual-rent of the Sums lent upon the same; and providing nevertheless, by the right of the forefaids Wodfets and expresse provisions therein, or by writ a part, that they should not be lyable to any hazard of the Fruits, Tennents, War, or Troubles; His Majestie, with consent forefaid, Statutes and Ordains, that all such Wodfets, granted since the year one thousand, six hundred, and fourty nine, shall be restricted to the ordinary Annual-rent of the Sums whereupon the same are redeemable; and the saids Wodfeters shall be countable for the *superplus* of the Mails and Duties and other benefit of the same, exceeding the Annual-rent of the saids Sums, and the same shall be imputed and ascribed, in satisfaction of the saids principal Sums *pro tanto*: And in case any such Bargains and Rights shall be made and acquired hereafter, His Majestie, with consent forefaid, Declares the same unlawful and usury, and the contraveeners shall be punished severely as Uirers, conform to the Lawes and Acts of Parliament against Oekerers and Userers.

And as to proper Wodfers, granted since the time forefaid, where the Creditor undergoes the saids hazards, and the same are affected with the ordinar provisions and clausies irritant, in case of not payment of the sums given out and due upon the saids Wodfets, at the tearmes and in manner mentioned in the saids

Rights:

Rights: albeit the saids Wodfets and Provisions be lawful; yet His Majesty, considering and having respect to the difficulties of the times, Statutes and Ordains, with consent foresaid, That the saids Clauses irritant, shall not take away the Heritors right, they alwayes redeeming within the space of five years after Whit-sunday last: And in case the Debtors conceive, that they have dis-advantage by the said proper Wodfets, and shall desire to redeem the same, it shall be lawful to them to redeem at any term of Whitunday or Martimasse they please, notwithstanding of any provision to the contrair in the said Wodfet-rights, or any other right apart suspending the redemption thereof. Like-as it is Declared, That the clauses of requisition contained in proper Wodfets, granted since the year one thousand, six hundred, forty nine years, shall be effectual and no wayes suspended nor prejudged hereby: But prejudice alwayes to the forbearance of personal execution in manner above-written. And where the Creditors and Wodfettors have transacted with their Debtors, and have acquired irredeemable rights, for, and in place of their former Wodfets, it is Ordained and Declared, That when, and at what time soever the saids Wodfets were granted, whether before or since the year one thousand, six hundred, and fifty years, the saids transactions and irredeemable rights acquired by the Creditor for the same, are and shall be valid and effectual, and shall no wayes be prejudged by these presents.

And further His Majesty, with consent foresaid, doth Declare, That in case any Debtors have by Voluntar agreement betwixt them and their Creditors, or any of them, renounced the benefit of any Acts of this nature, concerning Debtor and Creditor, made or to be made, the said agreement shall be of force and effectual, and shall not be prejudged hereby; without prejudice alwayes to the said Debtor of the prorogation foresaid of the Legal reversions of comprisings led and deduced against them; and not as yet expired, notwithstanding of the agreement and renunciation foresaid.

And because, before the year one thousand, six hundred and fifty, when money past at eight or ten *per cent*, divers proper Wodfets were then made and granted, and are yet unredeemed; and since the beginning of January, one thousand, six hundred, and fifty, there be divers persons, who taking advantage of the times, refused to lend their money, unless they got proper Wodfets of Lands and Teinds, at extraordinary advantages, to the heavy prejudice of the Debtors: Therefore, His Majesty, with advice foresaid, Statutes and Ordains, That in time coming, during the not requisition of the Sums whereupon the saids Wodfets are redeemable, and during the not redemption of the same respectively, if the Debtors shall give sufficient Security to the Wodfetter, for payment of his Annualrent, during the not redemption, or not requisition, as said is; In that case, the Creditors-Wodfetter, shall be holden to renounce and quyt his possession of the saids Lands and Teinds, in favours of the Debtor and others having right from him; At least if the Wodfetter shall be content to retain the possession of the same; In that case all the free Profits and Rents, which he shall have or uplift out of the saids Lands, shall be restricted to six *per cent*. yearly of free money, and the Wodfetter shall be countable to the Debtor, or others having right from him, for the *superplus*; and that without prejudice of the Wodfettors real Right and Infelement, ay and while the Lands be redeemed, and the principal Sum whereupon the same is redeemable shall be satisfied. It is alwayes provided, that where any Creditor hath had loss by his possession of the Wodfet-lands and others since the date of his Wodfet, So that he hath not received as much Free Rents as, *communibus annis*, hath extended to the Annualrent allowed by Law for the time, all charges and burdens being deduced; in that case, it is provided that the Wodfetter shall be first satisfied of what he wants before he quyt his possession of the said Wodfet-lands, or be holden to accept Security for his Annualrents: And it is Declared, that in the account of the Wodfettors by-gone loss, there shall be allowed what he hath disbursed upon reparation and building of Tennents houles, Milnes, and for the advantage of the ground; and generally all other expence which the Wodfetter was put to, and what loss he sustained in reference to the saids Wodfet-lands, Rights and Securities thereof, any manner of way; and what he hath lost by Quarterings, Cefs, waste Land, depauperated Tennents, or by Tennents who were or are not able to pay, unless the ground should be casten waste: And because the Wodfettors probation of his saids loss may be difficile, he not conceiving that there should be necessity for any such count, or that there should be any alteration made in the right and possession of his proper Wodfet, Therefore His Majesty, with advice foresaid, doth allow the Lords of Session to take such reasonable probation as in equity they shall think fit; And if there be any deficiency, to take the Wodfettors Oath in supplement; and where the Wodfetter is in natural possession of the Wodfet-lands, by dwelling thereon or labouring the same with his own Plough and Goods, or otherwayes, having the same plenished with his saids Goods, in that case, he shall not be holden to remove from his said possession, but at the ordinary term of removing, and that he be lawfully warned forty days before, and after sufficient Security shall be made to him, in manner above specified, before the said warning.

And His Majesty having granted so much favour, benefit and indulgence to Debtors, as the like cannot be thown to have been granted at any time in this Kingdom, doth Declare, Statute and Ordain, That the Laws and Practick of the Kingdom, concerning Debts and payment thereof, and diligence & execution for the same, and concerning proper Wodfets, where the Creditor-wodfetter hath the hazard of Fruits, Tennents, War and others, shall be observed inviolably, and be of full force, vigor and effect in all time coming, excepting so far as the same is altered, innovat and repealed by this present Act.

LXIII.

Act Salvo jure cujuslibet.

OUR SOVERAIGNE LORD, taking to consideration, that there be many Acts of Ratification and others, past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned and prejudged. Therefore His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all such particular Acts, and Acts of Ratification, past in manner foresaid, shall not prejudice any third party of their lawful rights, nor of their actions and defences competent thereupon before the making of the saids particular Acts, and Acts of Ratifications; and that the Lords of Session and all other Judges within this Kingdom, shall be obliged to judge betwixt parties according to their several rights, standing in their persons before the making of the saids Acts. All which are hereby expounded and declared to have been made, *Salvo jure cujuslibet.*

LXIV.

ACT of Adjournment.

THE Kings Majestie Declares this Parliament current, and Adjourns the same to the twelfth day of March next to come; Ordaining all Members of Parliament, Noble-men, Commissioners of Shires and Burghs, and all others having interest, to attend that day: and that there be no new Elections in Shires or Burghs, except upon the death of any of the present Commissioners.

A. PRIMEROSE,

Cls. Register.

F I N I S.

A T A.

A T A B L E

Of the Printed A C T S.

- ¹ **A**CT concerning the President, and Oath of Parliament.
- ² Act and acknowledgement of His Majesties Prerogative, in the choice of His Officers of State, Councillors and Judges.
- ³ Act asserting His Majesties Royal Prerogative, in the calling and dissolving of Parliaments, and making of Laws.
- ⁴ Act asserting His Majesties Royal Prerogative, in the making of Leagues, and the Conventions of the Subjects.
- ⁵ Act asserting His Majesties Royal Prerogative, in the Militia, and in making Peace and War, &c.
- ⁶ Act annulling the pretended Convention of Estates, kept in the year, 1643.
- ⁷ Act concerning the League and covenant, and discharging the renewing thereof, without His Majesties Warrant and approbation.
- ⁸ Act against Papists, Priests and Jesuits.
- ⁹ Act approving the Engagement, 1648. and annulling the pretended Parliaments and Committees kept thereafter.
- ¹⁰ Act condemning the Transactions concerning the Kings Majesty, whilst He was at New-castle in the years 1646, and 1647.
- ¹¹ Act for taking the Oath of Allegiance, and asserting the Royal Prerogative.
- ¹² Act concerning the Judicial proceedings in the time of the late Usurpers.
- ¹³ Act and Offer of Forty thousand pounds Sterling, to be paid to the Kings Majesty yearly during His lifetime, by this Kingdom.
- ¹⁴ Act for raising the Annuity of Forty thousand pounds Sterling, granted to His Majesty.
- ¹⁵ Act rescinding and annulling the pretended Parliaments, in the years, 1640, 1641, &c.
- ¹⁶ Act concerning Religion and Church Government.
- ¹⁷ Act for a Solemn anniversary Thanksgiving, for his Majesties Restauration to the Royal Government of His Kingdoms.
- ¹⁸ Act for the due observation of the Sabbath-day.
- ¹⁹ Act against Swearing and excessive Drinking.
- ²⁰ Act against Cursing and beating of Parents.
- ²¹ Act against the crime of Blasphemy.
- ²² Act concerning the several degrees of casual Homicide.
- ²³ Act Ratifying the Priviledges of the Colledge of Justice.
- ²⁴ Act concerning appearand Heirs, their payment of their Predecessors and their own Debts.
- ²⁵ Act for Denouncing of Excommunicate Persons.
- ²⁶ Act appointing the Pursuer of the Thief, to have the Goods stolen from him, restored.
- ²⁷ Act for the Pardon of Penal Statutes.
- ²⁸ Act discharging the Quots of Testaments.
- ²⁹ Act for poynding upon Sheriffs and Commissars Decreets.
- ³⁰ Act anent the Fewers and Vassals of Kirk-lands.
- ³¹ Act concerning the Registration of Comprisings.
- ³² Act concerning Heretable and Moveable Bonds.
- ³³ Act for the right Packing of Salmon.
- ³⁴ Act against clandestine and unlawful Marriages.
- ³⁵ Act concerning the Election and charges of the Commissioners from Shires to the Parliament.
- ³⁶ Act anent presentation of Ministers.
- ³⁷ Act concerning the Bullion.
- ³⁸ Commission and Instructions to the Justices of Peace and Constables.
- ³⁹ Act for the Fishings, and erecting of companies for promoting of the same.
- ⁴⁰ Act for erecting of Manufacturies.
- ⁴¹ Act for planting and Inclosing of Ground.
- ⁴² Act establishing companies and Societies, for making Linnen-cloath, Stuffs, &c.
- ⁴³ Act discharging the Exportation of Linnen-Yarn, and regulating the breadth of Linnen-cloath, &c.
- ⁴⁴ Act for encouraging of Shipping and Navigation.
- ⁴⁵ Act discharging the Exportation of Skins, Hides, &c.

- 46 *Act discharging the Exportation of Woollen-Yarn, Worstead, broken Copper and Pewter, &c.*
- 47 *Act discharging Tradesmen to Import Made-work.*
- 48 *Act for encouraging of Soap-works.*
- 49 *Act Reducing the Annuals to Six for the Hundred.*
- 50 *Act and Offer of Twelve thousand pounds Sterling to the Lords of Session.*
- 51 *Act concerning Arreastments.*
- 52 *Act concerning the disposal of Vacant Stipends.*
- 53 *Act Ratifying the Act of Parliament, 1633. anent the Annexation of his Majesties Property.*
- 54 *Act in favours of Laick Patrons of Provostries, Prebendaries, Chaplainries and Alterages.*
- 55 *Act anent Cocquets and Entries of Ships.*
- 56 *Act anent Coal-brewers.*
- 57 *Act discharging the Custom of two and an half of the hundred, and the Impost of four pounds on the Tun.*
- 58 *Act in favours of those who get their Ward-bolding changed by the Kings Majesty.*
- 59 *Act anent the Exchequer.*
- 60 *Act concerning Docqueting of Signatures.*
- 61 *Commission for Plantation of Kirks and Valuation of Teinds.*
- 62 *Act for ordering the payment of Debts betwixt Creditor and Debitor.*
- 63 *Act Salvo jure cujuslibet.*
- 64 *Act of Adjournment.*

F I N I S.

L A W S A N D A C T S

Past in the S E C O N D

S E S S I O N

Of the FIRST

P A R L I A M E N T.

Of Our Most High and Dread Sovereign,

C H A R L E S
T H E S E C O N D

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.

Holden at *Edinburgh* by the Noble Lord, *John Earl of Middleton*, Lord *Clermont* and *Fettercairn*, His MAJESTIES Commissioner.

Begun at *Edinburgh* upon the eight of *May*, and continued
 to the ninth of *September*, 1662.

I.

*ACT for the Restitution and Re-establishment of the Ancient Government
of the Church by Arch-bishops and Bishops.*



SO RASMUCH as the ordering and disposal of the external Government and policy of the Church, doth properly belong unto his Majesty, as an inherent right of the Crown, by vertue of his Royal Prerogative and Supremacy in causes Ecclesiastical. And in discharge of this Trust, his Majesty, and his Estates of Parliament, taking to their serious consideration, that in the beginning of, and by, the late Rebellion within this Kingdom, in the year, one thousand, six hundred and thirty seven, the ancient and sacred order of Bishops was cast off, their Persons and rights were injured and overturned, and a seeming parity among the Clergy factiously and violently brought in, to the great disturbance of the publick Peace, the reproach of the reformed Religion, and violation of the excellent Laws of the Realm, for preserving an orderly subordination in the Church: And therewithal considering, what disorders

ders and exorbitances have been in the Church, what encroachments upon the Prerogative and Rights of the Crown, what usurpations upon the Authority of Parliaments, and what prejudice the liberty of the Subject hath suffered by the invasions made upon the Bishops and Episcopal Government, which they find to be the Church-Government, most agreeable to the word of God, most convenient and effectual for

for the preservation of Truth, Order and Unity, and most suitable to Monarchy and the Peace and Quiet of the State. Therefore, His Majesty with advice and consent of his Estates of Parliament, hath thought it necessary, and accordingly doth hereby Redintegrat the State of Bishops to their ancient places and undoubted privileges in parliament, and to all their other accustomed Dignities, privileges and Jurisdictions; and doth hereby Restore them to the exercise of their Episcopal Function, precedence in the Church, power of Ordination, inflicting of Censures, and all other Acts of Church-discipline, which they are to perform, with advice and assistance of such of the Clergy as they shall find to be of known loyalty and prudence. And, his Majesty with advice foresaid, doth Revive, Ratify and Renew all Acts of any former Parliaments, made for the establishment, and in favours of this ancient Government. And doth Ratify and approve all Acts and Proclamations emitted by his Majesty or His Privy Council, since the first day of June last, in order to the restitution of Bishops. And further it is hereby Declared, that whatever shall be determined by his Majesty, with advice of the Arch-bishops and Bishops, and such of the Clergy as shall be nominated by his Majesty, in the external Government and Policy of the Church (the same consisting with the standing Laws of the Kingdom) shall be valide and effectual. And his Majesty, considering how necessary it is, that all doubts and scruples, which from former Acts or Practices may occur to any concerning this sacred Order, be cleared and removed, Doth therefore, of certain knowledge, and with advice foresaid, Rescind, Cass and Annul all Acts of Parliament, by which the sole and only power and jurisdiction within this Church, doth stand in the Church, and in the general, provincial and presbyterial Assemblies, and Kirk-Sessions; And all Acts of Parliament or Council which may be interpreted to have given any Church-power, Jurisdiction or Government, to the Office-bearers of the Church, their respective Meetings, other then that which acknowledgeth a dependance upon, and subordination to the sovereign Power of the King, as Supream; and which is to be regulated and authorized, in the exercise thereof, by the Arch-bishops and Bishops who are to be referred to all Ecclesiastical matters and causes, and to be accountable to his Majesty for their Administrations. And particularly, his Majesty with advice foresaid, doth Rescind and Annul the first Act of the twelfth Parliament of King James the sixth, holden in the year, one thousand, five hundred and ninety two, and Declares the same, and all the heads, clauses and articles thereof, void and null, in all time coming. And His Majesty, considering, that the Jurisdiction of the Commissaries is a proper part of the Rights and Privileges belonging to the Bishops, Doth therefore, with advice foresaid, Restore the Arch-bishops and Bishops to their said jurisdiction of Commissaries, according to the sixth Act of the Parliament, one thousand, six hundred and nine, which is hereby Ratified and Renewed: And accordingly Ordains, that in all time coming the Quotes of Testaments be payed in to the Arch-Bishops and Bishops; in their respective Dioceses, as formerly; and Rescinds and Annuls the twenty eight Act of the last Session of this present Parliament, anent the Quotes of Testaments, and declares the same void in all time coming. It is always hereby Declared, that this Act is without Prejudice of the present Commissaries, their Clerks and Fiscals, their enjoying their Places and benefits thereof, conform to their Gifts and Laws of this Kingdom; unless, for their insufficiency or misdemeanors, they be found incapable of the same. Further, His Majesty, with advice and consent foresaid, Statutes and Ordains, That no Act, Gift, or Deed, passed by whatsoever Authority, since the interruption of the Government by Arch-bishops and Bishops, in the year one thousand, six hundred and thirty seven, to the prejudice of their Rights, Patronages, Admiralties, Superiorities, Rents, Possessions and Jurisdictions pertaining to the several Bishopricks, stand valide or be in force. But that the saids Arch-bishops and Bishops may have their Claim, Right and Possession, for the year one thousand, six hundred, and sixty one, and all years following, to whatsoever was possessed by, or by the Laws of the Kingdom was due to their Predecessors in anno, one thousand, six hundred, and thirty seven; and that notwithstanding of any donation or rights made to Colledges, Churches, Corporations, Ministers, or any other persons, since the year one thousand, six hundred, and thirty seven, by whatsoever Order, Deed or Warrant, excepting as is aforesaid, in favours of Commissaries, Clerks and Fiscals: And whereas, divers persons having right to Lands, Annualrents, or some other estate holden formerly of Bishops, or who had succeeded or acquired Rights to the saids Lands, and others of the nature and holding foresaid, have been forced, during the late troubles, there being no other way or superior for the time, to obtain themselves in feft therein, holden of His Majesty or his Royal Father, or of their Donators, having right for the time; and to that effect did take Precepts out of the Chancery, and to pass Infeftments under the great Seal, and to obtain Precepts and Charters from the saids other persons who had right to their Superiorities for the time. And His Majesty being graciously pleased, that such Rights and Infeftments as, for the time, were necessary and of course taken and past in manner foresaid, should not be prejudged; Therefore it is statute and declared, That all persons, who, since the beginning of the Troubles, in the year one thousand, six hundred and thirty eight, are entered or in feft by his Majesty or his Royal Father, by the pretended Authority for the time; or any other person having right from them in any Land or Estate holden immediately of the Bishops before the saids troubles, shall now hold the same of the Arch-bishops and Bishops, their lawful Superiors, in the same manner as they, their Predecessors and Authors, held the same before the late troubles.

bles. And it is Declared, That neither this nor any other Act of the last or present Session of this Parliament, shall prejudice any Retours, Signators, Charters, Precepts, Infeiments, Seizings of Lands, Annualrents, or any other Estate holden immediatly of Bishops, whereby the same are retoured, or Infeiments of the same are taken to be holden of the King or his Donators since the time foresaid, upon Retours, Resignations, Comprisings, Adjudications, or by way of confirmation, or Precepts of *clare constat* or otherways; which Infeiments being orderly past as they ought to have been for the time, with the Retours, Signators and other Warrands of the same, His Majestie with consent foresaid, doth Ratifie and approve, and Declares to be valide Rights, as if the same had been granted or renewed by the saids Arch-bishops or Bishops. It is alwayes Declared, that the Declaration and Ratification foresaid, shall not be extended to any new Gift or Grant, or any other Clause or Right contained in the saids Infeiments or Signators, or other Warrands of the same, whereby any new Gift or original Right of the saids Lands and others are given, or the Right of the same is granted or conveyed otherways then conform to the Rights and Infeiments thereof, before the time afore said. Likas it is Declared, That the said Ratification and Declaration foresaid, shall not corroborat or import any Ratification of the saids Vassals their former Rights, which are to be in the same case as they were in the beginning of the saids troubles, in the year foresaid; In regard it is His Majesties intention; likewise it is Declared by His Majesty, with consent foresaid, That the Arch-Bishops and Bishops shall be, as to their Patrimony and Rents, in the same case and condition as they were in the year foresaid, notwithstanding of whatsoever Acts of the pretended Parliaments, since the time foresaid, to the contrair; And notwithstanding of whatsoever Rights, Grants or Deeds flowing from, or depending upon, or done or granted by vertue of any Act or Acts of the said pretended Parliaments, which His Majesty with consent foresaid, doth Declare, Decern and Determine to be void and null, except in so far as is reserved and ratified in manner abovewritten. It is hereby Declared, That this Act of Restitution shall give no Right to any of the saids Arch-Bishops or Bishops, or their Successors, nor to the Heirs or Executors of the deceased Bishops, of any Rents belonging to the Arch-bishopricks or Bishopricks preceeding the year, one thousand, six hundred and sixty one, after the said year one thousand, six hundred and thirty eight; but that all the saids Rents intromitted with by, and pertaining to, such persons as had right thereto for the time, and wherewith they have or might have intromitted, shall be secured to them. As also, all such persons who, *bona fide*, have made payment of their Few-dues, Teinds and Teind-dues, and others Rents of their Bishopricks, are and shall be also secured, for bygones allannerly, free of any action or question, notwithstanding of this present Act or any thing therein contained.

I I.

*ACT for preservation of His Majesties Person, Authority
and Government.*

THE Estates of Parliament taking into their consideration, the miseries, confusions, bondage and oppressions, this Kingdom hath groaned under since the year, one thousand, six hundred, and thirty seven, with the causes and occasions thereof, Do with all humble duty and thankfulness acknowledge His Majesties unparallel'd grace and goodness, in passing by the many miscarriages of His Subjects, and restoring the Church and State to their ancient Liberties, Freedom, Rights and Possessions; and the great Obligations thereby lying upon them to expresse all possible care and zeal in the preservation of His Majesties Person, (in whose honour and happiness consisteth the good and welfare of His people) and in the security and establishment of His Royal Authoritie and Government, against all such wicked attempts and practices for the time to come. And since the rise and progress of the late troubles, did, in a great measure proceed from some treasonable and seditious positions infused into the people, *That it was lawfull to Subjects, for Reformation, to enter into Covenants and Leagues, or to take up Arms against the King, or those Commissionated by Him, and suchlike:* And that manie wilde and rebellious courses were taken and practised in pursuance thereof, by unlawful meetings and gatherings of the people, by murinous and tumultuarie petitions, by insolent and seditious Protestations against His Majesties Royal and just Commands, by entering into unlawful Oaths and Covenants, by usurping the name and power of Council Tables, and Church Judicatories, after they were by His Majesty discharged, by treasonable Declarations, that His Majesty was not to be admitted to the exercise of his Royal power, untill he should grant their unjust desires and approve their wicked practices, by rebellious rising in Arms against his Majesty and such as had Commission from Him; And by the great countenance, allowance and encouragement given to these pernicious courses by the multitude of seditious Sermons, Libels and Discourses, preached, printed and published in defence thereof. And considering, that as the presentage is not fully freed of those Distempers, so posterity may be apt to relapse therein, if timely remeid be not provided. Therefore the King's Majesty and Estates of Parliament

liament do Declare, that these positions, *That it is lawful to subjects, upon pretence of Reformation, or other pretence whatsoever, to enter into Leagues and Covenants, or to take up Arms against the King; or that it is lawful to subjects, pretending His Majesties Authority, to take up Arms against His Person or those commissioned by Him, or to suspend Him from the exercise of His Royal Government, or to put limitations upon their due obedience and allegiance*, Are Rebellious and Treasonable: And that all these Gatherings, Convocations, Petitions, Protestations and Erecting and keeping of Council-tables, that were used in the beginning, and for carrying on, of the late troubles, and keeping lawful and seditious: And particularly, that these Oaths, whereof the one was commonly called *The National Covenant*, (as it was sworn and explained in the year one thousand, six hundred and thirty eight, and thereafter) and the other entituled, *A Solemn League and Covenant*, were, and are against the fundamental Laws and Liberties of the same; and that there lyeth no obligation upon any of the Subjects from the saids Oaths, or either of them, to endeavour any change or alteration of Government either in Church or State; And therefore Annuls all Acts and Constitutions, Ecclesiastical or Civil, approving the said pretended *National Covenant, or League and Covenant*, or making any interpretations of the same or either of them. And also it is hereby Declared by his Majesty and Estates of Parliament, That the pretended Assembly, kept at *Glasgow* in the year one thousand, six hundred, and thirty eight, was in it self (after the same was by His Majesty discharged, under the pain of treason) an unlawful and seditious Meeting; and that all Acts, Deeds, Sentences, Orders or Decrees past therein, or by virtue of any pretended Authority from the same, were in themselves from the beginning, are now, and in all time coming, to be reputed unlawful, void and null: And that all Ratifications or Confirmations of the same, past by whatsoever Authority or in whatsoever Meetings, shall from henceforth be void and null. Like-as, His Majesty and Estates of Parliament, reflecting on the sad consequences of these rebellious courses, and being careful to prevent the like for the future, have therefore Statute and Ordained, and by these presents Statutes and Ordains, That if any person or persons shall hereafter plot, contrive or intend death or destruction to the Kings Majesty, or any bodily harm tending to death or destruction, or any restraint upon His Royal Person, or to deprive, depose or suspend Him from the stile, Honour and Kingly Name of the Imperial Crown of this Realm, or any others His Majesties Dominions, or to suspend Him from the exercise of His Royal Government, or to levy War or take up Arms against His Majesty or any commissioned by Him, or shall entice any strangers or others to invade any of His Majesties Dominions; and shall by writing, printing, preaching or other malicious and advised speaking, express or declare such their treasonable intentions, every such person or persons, being upon sufficient probation legally convicted thereof, shall be deemed, declared and adjudged Traitors, and shall suffer forfeiture of life, honour, lands and goods as in cases of high Treason. And further, it is by His Majesty and Estates of Parliament Declared, Statute and Enacted, That if any person or persons shall, by Writing, Printing, Praying, Preaching, Libelling, Remonstrating, or by any malicious and advised speaking, express, publish or declare any words or sentences to stir up the people to the hatred or dislike of His Majesties Royal Prerogative & Supremacy in causes Ecclesiastick, or of the Government of the Church by Archbishops and Bishops as it is now settled by Law, or to Justifie any of the deeds, actings, practices or things above-mentioned and declared against by this present Act, that every such person or persons so offending, and being, as said is, Legally convicted thereof, are hereby declared incapable to enjoy or exercise any place or employment, Civil, Ecclesiastical or Military, within this Church and Kingdom, and shall be liable to such further pains as are due by the Law in such cases; Provided alwayes, that no person be proceeded for any of the offences aforesaid, contained in this Act, (other then these that are declared to be high Treason) unless it be by order from His Majesty, or by order of His Privy Council for the time; neither shall they incur any of the penalties above-mentioned, unless they be pursued within eight Moneths after the offence committed, and sentenced thereupon within four Moneths after the intending of the Process. And it is also Declared, That if his Majesty grant His pardon to any person convicted for any of the offences contained in this present Act; After such pardon, the party pardoned shall be restored to all intents and purposes, as if he had never been pursued nor convicted, any thing in this Act to the contrary, notwithstanding.

III.

Act concerning such Benefices and Stipends as have been possessed without presentations from the lawful PATRONS.

THE Kings most Excellent Majesty being desirous, that all His good Subjects may be sensible of the happy effects and fruits of the Royal Government, by a free, peaceable and safe enjoyment of their due interests and properties under His protection; and that in His restitution they may find themselves restored to these Rights, which by Law were secured unto them, and by the violence and injustice of these late troubles and confusions have been wrested from them: And considering, that notwithstanding the right

of Patronages be duly settled and established by the ancient and fundamental Laws and Constitutions of this Kingdom; Yet, divers Ministers in this Church have, and do possess Benefices and Stipends in their respective Cures without any Right or Presentation to the same from the Patrons. And it being therefore most just, that the lawful and undoubted Patrons of Kirks be restored to the possession of the Rights of their respective Advocations, Donations and Patronages; Therefore, His Majesty, with advice and consent of His Estates of Parliament, Doth Statute and Ordain, That all these Ministers who entered to the Cure of any paroch in Burgh or Land within this Kingdom, in or since the year one thousand, six hundred and fourty nine (at and before which time the patrons were most injuriously dispossessed of their patronages) have no right unto, nor shall receive, uplift nor possess the rents of any Benefice, modified Stipend, Manse or Gleib for this present crop, one thousand, six hundred and sixty two, nor any year following, but their places, Benefices and Kirks are, *ipso jure*, vacant. Yet, His Majesty, to evidence His willingness to pass by and cover the miscarriages of His people, Doth, with advice foresaid, Declare, That this Act shall not be prejudicial to any of these Ministers in what they have possessed, or is due to them, since their admission: And that every such Minister who shall obtain a presentation from the lawful patron, and have Collation from the Bishop of the Diocese where he liveth, betwixt and the twentieth of September next to come, shall from thenceforth have right to, and enjoy his Church, Benefice, Manse and Gleib, as fully and freely as if he had been lawfully presented and admitted thereto at his first entry, or as any other Minister within the Kingdom doth or may do. And for that end, it is hereby Ordained, That the respective patrons shall give presentations to all the present Incumbents, who in due time shall make application to them for the same. And in case any of these Churches shall not be thus duly provided before the said twentieth of September, then the patron shall have freedom to present another betwixt and the twentieth day of March, one thousand, six hundred and sixty three; which if he shall refuse or neglect, the presentation shall then fall to the Bishop, *jure devoluto*, according to former Laws. And suchlike His Majesty, with advice foresaid, doth Statute and Ordain the Archbishops and Bishops to have the power of new Admission and Collation to all such Churches and Benefices as belong to their respective Sees, and which have vaked since the year one thousand, six hundred and thirty seven: And to be careful to plant and provide these their own Kirks conform to this Act.

I V.

A C T concerning Masters of Universities, Ministers, &c.

THE King's most Excellent Majesty, according to the laudable example of His Royal progenitors in former parliaments, Doth, with advice and consent of His Estates convened in this present parliament, Ratifie and Approve all and whatsoever Acts and Statutes heretofore made, concerning the liberty and freedom of the true Church of God, and the Religion now professed and established within this Kingdom: And considering how necessary it is for the advancement of Religion and Learning, for the good of the Church, and peace of the Kingdom, that the Universities, and Colleges be provided and served with professors, principals, Regents and Masters, well affected to His Majesty and the established Government in Church and State; His Majesty, with advice foresaid, Doth Statute, Ordain and Enact, That from this time forth, no Masters, principals, Regents, nor other professors in Universities or Colleges within this Kingdom, be admitted, nor allowed to continue in the exercise of any Function within the same, but such as are of a pious, loyal and peaceable conversation, submitting to, and owing the Government of the Church by Archbishops and Bishops, now settled by Law; and who having given satisfaction therein to the Bishops of the respective Diocesses and patrons, and having, in their presence, taken the Oath of Allegiance, shall procure their attestation of the same; that is to say, the professors and other Masters of the Universities of St. Andrews, Glasgow and Aberdeen, to have the approbation and attestation of the Archbishops and Bishops, who are the respective Chancellors of the said Universities; and the professors and other Masters of the New-toun Colledge in Aberdeen and Colledge of Edinburgh, to have the approbation of the respective patrons, the Earl of Marbair, and Magistrates of Edinburgh and Aberdeen, and an attestation and certificat under the hand of the Bishops of Edinburgh and Aberdeen, respectively, that they have taken the Oath of Allegiance, and that they are persons who submit to, and own the Church-government as now settled by Law. Likewise, His Majesty finding it necessary for the peace and quiet of the Church, that the Ministers be such as will acknowledge, and comply with, the present Government of the same, Doth therefore, with advice foresaid, Statute and Enact, That whatsoever Minister shall, without a lawfull excuse to be admitted by his Ordinarily, absent himself from the visitations of the Diocese, which are to be performed by the Bishop or some of the Ministers to be appointed by him, or from the diocesan Assembly; or who shall not, according to his duty, concur therein, or who shall not give their assistance in all the Acts of Church-discipline, as they shall be required thereunto by the Archbishop or Bishop of the Diocese, every such Minister so offending shall, for the first fault, be suspended from his Office and Benefice till the next diocesan Meeting; and if he amend not, shall be deprived, and the Church and Benefice to be provided as the Law alloweth in other cases

cases of Vacancies. And his Majesty considering, that under the pretext of Religious exercises, divers unlawful Meetings and Conventicles (the nurseries of sedition) have been kept in private families; Hath thought fit, with advice foresaid, hereby to Declare, That as he doth, and will, give all due encouragement to the Worship of God in families amongst the persons of the family, and others who shall be occasionally there for the time, so he doth hereby Discharge all private Meetings or Conventicles in houses, which under the pretence of, or for, Religious exercises, may tend to the prejudice of the publick worship of God in the Churches, or to the alienating of the people from their lawful Pastours, and that duty and obedience they owe to Church and State. And it is hereby Ordained, That none be hereafter permitted to preach in publick or in families within any Diocese, or teach any publick School, or to be pedagogues to the children of persons of quality, without the licence of the Ordinary of the Diocese.

V.

ACT concerning the Declaration to be signed by all persons in publick Trust.

FOrasmuch as it hath pleased Almighty God, in His Majesties Restitution to His Royal Government, to restore this Kingdom to its ancient liberties and peace, and to deliver His Majesties good Subjects from these miseries and bondage whereby they have been oppressed, during these troubles; And the Estates of Parliament, finding themselves obliged in a due resentment of this mercy, and in discharge of that duty they owe to God, to the Kings Majesty, to the publick peace of the Kingdom, and the good of His Subjects, To use all means for the due preservation of that peace and happiness they now enjoy under His Royal Government; and to prevent and suppress every thing that may tend to the renewing or favouring of these courses, by which, the late Rebellion hath been fomented and carried on; And conceiving, that the employing of persons of sound principles and intire loyalty, in all offices of Trust and places of publick Administration, will conduce much to these ends: Therefore, and for quieting the spirits of His Majesties good Subjects, and begetting a confidence in them of their security for the future; His Majesty hath thought fit, with advice and consent of His Estates of Parliament, to Statute, Ordain and Enact; Likeas His Majesty, by these presents, doth, with advice foresaid, Statute, Ordain and Enact, That all such persons as shall hereafter be called or admitted to any publick Trust or Office, under His Majesties Government within this Kingdom; that is to say, to be Officers of State, Members of Parliament, privy Counsellors, Lords of Session, Commissioners in Exchequer, Members of the Colledge of Justice, Sheriffs, Stewarts or Commissaries, their Deputs and Clerks, Magistrates and council of Burroughs, Justices of Peace and their Clerks, or any other publick Charge, Office and Trust within this Kingdom; shall at and before their admission to the exercise of such places or Offices, publickly, in face of the respective Courts they relate to, subscribe the Declaration under-written: And that they shall have no right to their said Offices or Benefices thereof, untill they subscribe the same as said is; but that every such person who shall offer to enter and exerce any such Office, before he subscribe the Declaration, is to be reputed and punished as an usurper of His Majesties Authority, and the place to be disposed to another. Likeas His Majesty doth, with advice foresaid, remit to His Commissioner, to take such course as he shall think fit, how these who are presently in Office may subscribe the said Declaration. And it is hereby Declared, that this Act is without prejudice of any former Acts, for taking the Oath of Allegiance and asserting the Royal Prerogative.

I Upon pretence of Reformation or other pretence whatsoever, to enter into Leagues and Covenants, or to take up Armes against the King or those commissioned by Him: And that all these Gatherings, Convocations, Petitions, Protestations, and erecting and keeping of Council-tables, that were used in the beginning, and for carrying on, of the late troubles, were unlawful and seditious. And particularly, that these Oathes, whereof the one was commonly called, The National Covenant, (as it was sworn and explained in the year, one thousand, six hundred and thirtyeight, and thereafter) and the other entituled, A Solemn League and Covenant, were, and are, in themselves unlawful Oaths, and were taken by, and imposed upon, the Subjects of this Kingdom, against the fundamental Laws and Liberties of the same. And that there lyeth no obligation upon me, or any of the Subjects from the saids Oaths, or either of them, to endeavour any change or alteration of the Government, either in Church or State, as it is now established by the Laws of the Kingdom.

VI.

Act for suppressing of Theft, Robberies and Depredations.

OUR SOVERAIGNE LORD considering, That notwithstanding the many laudable Laws made by His Royal Progenitors, for suppressing of Theft, Robberies, Depredations, &c. Yet some insolent persons have of late, and daily do commit several Out-rages, Thefts and Robberies upon the persons and goods of divers of His Majesties faithful Subjects, to the dishonour of Religion, contempt of His Majesties Authority, and reproach of the Nation. And His Majesty being most willing to remedy these insolencies for the future, that so all His good Subjects may find the fruit and effect of His happy Restauration, in the safe protection of their persons, and secure possession of their goods; Doth therefore, with advice and consent of His Estates of Parliament, Statute and Ordain, That whensoever any Oppressions, Herillips, Reifs, Sornings, Thefts, Robberies or Depredations shall happen to be committed within any part of this Kingdom, by whatsoever person or persons; the owner of the Goods away-taken shall immediately after the way-taking of the same, by himself or some in his name, give intimation thereof to the Sheriff of the Shire or his Deputes, or any of the Justices of Peace or Constables within the Paroch out of which the Goods are taken, as can be most conveniently had; and which Sheriff, Justice of Peace or Constable, shall immediately upon intimation foresaid, under the pain of being lyable in the restitution of the Goods away-taken, or payment of the value thereof, command and require all sensible persons within the said Paroch, to concur and go along with them in the pursute of the said Goods and Way-takers thereof; and which persons are hereby obliged to obey under the pain foresaid. And in case it shall happen the saids Theeves or Robbers, to pass through or rest in any other Paroch where the Justices of Peace, Constables, Heretors, Wodsetters and Fewers within the same are able to stop and oppose the Carrying away of the saids Goods, then and in that case the saids Justices of Peace, Constables, Heretors, Wodsetters and Fewers, shall be themselves, tennants and servants, and such as they can command, make opposition, and seize upon the Goods and Drivers thereof; and shall be obliged upon complaint made to the Sheriff or his Deputes, or any of the saids Justices of Peace, by the owners of the saids Goods or any having power from the owner for that effect, to restore the saids Goods within fifteen dayes after the requiring thereof, and deliver or secure the Drivers and Way-takers thereof, that they may underly the Law. And in case the committers of the foresaid crime be so numerous and powerful that they cannot be stopt and mastered by the inhabitants of the said Paroch, then the saids whole sensible inhabitants shall be obliged, under the pain foresaid, to rise in Arms and follow and pursue them, and require all the sensible persons in any other Paroch they shall happen to pass through to joyn with them (and which persons shall be obliged to do the same, under the pain of being lyable for the Goods or value thereof, as said is) in the prosecution and recovery of the saids Goods, that so the Goods may be restored to the right owners, and the Depredators punished according to Law. It is likewise Statute and Ordained, That if the pursuer of the Goods shall not be able, after all his utmost endeavours, with concurrence aforesaid, to recover the saids Goods and apprehend the Way-takers thereof, then and in that case the respective Heritors, Wodsetters and Fewers within the Paroch wherein the Goods shall be found to have been disposed of or sparpelled, shall be lyable for the value of the saids Goods according to their several interests. And further it is Statute and Ordained, That in case it shall happen the parties whose Goods shall be taken away, or those that are obliged to rise with them in manner foresaid, to slay, hurt or mutilat in the said pursute, any of the Way-takers thereof or their associates; yet notwithstanding they shall never be drawn in question, nor lyable in any pursute, Civil or Criminal, for the said slaughter, mutilation or other hurt, but are hereby as freely remitted as if they had our Sovereign Lords special Commission for that effect. And for the better suppressing of the foresaids Thefts, Robberies and Depredations, and punishing of the persons committers thereof, the Sheriffs in the respective Shires and their Deputes, are hereby strictly required to put in execution the power allowed to them by the former Acts and Laws of the Nation, for pursuing and apprehending Robbers and Theeves, with all other persons who have no certain residence nor known way of livelyhood, and that under the pains contained in the foresaid Acts *respective*. And for defraying of the saids Sheriffs and their Deputes their charges, and rewarding their pains, the Lands, Goods and Geer of the saids Theeves and Robbers and their Refettors, and the Refettors of such persons as have no certain residence nor known way of livelyhood, as said is, shall be made use of and employed, at least, so much thereof as the Lords of His Majesties Privy Council shall think fit upon consideration of the case.

And further it is Statute and Ordained, That the In-bringer of every Robber and Theef, after he is outlawed and denounced Fugitive, shall have two hundred pounds Scots for every Theef and Robber so apprehended and brought in: And all Sheriffs of Counties and their Deputes, Magistrates of Burghs and Justices of Peace are hereby required to receive the said Theef or Robber off their hands without delay, giving the In-bringer of the said Theef or Robber a receipt thereof under his or their hands: To the end, he may repair to His Majesties Secrer Council, and receive the reward afore-mentioned.

VII.

Act for the allowance of ten thousand pounds Scots, yearly, to the Lords of Session, out of His Majesties Customs.

THE Kings most excellent Majesty taking ro His consideration, how much His own honour, the general good of the Kingdom, and the particular interests of His Subjects, of all ranks within the same, are concerned, in the speedy and equal administration of Justice; and how necessary it is, in order thereunto, that the Senators of the Colledge of Justice, who are the only ordinar supream Judges of this Realm, in all Civil causes, be provided with a competent and futeable allowance for the defraying of the charge and expence they are put to, in their attendance on the discharge of that publick Trust; Hath therefore, out of His princely care, thought fit to grant the saids Senators of the Colledge of Justice, an addition of ten thousand pounds Scots to be payed unto them yearly, and that over and above the former Annuity of ten thousand pounds granted by His Royal Grand-father, in the year one thousand, six hundred, and nine, or what hath been formerly granted to them in this or any other Parliament, or otherwayes doth appertain to them. And His Majesty considering, that this grant will much tend to the profit, advantage and good of His Majesties service and well-fare of His Kingdom, Doth therefore, with advice and consent of his Estates of Parliament, appoint the same to be payed out of the Customs of this Kingdom: And for that end, His Majesty, with advice foresaid, and after mature deliberation had thereupon, dissolves, annuls and instrings from the Crown and Patrimony thereof, the annexation of the Customs of this Realm, in so far as the same may be extended to the said sum of ten thousand pounds, of the first and readiest of the Customs. And now after this dissolution, His Majesty, with advice foresaid, gives, grants, assigns and disposes to the saids ordinar Lords and Senators of the Colledge of Justice, and their Successors in the said Office and Trust, in all time coming, all and whole the sum of ten thousand pounds usual money of Scotland, to be uplifted and received by them, and their Collectors appointed by them, at two termes in the year, Whitfunday and Martimafs, by equal portions, forth of the first and readiest of His Majesties Customs, or any part thereof, from his Majesties Thesaurer, Deput-theasurer, Receavers, Tack-men, Possessors, Intromettors with the saids Customs, and others lyable in payment thereof, present and to come; beginning the first termes payment thereof from the feast and terme of Martimafs last by past, one thousand, six hundred, and sixty one years, and so forth, yearly and termly thereafter at the termes foresaid in all time coming; charging hereof the said Theasurer, Deputy-theasurer, Receavers, Tack-men, Possessors, Intromettors with the saids Customs, and others lyable in payment thereof, present and to come, to make thankful payment at the termes of payment above-written, of the foresaid yearly sum of ten thousand pounds to the saids ordinar Lords of Council and Session, their Successors and Collectors in their names, out of the first and readiest of the saids Customs; and that they be preferred in payment thereof to all and whatsoever other person or persons pretending right to the saids Customs or any part thereof by pension, assignation, gift, or other right or disposition whatsoever. And likewayes commanding the Lords of Exchequer, present and to come, to allow the same to the payers of the said sum of ten thousand pounds, yearly and termly, in the first end of their accounts, upon sight of the saids Lords of Session, or their saids Collectors acquittance upon payment thereof. And also, His Majesty, with advice and consent foresaid, Decerns and Ordains His Majesties Theasurer, Deput-theasurer, Receavers, Tack-men of, and Intromettors with the saids Customs, present and to come, to become enacted themselves and find sufficient caution, acted in the Books of Council and Session, for the yearly payment of the foresaid sum of ten thousand pounds to the saids Lords of Session and their Successors, or their Collectors, at the termes and in manner above-exprest: And at the decease or dimission of any of the persons so enacted, that the next entrant shall become enacted, and find caution to the effect foresaid. As also, at the setting of any new Tacks, the Tack-men find caution to the effect foresaid; otherwayes, the saids whole Tacks to be null, and the nullity thereof to be decided by way either of action or exception: And that Letters and Executorials of Horning, upon an charge of ten dayes, be directed against them, by deliverance of the saids Lords of Session, for payment of the said sum of ten thousand pounds in manner above-written. And Decerns and Ordains, That no Suspension be granted in this matter, to whatsoever person or for whatsoever cause, by the Lords of Parliament, Lords of Exchequer, or other Judge whatsoever, except upon consignation of the sums charged for, or production of sufficient acquittances; and that the saids ordinar Lords and Senators of the Colledge of Justice are, and shall be, only Judges for discussing of the saids Suspensions, discharging all other Judges of granting Suspensions, concerning the premises and discussing of the same, and of their Offices in that part for ever. And to the foresaid Disposition and Assignation of ten thousand pounds, and to the whole Heads and Articles of this Act above written, His Majesty and Estates of Parliament interpones their Consent and Authority, as to an Act which doth highly concern the good and well-fare of the Nation. And His Majesty, for his Highness and His Successors promises, *in verbo Principis*, never to impugn or quarrel the same, nor come in the contrait thereof, directly nor indirectly, in time coming, and the like execution being granted by Act

of Parliament in the year, one thousand six hundred and nine, for payment of the ten thousand pounds then granted to the Lords of the Session; It is hereby appointed by His Majesty and the Estates of Parliament, That in time coming they be paid together; and that all the execution contained in this or that former Act shall pass, and be allowed for payment of the whole twentie thousand pounds Scots yearlie, as fullie as if the said twenty thousand pounds had been granted together, and in one sum, and that this Act had been expresse made and granted for the same.

VIII.

THE KING'S MAJESTIES

General

REVOCATION.

THE Estates of Parliament having considered His Majesties Revocation, past under His Royal hand, and this day presented to them by His Majesties Advocat, Do Ordain the same to be recorded in the Books of Parliament; whereof the tenour followeth.

CHARLES R.

WE CHARLES, by the grace of GOD, King of Great Britain, France and Ireland, Defender of the Faith, taking to our consideration, That during the time of the late troubles, and by occasion thereof, many Writes, Declarations, Ratifications and other Deeds may have past Our hands, to the prejudice of the Church, Our Estate, Patrimony, and just interest of our Subjects, and derogatory to our honour, the priviledges of our Crown, and dignity of our Person, either before we attained to the age of twenty one years or thereafter; as also, that many Deeds might have past our Royal Fathers hands during the late wars, to the enorm hurt and lesion of His Sacred Majesty, in all the particular wayes above exprest, which by the Lawes of this our Kingdom can no wayes be binding, or obligatory against us, but by vertue of the saids Lawes may be revoked. And seeing, before our return to the Government of our Kingdoms, in May one thousand, six hundred and sixty, we had not the fit occasion of Judicatories within this our Ancient Kingdom, to whom we (according to the practice of our Royal Ancestors) might have directed our Revocation of such Deeds: Therefore, now after that we are, by the blessing of Almighty God, returned to the exercise of our just, lawful and Royal Authority, do, by these presents, Revoke, Cast, Annul, Retreat and Rescind all Acts of pretended Parliaments, Conventions or Councils, Declarations, Treaties or Ratifications of the same; and all and sundry Inseftments, Charters, Gifts, Donations, Dispositions, Confirmations, Pensions, Tacks, Affidations, and other Rights and Deeds whatsoever, conveyed, signed or consented to by us, to whatsoever person or persons, of any Rents, Lands, Teinds, Patronages, Offices, Few-farmes, Casualties, Priviledges, Services and others whatsoever, which the Lawes and consuetude of our said Realm alloweth us to Revoke, either past by us in our Minority, or since, at any time preceeding the twenty ninth day of May, one thousand, six hundred and sixty, or by our Royal Father of glorious and blessed memory, at any time since the year one thousand, six hundred and thirty seven, to the hurt or prejudice of the Church, His or Our Honour, Estate, Patrimony, Priviledges of our Crown, Dignity of His or Our Person, or just right and interest of our Subjects. And We Will and Declare, and by our Sovereign, Royal Authority Ordain, That these presents shall be as amply extended, and of as great force, strength, and effect, in general and in special, as any Revocation made by any of our Royal Predecessors, contained in the Books and Records of Parliament, which in all beads, clauses and circumstances thereof we Will and Ordain to be holden as here repeated. And We Will and Ordain these presents to be as valde, legal and effectual to all intents and purposes, as if the same had been done and Registered in the Books of Parliament, before our Age of twenty five years; Protesting solemnly, that the omission thereof, nor our absence forth of our said Kingdom of Scotland, at this time, nor want of other Solemnities whatsoever, shall be no prejudice to us aient this present Revocation, with all which we do dispence, and do supplie all defects thereof by our Kingly power and Authority Royal; Declaring also, that albeit we, of favour and benevolence, and for any respect or consideration whatsoever, suffer any person or persons to use and enjoy any Priviledges, Possessions, Lands or Rents, Offices or any other thing falling under the compass of this our Revocation, the same shall make no right to the users or holders thereof, unless the same hath been granted or confirmed by us since the twenty ninth day of May, one thousand, six hundred and sixty, or shall be of new confirmed by us in any time hereafter: But it shall be lawful to us and our Successors to intronnet therewith, when we or they please, but any contradiction, and that by vertue of this our Revocation, and Acts and Constitutions of our Realm. And we do

Declare, that the Gifts or Confirmations made and granted by us since the twenty ninth of May, one thousand, six hundred, and sixty, and such as shall be granted or confirmed by us at any time hereafter, are not, nor shall not be comprehended within this Revocation, but are excepted out of the same; which Revocation we Will and Orain to be intimate. insinuat, declared and registrate in the Records of this present Parliament now sitting in Edinburgh, and holden by our trusty and well-beloved Cousin and Councillor, John Earl of Middleton, Our Commissioner in Our Name and by Our Authority. Given at Our Honour of Hampton-Court, the fourteenth day of July, one thousand, six hundred and sixty two, and of Our Reign the fourteenth year.

And His Majesty, with advice and consent of His Estates of Parliament, doth Declare, that this Revocation is to be extended to all and whatsoever Deeds done in hurt and prejudice of whatsoever Lands, Lordships and others annexed to the principallity, or to the Prince who is second Person in this Realm. And for the clearing and further satisfaction of the Subjects, as to that clause, by which all and whatsoever Rights and Deeds, made and done by His Royal Father, are Revoked, which the Laws and Consuetude of this Kingdom allow His Majesty to Revoke; His Majesty, with advice foresaid, doth Declare, That all such Deeds are only thereby to be Revoked and Rescinded which were made against the Laws and Acts of Parliament in force, before the year one thousand, six hundred, and thirty seven; And that this general Revocation shall be without prejudice to His Majesty to make a more special Revocation hereafter, if His Majesty shall think fit so to do.

I X.

Act anent the Teinds belonging to Bishops and other beneficed persons.

FOrasmueh, as by the Kings Decreet arbitral, in the Moneth of one thousand, six hundred and twenty seven years, His Majesty found, upon the Submission made by the Bishops and other Clergy, that the *quota*, or rate of all Teinds pertaining to the Bishopricks and other Benefices which falleth under the Submission, should be the fifth part of the constant rent of Stock and Teind. In which Submission, there is an exprcs Clause, that the Bishops, and others of the Clergy, should enjoy the fruits and rents of their several Benefices, as they were possessed by them the time of the said Submission. By which provision it appears, that whatsoever Teinds, Parsonage or Vicarage, they were in possession of, by leading and drawing the same, or by rental Bolls, they were not at all to be valued by the Heritors thereafter. Like-as, till the year one thousand, six hundred, and forty one, none of the saids Teinds, possessed by the Bishops and other Beneficed persons, were valued and approved by any Commission, unless by consent or collusion, none making opposition thereto. And it being reasonable, that the Rights and Priviledges belonging to the Church-men in the year one thousand, six hundred, and thirty three, should be restored to them: Therefore, the Kings Majesty, with advice and consent of His Estates of Parliament, Statutes and Ordains, all by any pretended Commission for valuation of Teinds, since the year one thousand, six hundred, and thirty seven, to be void and null in time coming; And that the saids Bishops and other beneficed Persons and shall enter to the said possession of rental Bolls, and leading of the saids Teinds, Parsonage and Vicarage, this cropt and year of God, one thousand, six hundred, and sixty two years, and in time coming; Providing always, like-as it is hereby provided, that the Heritors of such Lands, whereof the Teiches belongs to the Arch-bishops, Bishops, and other beneficed persons, being Ministers, and were set in tack, the time of their submission to His Majesties Father of blessed memory, shall be in that same place and condition they were in, by the Decreet arbitral pronounced thereupon, and by the nineteenth Act of the Parliament held, Anno, one thousand, six hundred, and thirty three, Entituled, *Commission for valuation of Teiches*, &c. and shall have the full benefit thereof.

X

The Kings Majesties gracious and free Pardon, Act of Indemnity and Oblivion.

THe Kings most Excellent Majestie considering, that by the late troubles, divers of His Subjects, of this his ancient Kingdom of *Scotland*, have fallen under, and are involved in many great crimes, faults, offences & other deeds of commission & omission, whereby they have contraveened the Laws of this Kingdom, & thereby rendered themselves lyable to the pains, penalties, censures due thereto: And being most desirous, that a perfect peace be setled in this Kingdom, and that all His good Subjects may be sensible of, and enjoy the happiness and blessings of His Government, and that no crime, offence or other deed whatsoever, committed against His Majesty, or His Royal Father of blessed memory, or by any of His Majesties Subjects against another, in relation to the late troubles, shall hereafter rise in Judgment, or be brought in question against any of them before any Judge, Civil or Criminal, to the prejudice either of their lives, Estates, Offices, priviledges, Liberties or reputations: But that all seeds of future differences, and remembrance of former pro-

proceedings, may as well by his Majesty, as by his Subjects one towards another, be forgotten: and that all names of reproach or distinction which have been used, or may revive the memory of the late differences, be buried in Oblivion. Therefore, His Majesty, of His signal prudence, Grace and Goodness, Doth, with advice and consent of His Estates of Parliament, Declare, Statute and Ordain, That all manner of Treasons, Rebellions, Murthers, Offences, Crimes, Contempts, Injuries, Misdemeanors and all other Deeds, as well of commission as omission, commanded, acted or done by any person or persons, by vertue of any power or warrant of any pretended Parliament, Council or their Committees, Commanders of Armies, or others pretending Authority, under whatsoever title, name or designation, since the first day of *January*, one thousand, six hundred and thirty seven years, and before the first day of *September*, one thousand, six hundred and sixty, (other then such as are hereafter excepted in this present Act) be and are hereby *Pardoned, Released, Indemnified and Discharged*; and that all and every person and persons or Incorporations, Acting, Advising, Assisting or Abetting the same, and their Heirs, Executors, and Successors (except as shall be hereafter excepted) are hereby *Pardoned and Indemnified*, and *Discharged* thereof, and of all pains of Forfeiture, Death, Fines, Imprisonment, Banishment, and other pains, Penalties, Action and Question, Civil or Criminal; and of all Decrees, Sentences, Acts or Orders past thereupon, and all other damage, prejudice and inconveniencies whatsoever, they or any of them might or may be liable unto for the same. All which Pains, Sentences, and others forefaids, are hereby declared void and null in all time coming; and that this Free and General *Pardon, Indemnity and Oblivion*, shall be as effectual in Law, to every one of his Majesties Subjects, and bodies politick and incorporat, and person or persons whatsoever, in, for and against all things; (which be not after excepted) as if the saids Persons, Crimes, Offences, Injuries, Deeds, Misdemeanours, Penalties, Decrees, Sentences and Orders, had been specially and particularly here inerr, and in expresse words *Pardoned and Released*; and that none be hereafter, in any manner of way pursued or questioned for the same, but that these presents shall be in all cases, in Judgment and outwith the same, a sufficient defence and exoneratoin to all parties concerned: Discharging hereby, all and sundrie Judges, Civil and Criminal, to give order for intending any Process, either at the instance of his Majesties Advocat, against the Subjects, or at the instance of any of the Subjects against another, for any of the saids Crimes, Faults, Offences or other deeds, or to proceed in any Process already intended, or to be intended thereanent. And His Majesty, with advice forefaid, doth hereby Statute and Ordain, That every clause and word, in this present Act, be understood and interpreted in the most favourable sense the expression may bear, for Indemnity of the whole persons who may have interest therein: Excepting always from this present Act, and the *Pardon and Indemnity* therein contained; all such persons (if any be) who were guilty of, and accessory to, any previous transactions and bargains of money, for carrying on of that proceedor concerning his Majesties Person, condemned by the tenth Act of the first Session of this present Parliament; and excepting all such (if any be) who upon any contrivance were art and part of the horrid murder of his late Majesty of blessed memory: And sick-like, Excepting all private murthers, thefts, witch-crafts, incests, buggeries, briberies, forging of false Writes, perjuries, usuries, and other crimes of that nature, not relating to the late troubles; and the Accounts of all such persons as have intremitted with any of his Majesties Revenues, publick Impositions, Excise, Fines, Forfeitures, Sequestrations, and all other publick money, for which they had not Order, Warrant or Assignment, (for their own privat use) or for which they have not duly counted, and received Discharges thereof, from such as pretended to have the Authority for the time, to do the same; And also Excepting all such persons who have been forfeited, or declared Fugitives, in this present Parliament, or by the Committee of Estates, since *August* one thousand, six hundred, and sixty. And particularly, Excepting the Decrees of forfeiture against *Archibald Campbell*, late Marquess of *Argyll*; *Archibald Johnston*, sometime called *Sir Archibald Johnston of Warristoun*; *John Swintoun*, sometime called of *Swintoun*; *James Guthery*, *William Govan*, *John Home*, and *William Dundas*, *James Campbell*, sometime called of *Arkinglafs*, and *James Campbell*, sometimes called of *Ormsay*; which Decrees are to stand in full force and have further execution, conforme to the tenours thereof. And sick-like, Excepting all Decrees, Sentences, Assignments and Orders, past, given and renewed by this present Parliament, in favours of any person or persons; And but prejudice of the generality forefaid; Excepting such persons, as to the payment of such sums of money, as are respectively exprest in another Act, past in this Parliament, Entituled, *Act concerning some exceptions from the Act of Indemnity*.

X I.

Act Salvo jure cujuslibet.

OUR SOVERAIGN LORD, taking to consideration, that there be many Acts of Ratification and others, past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned and prejudged. Therefore, His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all such particular Acts, and Acts of Ratification, past in maner forefaid, shall not prejudice any third party of their lawful Rights, nor of their actions

actions and defences competent thereupon before the making of the saids particular Acts, and Acts of Ratifications; And that the Lords of Session and all other Judges within this Kingdom, shall be obliged to judge betwixt parties, according to their several rights, standing in their persons before the making of the saids Acts. All which are hereby expounded and declared to have been made, *Salvo jure cujuslibet*.

XII.

ACT of Adjournment.

THE Kings Majesty Declares this Parliament current, and adjourns the same to the twentieth day of May next to come; Ordaining all Noblemen, Commissioners from Shires and Burroughs, and all others having interest, to attend that day; and that there be no new election in Shires or Burroughs, except upon the death or incapacity of any of the present Commissioners.

A. PRIMEROSE,

Cls. Register.

A T A B L E

Of the Printed A C T S.

- 1 **A**ct for the Restitution and Re-establishment of the ancient Government of the Church by Archbishops and Bishops.
- 2 Act for preservation of His Majesties Person, Authority and Government.
- 3 Act concerning such Benefices and Stipends as have been possessed without Presentations from the lawful Patrons.
- 4 Act concerning Masters of Universities, Ministers, &c.
- 5 Act concerning the Declaration to be signed by all persons in publick Trust.
- 6 Act for suppressing of Theft, Robberies and Depredations.
- 7 Act for the allowance of ten thousand pounds Scots, yearly, to the Lords of Session, out of His Majesties Customs.
- 8 The Kings Majesties general Revocation.
- 9 Act anent the Teinds belonging to Bishops and other beneficed persons.
- 10 The Kings Majesties gracious and free Pardon, Act of Indemnity and Oblivion.
- 11 Act *Salvo jure cujuslibet*.
- 12 Act of Adjournment.

F I N I S.

L A W S A N D A C T S
 Past in the T H I R D
 S E S S I O N
 Of the F I R S T
 P A R L I A M E N T,
Of Our Most High and Dread Sovereign,
 C H A R L E S
 T H E S E C O N D.

By the Grace of GOD, King of Scotland, England, France and Ireland,
 Defender of the Faith.

*By a Noble Lord, John Earle of Rothes, Lord Leilly and Bambreith, His MAJESTIES
 Commissioner for holding the same, by vertue of a Commission under His
 MAJESTIES Great Seal of this Kingdom.*

With the special Advice and Consent of the Estates of Parliament.

Begun at *Edinburgh* upon the eighteenth of *June*, 1663. and continued
 to the ninth of *October* thereafter.

I.

ACT anent the way and maner of Election of the Lords of the Articles.



THE WHICH DAY, The Earle of Rothes, His Majesties Commissioner, represented to the Estates of Parliament, That it was His Majesties expresse pleasure, That in the constitution of Parliaments, and choising of Lords of the Articles at this Session and in all time coming, the same form and order should be kept, which had been used before these late troubles, especially in the Parliament holden in the year One thousand, six hundred, and thirty three. And the manner of election of the Lords of Articles at that time being now seen, and considered, be the Estates of Parliament; They did with all humble duty acquiesce in His Majesties gracious pleasure, thus signified unto them. And in prosecution thereof, The Cleggy retired to the Exchequer chamber, and the Nobility to the Inner house of the Session, (the Barons and Burgeses keeping their places in the Parliament house) The Clergy made choice of

eight Noble men to be on the Articles, *viz.* The Duke of Hamilton, The Marquess of Montrose, The Earles of Errol, Mar, Eglington, Haddington, Callendar, and Amandaile; And the Nobility made choice

choice of eight Bishops, *viz.* The Archbishops of Sanct-Andrews and Glasgow, The Bishops of Edinburgh, Galloway, Dunkeld, Breichen, Caithnes, and Isles; which being done, the Clergy and Nobility mett together in the Inner Exchequer house, and having shewn their elections to others, the persons elected, at least so many of them as were present, stayed together in that room, (whilst all others removed) and they jointly made choice of Eight Barons, and eight Commissioners of Burrows, *viz.* Sir John Gilmour of Craigmillar, President of the Session, Sir James Lockhart of Lee, Sir James Foulis of Collingtown, Sir Archibald Stirling of Carden, Sir Peter Wedderburn of Gosford, Sir Thomas Hamilton of Preston, Murray of Polmais, and William Scott of Ardsrofs, Sir Robert Murray Provost of Edinburgh, Master John Paterson of Perth, Alexander Wedderburn of Dundie, Gilbert Gray of Aberdeen, Duncan Nairn of Stirling, Andrew Carstairs of Sanct-Andrewes, Andrew Glen of Linlithgow, and William Cunningham of Air, Burgeses; And then represented the whole elections to his Majestie's Commissioner, who being satisfied therewith, did then with the Clergy and Nobility return to the Parliament-house, where the list of the eight Bishops, eight Noblemen, eight Barrons, and eight Burgeses being read, It was approved, And his Majestie's Commissioner did add to the list the Officers of Estate, And appointed the Lord Chancellor to be President, in the meetings of the Lords of the Articles; who are to proceed in discharge of their trust, in preparing of Laws, Acts, overtures, and ordering all things remitted to them by the Parliament, and in doing every thing else which by the Law and Practick of the Kingdom, belonged, or were proper to be done by the Lords of Articles at any tyme bygone.

I I.

A C T against separation and disobedience to Ecclesiastical Authority.

FOrasmuch as the Kings Majesty, considering the prejudices which did ensue to the Church and Protestant Religion, to the prerogative of the Crown, to the Authority of Parliament, to the Liberties of the Subject, and to the publick Lawes and Peace of the Kingdom, by the invasions made upon Episcopal Government during the late troubles; And finding that Government, to be the Church Government, most agreeable to the word of God, most convenient & effectual for preservation of Truth order & Unity, and most sureable to Monarchy and to the Peace and Quiet of the State; Hath therefore, with advice and consent of His Estates of Parliament, by several Acts past in the second Session of this Parliament, restored the Church to it's ancient and right Government by Arch-bishops and Bishops, and hath redintegrated the estate of Bishops to the exercise of their Episcopal Function, and to all the privileges, Dignities, Jurisdictions, and Possessions due and formerly belonging thereunto. And in further order to the settlement of the Church, and bringing the Ministers to a due acknowledgment of and compliance with the Government thereof thus established by Law, His Majesty, with advice foresaid, hath also Statute and Ordained, That all these Ministers, who entered to the Cure of any Paroch without Right or presentations from the lawful Patrons, in and since the year, one thousand, six hundred, and forty nine, and should not, betwixt and the twentieth of September last, Obtain Presentations from their severall Patrons, and Collation from the Bishop of the Dioceses where they lived, should have no right to the uplifting the Rents of any Benefice or Stipend for the year, one thousand, six hundred and sixty two, but that their places, Benefices and Kirks should be, *ipso jure*, vacand: And that whatever Ministers should, without a lawful excuse to be admitted by their Ordinary, absent themselves from the Dioecesan Assembly, or who should not concur in all the Acts of the Church-discipline, as they should be thereunto required by the Arch-bishop or Bishop of the Dioecses, should be for the first fault suspended from their Office and Benefice till the next Dioecesan Meeting; and if they amend not, should be deprived, and the Church and Benefice to be provided as in other cases of vacancies. And the Kings Majesty having resolved to conserve and maintain the Church in the present State and Government thereof by Arch-bishops and Bishops, and others bearing office therein, and not to endure nor give way or connivance to any variation therein in the least, Doth therefore, with advice and consent of his Estates convened in this third Session of His Parliament, Ratifie and approve the afore-mentioned Acts, and all other Acts and Lawes made in the two former Sessions of Parliament, in order to the settling of Episcopal Dignity, Jurisdiction and Authority within this Kingdom; and Ordains them to stand in full force as publick Lawes of the Kingdom, and to be put to further execution in all points, conforme to the tenor thereof. And in pursuance of His Majesties Royal resolution herein, His Majesty, with advice afore said, doth recommend to the Lords of His Majesties Privy Council, to take speedy and effectual course, that the Acts receive ready and due obedience from all His Majesties Subjects; And for that end, that they call before them all such Ministers, who having entered in or since the year, one thousand, six hundred, and forty nine, and have not as yet obtained presentations and Collations, as afore said, yet dared to preach in contempt of the Law, and to punish them as seditious persons and contemners of the Royal Authority. As also, that they be careful, that such Ministers, who keep not the Dioecesan Meetings, and concur not with the Bishops in the Acts of Church discipline, being for the same suspended or deprived, as said is, be accordingly, after deprivation, removed from their Benefices, Glebs and Manſes; and if any of them shall notwithstanding offer to retain the possession of their Benefices

fices or Manles, that they take present course to see them dispossess; and if they shall thereafter presume to exercise their Ministry, that they be punished as seditious persons, and such as contemn the Authority of Church and State.

And as His Majesty doth expect, from all His good and dutiful Subjects, a due acknowledgment of, and hearty compliance with, His Majesties Government, Ecclesiastical and Civil, as it is now established by Law within this Kingdom, and that in order thereunto they will give their chearful concurrence, countenance and assistance to such Ministers, as by publick Authority are or shall be admitted in their severall Parishes, and attend all the ordinary Meetings for divine Worship in the same; So His Majesty doth Declare, that He will, and doth, account a with-drawing from, and not keeping and joyning in, these Meetings, to be seditious, and of dangerous example and consequence. And therefore, and for preventing the same for the future, His Majesty, with advice and consent of His Estates in Parliament, doth hereby Statute, Ordain and Declare, That all and every such person or persons, who shall hereafter ordinarily and willfully with-draw and absent themselves from the ordinary Meetings of divine Worship in their own Paroch-Churches (the Church) shall thereby incur the pains and penalties under-written, *viz.* Each Noble-man, Gentleman and Heretor, the loss of a fourth part of ilk years Rent, in which they shall be accused and convicted; and every Ycoman, Tennent or Farmer, the loss of such a proportion of their free moveables (after the payment of their Rents due to their Master and Land-lord) as His Majesties Council shall think fit, not exceeding a fourth part thereof; and every Burges to lose the liberty of Merchandizing, Trading, and all other Priviledges within Burgh, and fourth part of their moveables. And His Majesty, with advice foresaid, doth hereby authorize and requite the Lords of His Majesties Privy Council, to be careful to see this Act put to due execution; and for that end, to call before them all such persons as after admonition of the Minister, in presence of two sufficient witnesses, and by him so attested, shall be given up to the Council as transgressors of this Act, in with-drawing from their Paroch Churches as aforesaid; and the same, after hearing of the parties, being duly found, to decern and inflict the censures and penalties above-mentioned, and such other corporal punishment as they shall think fit, and direct all execution necessary for making the same effectual, and to do every other thing they shall find necessary, for procuring obedience to this Act, and putting the same to punctual execution, conform to the tenor and intent thereof.

I I I.

Additional ACT concerning the Declaration to be signed by all persons in publick Trust.

FOrasmuch, as by an Act, pass in the second Session of this Parliament, on the fifth of *September* last, concerning the Declaration to be taken by all persons in publick Trust, It is remitted to His Majesties Commissioner to take such course as he should think fit, how these, who are presently in Office, may subscribe the Declaration; And the King's Majesty being resolved, that all in publick Trust, should without further delay, sign the same: But considering, that in this vacand time, many of the Courts of Justice do not sit, so as some longer time, must be allowed unto them. Therefore, the King's Majesty, with advice and consent of His Estates in Parliament, Statutes and Ordains all persons, who enjoy or possess any publick Trust or Office within this Kingdom, as Officers of State, Members of Parliament, Privy Councillors, Lords of Session, Commissioners in Exchequer, all Members of the Colledge of Justice; Sheriffs, Stewarts, Bailies of Regalities, Commissaries, Justices of Peace and their respective Deputs and Clerks, and all who enjoy any other publick Charge, Office or Trust within the Kingdom, to subscribe the Declaration hereunto subjoynd, in presence of the severall Courts they relate to, betwixt and the eleventh of *November* next to come, or sooner, as they shall have occasion or be required thereto by His Majesties Council; Discharging hereby all such of them, who shall not sign the same, as said is, to exercise any publick Trust or Office within the Kingdom, after the said eleventh of *November*. And that a speedy account may be returned herof, It is hereby Ordained, that the Sheriffs in the severall Shires be careful in requiring due obedience to this Act, and that they and all others concerned therein, make report thereof to His Majesties Council, betwixt and the first of *January* next to come. And seeing the election of the Magistrates and Council of Burghs will occur about *Michaelsmas* next, and that some disaffected persons in Burghs, having none or small advantages by their Magistracy, may, upon account of this Declaration, refuse to accept any Charge or Trust; It is therefore, by His Majesty, with advice foresaid, Statute, That at the next ensuing election of Magistrates within Burgh, all such persons who shall continue in, or be of new elected to be Magistrates, Clerks, or of the Council of Burghs, shall at such their elections, if they be present, or otherwise, how soon thereafter they shall be required thereto by those who did elect them, sign the Declaration aforesaid; Declaring hereby, all who shall refuse or delay the same, to be from thenceforth not only incapable of, and to have forfeited, the priviledges of a Magistrate, but also all the priviledges of Merchandizing, Trading, and others belonging to a Burges; And that the severall Burghs make report of their proceedings therein to His Majesties Council betwixt & the foresaid eleventh of *Nov.* as they will be answerable upon their duty & allegiance: And for such as

shall hereafter be admitted to any publick Trust or Office, they are to sign the Declaration in the manner, and under the certifications, express in the former Act of Parliament of the fifth of September. And His Majesty doth hereby recommend to the Lords of His Majesties Privy Council, to be careful that these Acts be put to due execution, and receive obedience conform to the tenor thereof.

I Do sincerely affirm and declare, that I judge it unlawful to Subjects, upon pretence of Reformation or other pretence whatsoever, to enter into Leagues and Covenants, or to take up Armes against the King or those commissioned by Him: And that all these Gatherings, Convocations, Petitions, Protestations, and erecting and keeping of Council-tables, that were used in the beginning, and for carrying on, of the late troubles, were unlawful and seditious. And particularly, that these Oathes, whereof the one was commonly called, The National Covenant, (as it was sworn and explained in the year, one thousand, six hundred and thirty eight, and thereafter) and the other entitled, A Solemn League and Covenant, were, and are, in themselves unlawful Oathes, and were taken by, and imposed upon, the Subjects of this Kingdom, against the fundamental Laws and Liberties of the same: And that there hath no obligation upon me, or any of the Subjects from the saids Oathes, or either of them, to endeavour any change or alteration of the Government, either in Church or State, as it is now established by the Laws of the Kingdom.

I V.

Act against Protections.

THe Kings most Excellent Majesty being careful, that the benefit of the Law in the administrations of Justice, be free to all His Majesties good Subjects; And considering the prejudices many have formerly sustained, in the stopping of the course of Justice, by the too frequent granting of Protections against personal execution. Therefore, and for preventing of the like for the future, His Majesty, with advice and consent of His Estates in Parliament, Doth Ratifie, Approve and Renew all former Acts of Parliament, made against the granting of Protections; And Discharge the Lords of His Majesties Privy Council, Session and Exchequer, to grant Protections to any persons against personal execution, certifying such as shall grant the same, they shall be liable for the debt against which they grant the Protection; and all execution shall pass against the havers thereof, as if the same had not been granted.

It is alwayes hereby Declared, That notwithstanding hereof, it shall be free to the Lords of His Majesties Privy Council, Lords of Session and Exchequer, and to the Justice-general and his Deputes, when any person or persons are summoned and appointed to appear personally before them, to give order now, as they have been in use formerly to do, for suspending personal execution against the persons so summoned and appointed to appear, for such few dayes, as they may come to give their appearance, and during their necessary stay, and some few dayes for their return, and that according as the saids respective Judges shall find reason, upon the particular applications to be made thereupon.

V.

Act for the establishment and constitution of a National Synod.

FOrasmuch as the ordering and disposal of the external Government of the Church, and the nomination of the persons, by whose advice, matters relating to the same are to be settled, doth belong to His Majesty, as an inherent right of the Crown, by virtue of His Prerogative-royal, and supreme Authority in causes Ecclesiastical: And in prosecution of this Trust, His Majesty, considering how fit and necessary it is, for the honour and service of Almighty God, the good and quiet of the Church, and the better Government thereof in unity and order, that there be a National Synod and Assembly duly constitute within this Kingdom, Hath therefore Appointed and Declared, and by these presents Appoints and Declares, that there shall be a *National Synod of the Church of Scotland*; And that this Synod, for the lawful Members thereof, shall consist and be constitute of the Archbishops of Sanct-Andrews and Glasgow, and the remanent Bishops of these two Provinces, of all Deans of Cathedral Churches, Arch-deacons, of all the Moderators of Meetings for exercise, allowed by the Bishops of the respective Diocesses, and of one Presbyter or Minister of each Meeting, to be chosen and elected by the Moderator and plurality of Presbyters of the same; and of one or two from the University of Sanct-Andrews, one from Glasgow, one from the King's Colledge, one from Marshalls Colledge, of Aberdeen, and one from the Colledge of Edinburgh; And this Synod, thus constitute, is to meet at such times and places as His Majesty, by His Proclamation, shall appoint; and is to debate, treat, consider, consult, conclude and determine upon such pious matters, causes and things, concerning the Doctrine; Worship, Discipline and Government of this Church, as His Majesty shall from time to time, under His Royal hand, deliver, or cause be delivered, to the Archbishop of St. Andrews, President of the said National

National Assembly, to be by him offered to their consideration. The Estates of Parliament do humbly recognise and acknowledge His Majesties Royal power and prerogative aforesaid, with the piety, justice and prudence of His Majesties resolution herein; Likeas His Majesty, with their advice and consent, doth hereby Establish, Ratifie and Confirm this constitution of a National Assembly, as the lawful constitution of the National Synods and Assemblies of this Church, His Majesty, or his Commissioner (withour whose presence, no National Synod can be kept) being alwayes present: And Declares, That no Act, Canon, Order or Ordinance shall be owned as an Act of the National Synod of the Church of *Scotland*, so as to be of any effect, force or validity in Law, to be observed and kepted by the Arch-bishops and Bishops, the inferior Clergy, and all other persons within this Realm (as far as lawfully, being Members of this National Church, it may concern them) but that which shall be considered, consulted and agreed upon by the President and major part of the Members above-specified. It is alwayes hereby provided, that nothing be enacted or put in execution, by Authority of a National Synod within this Kingdom, which shall be contrary to his Majesties Royal prerogative or the Lawes of the Kingdom; And that no Act, Mater or Cause be debated, consulted and concluded upon, but what shall be allowed, appoven and confirmed by His Majesty or his Commissioner, present at the said National Synod.

V I.

ACT anent ruinous houses in Royal Burghs.

OUR SOVERAIGN LORD being informed, that upon the high Streets of severall of His Majesties Burghs-Royal, and in the vennels and other passages within the same, there be many houses in the publick view of all people resorting thereto, very ruinous and not inhabited these divers years by-gone, nor likely to be repaired by any, to the great opprobry of the saids Burghs, and common scandal of the Kingdome, as being altogether defective of that policy and good order which is, and ever hath been, so earnestly intended in the many wholsom and laudable Laws already made, by his Majesty and his Royal Progenitors of most worthy memory. And finding the Burtoughs very desirous to have these many dangers and inconveniencies prevented and remedied, which the Inhabitants of these Burghs, and the rest of the Lieges frequenting the same, do continually fear from such ruinous buildings; Doth therefore, with advice of His Estates of Parliament, Ordain the Provost and Bailies of the Burgh where such ruinous houses are, to cause warn and charge all persons, that have or pretend right to the property of such Lands and buildings, or any Annual-rents forth thereof, to cause build and repair, in a decent way, within year and day, such Houses and Buildings as have been waft and not inhabited three years before the date of this present Act, or shall be waft and not inhabited thereafter by the foresaid space of three years, or else to sell the same to others, to be builded within the same space of year and day: And to charge all known persons, personally or at their dwelling places, and by open Proclamation at the paroch-kirk or Mercat-crofs of the Burgh; and all others by open Proclamation at the said Mercat-crofs and Paroch-kirk. And in case of their absence out of this Realm, at the Crofs of *Edinburgh*, and Peer and shoar of *Leith*, upon threescore dayes; with certification to them if they failzie, the said Provost and Bailies shall cause the saids Lands and Tenements to be valued by certain persons, to be chosen and sworn by them for that effect, and sell the same to any person that will buy them, and pay the price of the same to these owners, if they be known; and if they be not known, to consign the prices thereof in the hands of the Provost, one of the Bailies, or Dean of Gild of the said Burgh, to be forthcoming to these who have interest thereto: And if no man will buy them, it shall be lawfull to the said Provost and Bailies, after apprising thereof, as said is, and payment or consignment of the prices of the same, to cast down the said ruinous houses and cause build the same of new. And His Majesty, with advice foresaid, Declares, That it shall not be lawful in time coming, to any maner of person to pursue them nor their successors therefore, nor pretend any right or interest thereto, but that the said right shall be a perfect security to the builders thereof and their successors.

V I I.

ACT discharging the Importation of Strong Waters, &c.

OUR SOVERAIGN LORD and Estates of Parliament understanding, that there are divers Strong-waters, Mum-beer and other Beer for drinking, brought into this Kingdom from forraign places, which might be more conveniently made within the Kingdom, to the benefit of the Natives thereof. Therefore, His Majesty, with consent of the saids Estates, Discharges all in-bringing of *Aquaviva* or Strong-waters, Mum-beer and other Beer for drinking (except Black-beer, called Spruce-beer) within this Kingdom under the pain of escheat thereof.

VIII.

ACT discharging the mixing of Tin with Lead.

OUR SOVERAIGN LORD and Estates of this present Parliament considering, the great hurt sustained by His Majesties Lieges, by the fraudulent dealing of Pewterers, in mixing the finer sort of Tin brought from *England, France, Flanders* and other parts beyond sea, with baser and coarser metal of Tin and Lead, and their exacting greater prices betwixt the new Pewter casten by them, and the old which they receive from the Lieges. For remeid thereof, It is Statute and Ordained, that the Pewterer or founder of Tin, shall put the mark of the Thistle, and the Deacons mark, with his own name, upon every peece of work that he happens to cast, and that the same shall be of the finest of the Pewter marked with the Rose in *England*; And in case the same be under the finest of the said Pewter of *England*, that the same shall be confiscat, and he punished in his person at the discretion of the Magistrats of the Burgh where he dwels: And Aslike-ways, that he shall take, betwixt the pound of old pewter and Tin, marked with the Rose fore-said, and the pound of new casten by him, two shillings *Scots* allanerly, under the pain fore-said.

IX.

ACT anent the discharging of Advocations for sums within two hundred merks.

OUR SOVERAIGN LORD and Estates of Parliament considering, the manifold prejudices and troubles arising to divers of His Majesties Lieges, in pursuing of matters of final importance, by the too frequent granting of Advocations from inferiour Judges. Therefore, Our said Sovereign Lord, with advice and consent of the saids Estates, discharges the Lords of Session from giving and granting Letters of Advocacion, of any actions intended or to be intended before whatsoever inferiour Judicatories, which may competently, by the Lawes of the Kingdom, be decided by the saids inferiour Judges, before whom the said Action is or shall be intended, for sums of money within two hundred Merks; or for any other cause whereunto, by the Laws of the Kingdom, the saids inferiour Judges are expressly appointed Judges.

X

ACT in favours of Minors, anent the duties of the Lands comprised from them.

OUR SOVERAIGN LORD considering, the favourable condition of Minors, who are oftentimes destitute of Tutors and Curators; and though they have them, yet in respect of their minority, they are not in capacity or credit to raise sums of money for satisfaction of their Creditors: And it being unreasonable, that their Creditors comprisers of their Estate, should, during the not expiring of the legal reversion, which, according to Law continues during their minority, have more advantage by their Estate then corresponds to the Annual-rent of the true sums owing to them by vertue of their comprisings; Doth, with advice and consent of his Estates of Parliament, Ratifie and approve the Act of Parliament, made in *August* one thousand, six hundred, and twenty one, *Cap. 6.* in so far as the same concerns Minors; And Declares, that the true meaning thereof was, and is, that Minors, having right to the Legal reversion, should be no further obliged during their minority of twenty one years of age, but allanerly for the Annual-rent of the sums contained in the comprisings; and that they lose not the right of the *super-plus* of the mailes and duties of the Lands, so far as the same exceeds the said Annual-rents, during their said minority.

XI.

ACT against exportation of money forth of the Kingdom.

THE Estates of Parliament considering, how much the Kingdom is impoverished by the daily exportation of money forth of the same; and that the making use of our own native Commodities, for furnishing us with these things which formerly were brought to us from forraign places, is, by the commendable industry of several deserving Country-men and ingenious Artists, much improved: And that in order to their encouragement, and that our own native Commodities may go the better off, necessar it is, that some more severe restraint then formerly be laid upon the exportation of money. Therefore, the King's Majesty, with advice and consent of His Estates of Parliament, Statutes and Ordains, That no person or persons whatsoever, shall trade or use merchandize with any other Nation, till first they take an Oath before the Lord Theasurer or Theasurer-depute, or before such persons as they shall appoint for that effect, That they shall

shall not export by themselves or others, directly or indirectly, by Sea or Land, any Gold or Silver, coined or uncoined, except such a sum as they shall declare upon Oath before the said Lord Thesaurer, Thesaurer-depute, or these appointed by them, as said is, to be necessary for making of their voyage to the port where they are going; and that if he know any money transported by any other person, he shall delate the same to the Lord Thesaurer, Principal or Depute, or to the foresaid persons appointed by them. As likewise, every Skipper shall, before he make any voyage after the publication hereof, to any other Kingdom or Nation, take an oath before the said Lord Thesaurer or Thesaurer-depute, or these appointed by them for that effect, that he shall not himself transport, nor suffer any Gold or Silver, coined or uncoined (except as is above-excepted, and except the sum of three score pounds at most, which every Passenger is hereby allowed to carry forth of the Country for his necessary spending) to be transported in the Ship wherein he is Master, and that he shall use his utmost endeavour for discovery of the same, if any be: And that if after he hath made fail, it shall come to his knowledge, that there is any money concealed in his Ship, or in any other Ship, he shall at his return, delate the same to the Lord Thesaurer, Principal or Depute, or to these appointed by them for that effect: And which persons appointed by them, are hereby required, to give timely notice thereof to the said Lord Thesaurer or Thesaurer-depute, under the penalty of the half of the money informed to have been transported. And likewise, the said Oaths shall be renewed and taken before the said Lord Thesaurer or Depute, or these appointed by them, as said is, by all Skippers and Merchants, at the making of every particular voyage; And both the said Oaths shall be subscribed by the respective parties, and insert in the Books of Exchequer, or in the books of these persons appointed by the Lords Thesaurer or Depute for that effect: For which Extracts, they shall pay to the keepers of these Registers twelve shillings Scots allanerly, the one thereof to be carried to the Customer, and insert in their Books *gratis*; the other to be carried to the keeper of the Cocquet, and insert in his Books *gratis*. And it is further Statute and Ordained, That in case any Merchant or Skipper, shall, after the publication hereof, trade with, or make any voyage to any other Kingdom or Nation, before the taking of the said Oaths, and production of the Extracts thereof to the Customer and keeper of the Cocquet, that then they shall forfeit the fifth part of their moveables and be incapable, the Merchant of all trading, and the Skipper of having any charge of any Ship within this Kingdom in all time coming. Provided alwayes, that the taking of the Oaths above mentioned shall be without prejudice of search for, or seizure of, any exported money: And if any Gold or Silver, coined or uncoined, shall, after publication hereof, be discovered carrying out of the Kingdom, by any person who hath taken the said Oath, the same not only to be confiscate, but the person or persons owners thereof, to be proceeded against as perjured persons, and further lyable to six months imprisonment. As also, it is hereby Declared, that notwithstanding of the said Oaths, if it shall at any time thereafter be legally proven, money hath been carried out of the Kingdom by the persons takers of the said Oath, the said persons shall be proceeded against as perjured persons, and by and attour, be fined in the value of the money exported; and whatsoever money shall be discovered or seized upon, the one half thereof to be for His Majesties use, and the other half to the informer. And the Lord Thesaurer and Thesaurer-depute are hereby required, to appoint sufficient honest men, to be found at the respective Ports of this Kingdom, or Royal Burghs next adjacent thereto, for taking of the said Oaths; And that they take bond, with sufficient caution, from each of the persons so appointed, under the pain of six thousand pounds Scots, that they shall not suffer any Merchant or Skipper to use trade or Merchandize with any forraign Kingdom or Nation, before they have taken the said Oaths; and shall do their utmost endeavours for discovery and seizure of all money carried out of the Kingdom: And that if it shall be informed to them, that any money hath been carried out of the Kingdom, they shall give speedy and timely notice of their information to the said Lord Thesaurer or Thesaurer-depute, the one half of the foresaid sum of six thousand pounds, in case of failzie, to be for His Majesties use, and the other half to be given to the delator, and to be further lyable to six months imprisonment for breach of their trust. And likewise, the said Lord Thesaurer principal, and Thesaurer-depute, are hereby required, to cause the Farmerers and Collectors of the Custom, and keepers of the Cocquet, to take an Oath, that the said Farmerers and Collectors of the Custom shall use their utmost endeavours, for the discovery and seizure of all money carrying out of the Kingdom by Sea or Land, either by Merchant, Skipper, or by any person of whatsoever quality or degree, except as is above excepted; And that they shall not give warrant to any Skipper to receive a Cocquet, unless they have received, both from the Skipper and Merchants in the Ship, extracts of the respective Oaths, as said is; and that the keepers of the cocquets shall give no Cocquet, unless they have likewise received extracts of the Oaths above-mentioned, both from Skipper and Merchants; and both Customers and keepers of the cocquet to give bond, with sufficient caution, under such sums of money as the said Lord Thesaurer principal, and Thesaurer-depute shall think fit, for fulfilling of the premises. And in case the said Farmerers, Collectors and keepers of the cocquet, or either of them, shall refuse to compare, or comparing, refuse or delay to take the Oath, and give their Bond as aforesaid, then their Tack, Commission, Gift, or any other Title, by which they enjoy their places and charges, to be void and null, and they to be further lyable to such censures, as the said Lord Thesaurer principal, and Thesaurer-depute shall think fit for their contumacy. And if it shall be made appear to the said Lord Thesaurer principal, and Thesaurer-depute, that any of the Farmerers or Collectors

of Custom, or keepers of Cocquet, shall transgress the Oath and Bond above-mentioned in any part, then their Tack, Commission, Gift or any other Title by which they enjoy their saids places, to be void and null, and they to have incurred the sums and penalties contained in their respective Bonds (the one halfe thereof to be given to the Informer or delator) and to be further proceeded against as perjured persons; Discharging hereby, all granting of Licences for exporting of money; except to such persons allannerly as shall make faith in Exchequer, or these appointed by the Lord Thesaurer or Thesaurer-depute, and give sufficient Bond, that the money which they are to carry out, is to be bestowed upon Timber in Norway, or in order for bringing in of Victual in time of extream dearth, and that they shall return in specie, what part of the money shall not be so bestowed.

X I I.

ACT. for encouragment of Tillage and Pasturage.

OUR Sovereign Lord considering, how necessar it is, for the encouragment of the tillage of this Country, which is subject to so much toil and expence, though the improvement thereof be most advantageous to the whole Kingdom, That liberty be granted for the exportation of Corns, after the Natives are sufficiently provided for. Therefore, the King's Majesty, with advice and consent of His Estates in Parliament, Statutes and Declares, That it shall be lawful to export Corns of all sorts, when they are under the prices following, at the Ports or respective places of exportation; *viz* ilk Boll of Wheat, under twelve pounds the Boll, Beir & Barly under eight pund the boll, Oates and Pease, under eight marks the Boll; notwithstanding of any former Acts, Laws or practice to the contrary, they paying the usual custom and Bullion as formerly: with this provision, That when the Lords of His Majesties Secret Council shall judge it necessar, for the good of the Kingdom & preventing of dearth, they may discharge the exportation of Victual of all sorts, for so long time as they shall think fit. As also, for improvement of the Pasturage of this Kingdom, and for encouragment of the breeders of the Bestial thereof, It is Statute and Ordained, with advice and consent foresaid, that the exportation by Sea, of all sorts of Bestial, either Nolt, Sheep or Swine, and barrelled Fleshes of all sort, shall be free of Custom, Bullion, and all other impositions, for the space of nineteen years next after the date hereof.

X I I I.

ACT for a new Imposition upon English Commodities.

THE Estates of Parliament considering, how much it concerns the credit and wealth of the Kingdom, that our own native commodities be manufactured amongst our selves, and that the endeavours of such persons as are setting up Manufacturies and Trades, have been, and are much retarded, by the importation of such forraign commodities as may be made within the Kingdom. Therefore, and for their due encouragment, the King's Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That from and after the first day of *September* next, twelve pounds *Scots* upon ilk ell of broad English cloath; six pounds upon ilk ell of *Tork-shire* and all narrow cloath; two pounds, eight shillings upon ilk ell of Serge; thirty shillings upon ilk ell of eastilians; forty eight pounds upon ilk Beaver-hat; twenty four pounds upon ilk Demy-beaver and Vigon; and three pounds upon the piece of ilk common Hat; thirty six pounds upon the dozen of worstead Stockings; twenty four pounds upon the dozen of Stag-gloves; and twelve pounds upon the dozen of single Stags, cordivans, Kid or Shiverings; and twenty four shillings upon ilk pound of Tobacco, imported either for sale or private use into this Kingdom from *England*, all *Scots* money; Be exacted, levied and collected; and fourscore *per cent.* upon all other sorts of commodities imported into this Kingdom from *England*, and not particularly named in this Act, and upon all the growth and manufactory of that Kingdom, though imported from any other place, and that over and above all other impositions put upon the same already. And to the effect this present Act may be the more exactly put to execution, It is Statute and Ordained, That all Goods imported from *England*, or of the growth and manufactory of *England*, not above particularly exprest, shall be valued, after sighting, by two skilful honest men, upon oath, to be nominate by the Dean of Gild or his Assessors, or Magistrates of the Burgh, or next adjacent Burgh to the custom-office, where the saids Goods are entered, or by the oath of the party to whom the saids Goods belongs, and accordingly pay the said fourscore *per cent.* And the Lords Thesaurer and Thesaurer-depute; and Lords of His Majesties Exchequer are hereby required to take an Oath; and Bond with sufficient caution, from the Farmers or collectors of the saids impositions, that they shall exactly collect the same, without any abatement thereof directly or indirectly; and that they shall not suffer any of the saids Goods to pass or be conveyed away un-entred, and that under the penalty of the worth of the saids Goods, if the contrary shall be made appear, the one half thereof to His Majesties use, and the other half to the informer, and under the pain of forfaulting their Tacks and commissions, and being declared incapable to farm or collect, in any time hereafter, any custom, Excise, or other Imposition whatsoever within this Kingdom.

And

And if any of the forefaids Goods or Commodities fhall be informed and made appear to be brought in, or fhall be feized upon, nor being entered in the Custom-office, or any other Office appointed for that effect, then the fame to be wholly confiscat, the one half to His Majesties ufe, and the other half to the first informer or feizer thereof.

XIV.

ACT imposing a Custom upon Corn imported from Ireland into this Kingdom.

THE Estates of Parliament considering, what great sums of money are caryed out of the Kingdom, by persons, importers of Corn hither from *Ireland*, who having sold their Corns, export the money without bartering any of the Commodities of this Kingdom; whereby the whole Nation, particularly those near adjacent parts of the Kingdom, are much impoverished of money: And that it is just and reasonable that the saids Corns should bear Custom, toward the increase of His Majesties Revenue, proportionally with other imported Commodities, especially when the Corns of this Kingdom are sold at easie rates. Therefore, the King's Majesty, with advice and consent of His Estates of Parliament, Doth hereby impose three pounds *Scots* of Custom upon ilk boll, *Lintithgow* measure, of Corn imported into this Kingdom from *Ireland*, after the first day of *September* next; and appoints thirty shillings *Scots* to be raised upon ilk boll already imported, and not yet retailed, conform to an Act of the Committee of Estates made there-aneat, in *anno*, one thousand, six hundred, and sixty. But least the more indigent sort of people might be prejudged, by hightning the prices of the saids Corns in time of dearth under preence of the said Custom; Therefore, the King's Majesty, with advice and consent foresaid, doth hereby give power to the Lords of His Privy council to remit and discharge the exacting of the said Custom, when they shall find the prices of the Victual of this Kingdom, Meal and Barley *respective*, to exceed eight pounds the Boll; And appoints the Lords of His Exchequer to cause put this Act to full execution, and cause the foresaid Custom be exactly levied, with power to them to allow such fees to the Collectors thereof as they shall think fit.

XV.

ACT for in-bringing of His Majesties Rents.

FORasmuch, as His Majesty and Estates of Parliament, taking to their consideration, the great contempt and neglect of the several Fewers and others lyable in payment of His Majesties Rents, whetthrough (notwithstanding of the diligence and endeavours of His Majesties Thesaurer-principal, Thesaurer-depute, and others His Majesties Officers appointed for the management of His Majesties Revenue) the same are not payed, or otherwise so unseasonably payed, that it proves a great hinderance and prejudice to His Majesties affairs. And finding several Acts of Parliament made for the timeous and seasonable payment of His Majesties Rents, as well constituting the time and sitting of the Exchequer, to the effect that the persons lyable in payment, might know both the time, place and persons, where, when and to whom they should compt and make payment of the saids Duries, as also such censures and penalties as might induce them to due obedience thereto: particularly, the sixty third Act, *Par.* eleventh, holden by His Majesties Grand-father of blessed memory, in *anno*, one thousand, five hundred and eighty seven, Ordaining the Exchequer to sit down the first day of *July* yearly, and to continue to the last day of *august* thereafter; requiring not only the Thesaurer, Comptroller, Collector, their Deputes and other Officers, to be present and give their attendance during the said time; but also all persons lyable in payment, who ought to make compt in Exchequer, to be charged by precepts to compare thereat, under the pain of fourty pounds, to be up-lifted by the Thesaurer; Ordaining Letters of Horning to be directed against them for payment thereof, and that the saids persons do attend for making of the saids accompts to the close thereof; and in case of disobedience to the said Precept, that they be charged of new at the Mercat-crofs of *Edinburgh*, and in case of their disobedience to the said Charge, to be denounced Rebels at the said Crofs; which denunciation is declared to be as sufficient, as if the same were at the head Burgh of the Shire where the person liveth, and that the Horning be registrat in the Thesaurers books or Sheriff books of *Edinburgh*. And sikelike, by the sixty fifth Act of the said Parliament, all Chamberlains and other Receivers of His Majesties Rents, as well heretable as moveable, are ordained to find caution to the Thesaurer in *Edinburgh*, for making compt at the ordinar time of Exchequer, and payment within twenty dayes after the terme. And also, by the eighty Act of the said Parliament, it is Ordained, that Letters be directed, charging the Sheriffs, under the pain of rebellion, with certification, &c. to find caution, Burgeses Indwellers in *Edinburgh*, that they shall yearly make their accompts in Exchequer, and pay all things resting owing to the Kings Majesty, by vertue of their office. And sikelike, by the two hundred and thirty Act, Parliament fourteenth, *anno*, one thousand, five

hundred, and ninety four; not only the foresaid Act is ratified and approved; but also, all Chamberlains, Fewers, Customers, Bailies of Burroughs, and Sheriffs, and others intrumetors with the foresaid Rents, are ordained to find caution Burgeses of *Edinburgh*, for yearly compearing and making compt in Exchequer. And sicklike by another Act, Parliament fifteen, Act two hundred and sixty two, for preventing of the prejudice that did then arise, through the not timestous payment of the foresaid Rents, payable out of the High-lands and Isles, the saids Fewers are Ordained to find caution to the Exchequer, for yearly and thankful payment of the yearly Rents, Duties and Services due and payable forth of the Lands posselt and occupied by them, or any other in their names; wherein if they failed, their pretended Infestments, and other Rights and Titles they have to any of their Lands, either property or superiority, are declared forfault and null. Which whole Acts of Parliament *respective* above-mentioned, The King's Majesty and Estates of Parliament, taking of new to their consideration; and finding no means could have been more probable and conduceable, for preventing of these prejudices and obstructions that have arisen to His Majesties Affairs, through the not timely payment of His Rents; and that the neglect of the exact putting of the saids Acts to execution, hath been the only fountain from whence these have sprung. Therefore, and for preventing of the same in the future, the Kings Majesty, with advice and consent of the Estates of Parliament, doth Revive, Renew, Ratifie and Approve the foresaid Acts respectively and particularly above-written of the dates, tenors and contents thereof in all points, in so far as the same are or may be extended to the payment or securing of His Majesties Rents; and Ordains the same to have force, and to be punctually obeyed and extended against all Chamberlains, Fewers, Sheriffs, Stewarts of Stewartries, Bailies of Regalities, Bailies of Burroughs, and others lyable in payment of any of His Majesties Rents, for finding caution in Exchequer to the Theasurer-principal and Theasurer-depute, who are hereby required to cause charge the foresaid persons, particularly above-mentioned, at the Mercat-crofs of *Edinburgh* to compear before them, to the effect above-written; with certification, not only under the pains contained in the respective Acts of Parliament; but also, in case of their disobedience, to denounce them Rebels at the said Mercat-crofs of *Edinburgh*, and to be registrate in the Theasurers or general Registers of Hornings: Which charge, denunciation and registration *respective*, the King's Majesty and Estates of Parliament Declares to be as sufficient, to all purposes and intents, as if the same charge were given to them personally at their dwelling-houses, and the denunciation at the head Burgh of the Shire where they live, and the same registrate in the Sheriff's Books thereof. And sick-like, His Majesty and Estates of Parliament taking to their consideration, that several of the saids Fewers, charged and denounced for not compearing, compting and paying of their saids Duties, do ly under the Process of Horning, apprehending themselves (from the distance of the place) secure, both as to their persons and goods, to the great contempt of His Majesties Royall Authority, slighting, contemning and vilipending His Majesties Laws: And His Majesty and Estates of Parliament considering, by the nature, duty and office of each Sheriff, Stewart and Bailies of Regalities, within their respective Jurisdiccions, they as His Majesties Officers are obliged, and by several Acts of Parliament (*viz.* the 30. *Act* Ja. 4. *Par.* 3. *Par.* 6. *Act* 69. *Act* 97. Ja. 5. *Par.* 7. *Act* 74. *Par.* 6. Ja. 6. *Act* 75. Ja. 6. *Par.* 6.) Ordained, to execute His Majesties Laws, and put letters of Poinding and Caption to execution, take and apprehend the Rebels, uplift their estates and compt for the same to the Comptroller and Theasurer, and to cause their Clerks give in the Registers of Hornings, and to up-lift His Majesties retoured Duties, blench duties, taxations, and other duties payable to His Majesty, as not only the saids Acts of Parliament, but also the several Rols of Exchequer, bears; Whereby it appears, both by the Law, and the nature, and duty of their Office, that they ought to execute His Majesties Letters, and cause His Majesty be payed of His Rents by the persons lyable in payment thereof within their bounds, and that the contemnors of His Majesties Authority be duly punished, and His Majesties Laws put to execution by them as His proper Officers. Therefore, the King's Majesty and Estates of Parliament Ordains, when any of the foresaid persons, for disobedience to the charges given to them for payment of the Mails, Farnes and Duties, as said is, are denounced Rebels and put to the horn, Letters to be directed to charge the Sheriff of the Shire and his Deputes, Stewarts of Stewartry, Bailly of the Regality *respective*, within those bounds where the saids persons dwells or Lands lyes, to take and apprehend their persons and put them in ward, ay and while payment be made to the Theasurer and Theasurer-Depute, or others appointed by them, and an *equ* retired thereof, or to poind and destrinzie the readiest goods and geer, and to make sale of so much thereof; and to cause His Majesties Theasurer and Theasurer-depute, and others appointed by them for that effect, to be compleatly payed of the said sum charged for, or to instruct sufficient and exact diligence for the same, within twenty one dayes next after they be charged: With certification, if they failzie, the saids twenty one dayes being by-past, Letters shall be directed to charge them or their respective cautioners, to make payment thereof themselves, under the pain of rebellion and putting of them to the horn; and if they failzie, to denounce them rebels, &c. in maner above-specified.

XVI.

ACT concerning Beggars and Vagabonds.

Our Sovereign Lord, considering the many laudable Acts of Parliament, made by His Majesties Royal predecessors for relief of the Poor, and for constraining of Beggars, Vagabonds and idle Persons to take themselves to lawful Callings, that they might not be burdenson and dis-graceful to the Kingdom; Especially the seventh Act of the sixth Parliament of His Majesties Royal Grand-father King James the sixth of happy memory; Ordaining the names of the poor of ilk Paroch, and such as must be necessarily sustained by almes, to be taken up, and to tax and stint the persons within the Paroch, according to the estimation of their substance, without exception of persons, to such weekly charges and contributions, as should be thought sufficient to sustain the said poor People: And the hundred and sixty eight Act of the fiftenth Parliament King James the sixth, Ratifying the former Act; With this addition, That strong Beggars with their Bairns, be employed in common Works, and that they shall continue servants therein during their life-times. And considering the tenth Act of the two and twentieth Parliament of His said Royal Grand-father King James the sixth, Recommending to all His good Subjects, to take into their service poor and indigent children, declaring that they shall be subject to their said Masters, their Heirs and assignes, in all kind of service that shall be enjoyned to them, untill they pass their age of thirty years compleat, and that they shall be subject to their Masters correction and chastisement in all maner of punishment (life and torture excepted) and that if it shall happen, the said persons to absent themselves from their Masters service without their licence, not only to be liable to bodily punishment at their Masters discretion, but that all receptors of them shall be obliged to restore them to their Masters, within twenty four hours after they be required, otherways, to pay to their said Masters, ten shillings Scots for ilk dayes absence till they be restored. And His Majesty considering, that the chiefe cause, whereby the foresaids Acts have proven in-effectual, and that Vagabonds and idle persons do yet so much abound, hath been, that there were few or no common Works then erected in the Kingdom, who might take and employ the said idle persons in their service; and that now, by His Majesties princely care, common Works for Manufacturies of divers sorts, are setting up in this Kingdom; Therefore, His Majesty, with advice and consent of His Estates in parliament, Ratifies and Approves the foresaids Acts of Parliament; with this addition, That it shall be leifum to all persons or Societies, who have or shall set up any Manufacturies within this Kingdom, to seize upon and apprehend the persons of any Vagabonds, who shall be found begging, or who being Masterless and out of service, have not wherewith to maintain themselves by their own means or work, and to employ them for their service as they shall see fit, the same being done with the advice of the respective Magistrates of the place where they shall be seized upon; And Ordains the Paroches where such Vagabonds or idle persons, as shall be found begging, were born; Or in case the place of their nativity be not known, the Paroches where they have any residence, haunt, or most resort for the space of three years immediately preceeding their being so apprehended, who thereby are relieved of the burden of them, to make payment to the persons or Societies that shall happen to employ them; two shillings Scots money *per diem*, for the first year after they be apprehended, and one shilling Scots *per diem* for the next three years thereafter; the one half thereof to be payed by the Heretors of the severall Paroches *respective*, and the other half thereof to be payed by the possessors and Inhabitants dwelling upon the ground of each Heretor *respective*. Likewise, His Majesty, with advice and consent foresaid, Ordains the Heretors of each Paroch, or as many of them as shall happen to meet, upon publick intimation, made at the Paroch-kirk upon any Sabbath at the dissolving of the Church from the first Sermon, by any of the Heretors of the Paroch, or by the employers of the poor, to make up a stent Roll for maintenance of the Poor in their Paroch, who shall be employed, as said is, at the rate aforesaid, the one half thereof to be payed by the Heretors, either conform to the old extent of their Lands within the Paroch, or conform to the valuation by which they last payed assessment; or otherways, as the major part of the Heretors, so meeting, shall agree, Life-renters and Wod-setters always being lyable, during their Rights as Heretors; and the other half thereof to be laid upon the Tennents and possessors, according to their means and substance. And in case the said Heretors, being required by any person or Society, employing the poor as said is, shall failzie to make up and deliver a stent Roll in maner foresaid, with power to the persons, Society or others intrusted by them, to charge the Heretors of each Paroch for the sum of two shillings Scots *per diem*, for each one of their poor, whereof they shall be relieved in maner foresaid, conform to the old extent or valuation foresaid, at the option of the person or Society employing, or these intrusted by them; which stent Roll shall continue and stand for one year after the making up thereof, either by the Heretors, or in case of failzie, by the Persons or Societies employing the poor, as said is, and shall then be renewed from year to year, during the years above-written. Providing also, that the Heretors in case they failzie to make a stent Roll, as said is, and be charged conform

conform to the old extent or valuation of their Lands, that they shall have relief of the Tennents and possessors of their Lands, for the one half of what they shall be distressed for. And His Majesty, with consent of the saids, Ordains Letters of Horning to be directed hereupon, at the instance of the Persons or Societies of the said daily allowance for the Poor, or against the recepters of them, being so employed, for ten shillings *Scots* money *per diem*, upon fifteen dayes only: Providing alwayes, that after examination of the case, the Lords of the Privy Council shall find cause for idrecting such Letters; And ordains all Sheriffs, Stewarts, Bailies of Regality, Principality, Magistrates of Burroughs, or Justices of Peace and their Constables, to the assisting in the apprehending of the saids Vagabonds, or in the bringing of them back to their service, after they shall be employed: And strictly Prohibits and Discharges all persons whatsoever, to oppose or hinder the taking or bringing back of them in maner foresaid *respective*, under the pain of deformeement. Likeas, it is hereby Declared, That the Poor so employed shall continue in the service of the employers, and under their direction and correction, in maner foresaid, not only during the space of the maintenance to be payed for them by their Paroches, in maner above-written; but also for the space of seven years thereafter for meat and cloath only; Declaring alwayes, likeas it is hereby expressly Declared, that the Burgh of *Air* nor their inhabitants shall no wayes be comprehended herein, but are excepted here-from in all points. And recommends to the Lords of the Privy Council, to see this Act and all former Acts of Parliament made And against sturdy Beggars and Vagabonds, put to execution, with power to them to supply by their order what shall be deficient, as to the execution of the saids Acts.

XVII.

ACT anent the measure of Coal.

Our Sovereign Lord, considering, that severall questions and debates do arise, betwixt the buyars of Coal, and the Customers and Receivers of the Bullion, anent the measure of the Chalder, by which the Custom and Bullion imposed upon the Coal should be paid; Doth therefore, with advice and consent of His Estates of Parliament, Statute and Declare, That the rates of Custom and Bullion, imposed upon the Chalder of Coal, is and shall be understood of the *Cuthof*-chalder; and the saids rates exacted and paid according to that measure allanerly, notwithstanding of any former Custom to the contrary.

XVIII.

ACT anent the Foot-measure.

The Estates of Parliament considering, that notwithstanding by the ancient Laws of the Kingdom, the ell is designed to be thirty seven inches, yet many use inches by which the ell is divided into fourty two inches, & of these small inches, make the Foot-measure of a smaller proportion then it ought to be, to the great prejudice of the Lieges; & that the occasion of this liberty hath been, because, that hitherto there hath no Standard been appointed for foot-measure, as well as other measures. Thetefor His Majesty, with advice & consent of His Estates of Parliament, Statutes & Ordains That from and after the first day of *June* next, one thousand, six hundred, sixty four, no Work-man nor other person shall make use of any other Foot-measure, then such as consists of twelve of these inches whereof the ell contains thirty seven: And that this may be the better made practicable to the Lieges, Ordains an exact Standard-foot to be made by the Magistrates of *Edinburgh*, before the first of *January*, one thousand, six hundred, and sixty four, of Iron or Copper, and preserved by the City of *Edinburgh*, for all time coming. And that all Burghs shall have a measure made according to it, and hung at their Tolbooth doors or upon their Mercat-crosses, before the first of *March*, one thousand, six hundred and sixty four; And any Burgh that shall fail in this, shall be lyable to the penalty of one hundred pounds *Scots*. And Ordains, That all Wrights, Glasiers, Masons, and all other sorts of publick Work-men, shall work by this Foot-measure allanerly, that the Lieges may not be abused by variety of measures. Providing alwayes, that this do infer no further privilege to the Burgh of *Edinburgh*, in iusting of the Standard to the Shires and Burghs within the Kingdom, then the keeping of the same; nor to any others that have Standards of the like nature.

XIX.

ACT discharging Monday and Saturday Mercats in Royal Burghs.

OUR SOVERAIGN LORD considering, that there is much occasion given for profanation of the Lords-day in the Royal Burghs, by keeping their weekly Mercats on Monday and Saturday, and that the same may be as conveniently kept on other dayes of the week; Doth therefore, with advice and consent of His Estates in Parliament, Inhibit and Discharge all the Royal Burghs, from keeping any Mercats, in time coming, upon the Monday or Saturday, under the pain of one hundred Merks, to be payed by each of the Royal Burghs for every contravention *respective*: And allows them to change and keep their Mercats on other dayes of the week as they have done formerly, since the year, one thousand, six hundred, and forty four, and that they make timeous intimation of the change to the next adjacent Burghs. It being alwayes Declared, that this Act is not to be extended against Flethers in Royal Burghs, who may keep Mercat of flethes in their respective Burghs upon these dayes, this Act notwithstanding.

XX.

ACT anent Lint-seed, Hemp-seed and Steel.

THE Estates of Parliament, raking to consideration, the manifold mistakes and differences that do and may arise, betwixt the Farmers of Excise and Merchants, anent the exacting of Excise upon Lint-seed, Hemp-seed and Steel, which seems to be occasioned because these Commodities are not particularly excepted, in the Act of the Annuity, from payment of Excise: and being certainly informed, that the present Farmers of Excise and their Collectors, do require and exact duty of Hemp-seed, Lint-seed and Steel, contrary to the meaning of the said Act of Annuity, and of the 40 Act of this present Parliament, made for encouragment of Manufactures. Therefore, Our Sovereign Lord, with advice and consent of His Estates of Parliament, Doth Declare, all Hemp-seed, Lint-seed and Steel to be included in the generality of the proviso of the said Act of Annuity; as also of the said fourtieth Act, whereby all materials for Manufactures are exempted from Excise.

XXI.

ACT anent Manfes and Glebs, and poiding for Ministers Stipends.

OUR SOVERAIGN LORD, considering the great difficulties which often-times the Ministers of the Gospel do meet with, in the due payment of their Rents and Stipends; So that they are sometimes forced to use legal execution by poiding, and in so doing are necessitate to carry the Goods poynded, to be appressed at the Mercat-cross of the head Burgh of the Shire, Stewartry, Bailiery or Regality, many miles distant from the place where the Goods are poided, to the great prejudice of the party and of the Goods also. Therefore, His Majesty, with advice and consent of the Estates of Parliament, Declares, that it shall be sufficient to the Ministers foresaid, in poiding, apprising, destrenzying the Goods of the persons deficient in payment of their Rents and Stipends, to comprise the saids Goods, by honest sworn men, upon the ground of the Lands and place where the Goods are, which shall be as sufficient, as the same were done at the saids Mercat-crosses. And because, notwithstanding of divers Acts of Parliament made of before, divers Ministers are not yet sufficiently provided with Manfes and Glebs, and others do not get their Manfes free at their entry; Therefore, Our Sovereign Lord, with advice foresaid, Statutes and Ordains, That where competent Manfes are not already built, the Heritors of the paroch, at the sight of the Bishop of the Diocess, or such Ministers as he shall appoint, with two or three of the most knowing and discreet men of the paroch, build competent Manfes to their Ministers, the expences thereof not exceeding one thousand pounds, and not being beneath five hundred merks: And where competent Manfes are already built, Ordains the Heritors of the paroch to relieve the Minister and his Executors of all cost, charges and expences, for repairing of the foresaid Manfes; Declaring hereby, that the Manfes being once built and repaired, and the building or repairing satisfied and payed by the Heritors in maner foresaid, the saids Manfes shall thereafter be upholden by the incumbent Ministers during their possession, and by the Heritors in time of vacancy, out of the readiest of the vacand Stipend. In like-maner Ordains, that every Minister have Fewel, Foggage, Feal and Devors, according to the Act of Parliament, made in anno, one thousand, five hundred, and ninety three. As also, that every Minister (except such Ministers of Royal Burroughs, who have not right to Glebs) have Grafs for one horse and two kine, over and above their Gleb, to be designed out of Kirk-lands, and with relief according to the former

Acts

Acts of Parliament standing in force; And if there be no Kirk-lands lying near the Ministers Manse, out of which the grafs for one horse and two kine may be designed, or otherwayes, if the saids Kirk-lands be arable Land, in either of these cases, Ordains the Heritors to pay to the Minister and his Successors yearly, the sum of twenty pounds *Scots*, for the said grafs for one horse and two kine, the Heritors alwayes being relieved according to the Law standing, of other Heritors of Kirk-lands in the said Paroch. And because severall Kirks have no Glebs as yet designed to them, it is hereby specially provided, that in all designations of Glebs, Incorporat-acres, in Village or Town where the Heritor hath houses and gardens, the same shall not be designed, he alwayes giving other Lands nearest to the Kirk. And His Majesty, with advice foresaid, for special causes and considerations, Declares, that this present Act, as to the Manses, is to have force, as the same had been made and dated the fourteenth of *March*, one thousand, six hundred, and forty nine.

XXII.

ACT anent Comprisings.

OUR SOVERAIGN LORD, considering, that since the first day of *January*, one thousand, six hundred, and fifty two, before the making of the sixty two Act of the first Session of this Parliament, entituled, *Act for ordering the payment of debts betwixt Creditor and Debitor*, divers persons, having right by posterior Comprisings to the Legal reversion of the first Comprising deduced of their Debtors Estate, have according to the Law then in force, redeemed or satisfied the first Comprising, and acquired the right thereof for their own better security, lest the legal reversion of the first Comprising should have expired to their prejudice. And whereas, by an Clause of the foresaid Act of parliament, it is Ordained, That all Comprisings, led since the said first day of *January*, one thousand, six hundred, and fifty two, within year and day of the first effectual Comprising, shall come in *pari passu* together, in maner, and upon the provisions, mentioned in the said Act: Which Clause, as it is most just as to all Comprisings led, and standing un-redeemed and un-satisfied by the subsequent Comprisers having right to the legal reversion, So it were unjust to prejudge those, who for their own security, have redeemed or satisfied the first Comprising, as said is, according to the Law then standing. Therefore, His Majesty, with advice and consent of the Estates of Parliament, Declares, that albeit the foresaid Act was made *ad præterita*, to regulate the diligence used by Comprisings at the instance of the Creditors: Yet it was no wayes their meaning to prejudge posterior Comprisers, who, *bona fide*, for their own security, and for preventing the hazard of the expiration of the legal reversion of the first Comprising, did redeem or satisfie the same; And Therefore it is Statute and Ordained, That the saids second Comprisers shall no wayes be prejudged of the right of the foresaid first Comprising, redeemed and satisfied by them; Declaring nevertheless, that as to the second or posterior Comprising, standing in the parties person who satisfied the first, the same shall only come in with the rest of the Comprisers, *pari passu*, as it is provided by the foresaid Act. As likewayes Declaring, that these presents be no wayes extended to any Comprisings satisfied by the second Comprisers, since the making of the foresaid Act of Parliament, or to be satisfied in time coming.

XXIII.

ACT anent Sentences of Excommunication.

OUR SOVERAIGN LORD considering, that the proviso in the twenty fifth Act of the first Session of Parliament, entituled, *Act for denouncing of excommunicat persons*, anent the exhibiting the Process and Sentence of Excommunication before the Lords of Session, to the end they might consider the legality of the Process, and grounds whereupon the Sentence proceeded, before any Letters of denunciation should pass against the excommunicat persons, was concluded before the restoration of the Bishops, and is prejudicial and derogatory to the jurisdiction of Ecclesiastical Authority as it is now established; Doth Therefore, with advice and consent of His Estates of Parliament, Retreat and Rescind the said proviso, and Declares the same to be void and null.

XXIV.

ACT for additional provision in favours of the Universities.

OUR SOVERAIGN LORD and the Estates of Parliament, taking into serious consideration, the condition of the severall Universities of this Kingdom; And finding, that the present mean and competent provision of the Masters and Professors thereof, is so prejudicial to the flourishing of these Seminaries of Church and State, that unless some considerable augmentation be settled upon them

them for their encouragement, the ablest and fittest persons of ingenious spirits and education, will shun and avoid the undertaking of Functions in Universities, for want of such ingenious means as should invite, entertain, encourage and oblige men sufficient for such laborious employments, to the great decay of Learning, and detriment of all ranks of Persons in the Kingdom: For preventing and remedying whereof, there being an expedient proposed, that the Archbishops and Bishops, and the rest of the inferior Clergy, may allow some part yearly of their Rents, Benefices and Maintenance, for the space of five years to come, as an exemplary testimony of their piety and zeal, for the advancement of Learning and Religion. Therefore, His Majesty, with advice and consent of the Estates of Parliament, Doth Statute and Ordain, That for the crops and years, one thousand, six hundred, and sixty four, one thousand, six hundred, and sixty five, one thousand, six hundred, and sixty six, one thousand, six hundred, and sixty seven, and one thousand, six hundred, and sixty eight, there be raised yearly, out of the Rents of ilk Archbishop and Bishop, the sum of fifty pounds for every thousand merks of the saids Revenues, and the sum of forty pounds out of every thousand merks of the Stipends or Benefices of every Minister, and so proportionably six of the hundred, as the Benefice or Stipend shall be valued to be more or less by the Bishops of the Diocesses: And that the saids several proportions, payable by the Bishops, shall be yearly given in to the Archbishops of the respective Provinces, or such as shall have warrant from them; and that the saids several proportions, payable by Ministers, shall be yearly given in to the Bishops of the respective Dioceses, or such as shall have warrant from them, and for whom the saids Bishops shall be countable: Which sums so to be raised, shall be distributed to the several Universities, according to those proportions which shall be assigned by His Majesty, by a Committee to sit at *Edinburgh*, consisting of the Archbishops of *Sanct-Andrews* and *Glasgow*, and the Bishops of *Edinburgh* and *Aberdeen*, and four others, whereof one to be nominat by the Visitors of the University of *Sanct-Andrews*, and another by the Visitors of the University of *Glasgow*, the third by the Visitors of *Aberdeen*, the fourth by the Council of *Edinburgh*; Hereby authorizing the Archbishop of *Sanct-Andrews*, and in his absence the Archbishop of *Glasgow*, to preside in the said Committee, and to appoint their diets of meeting from time to time; and the Committee to take care, that the sums thus allotted, shall be put into a Stock and settled upon Land or otherways, by advice of the respective Bishops, who are Chancellors of the saids Universities; and Ordains the Annual-rent of the said Stock to be proportioned to the Masters and Professors of each University, as the Visitors thereof shall appoint. And further, His Majesty and Estates foresaid, do Ordain, that Stipends, and all Benefices of Kirks that shall vaik after the first day of February, in this following year of God, one thousand, six hundred, and sixty four, for the space of seven years next thereafter, shall be up-lifted by Collector thereof, and employed by him in the maner, and according to the proportions above-specified, for encreasing of the Stock of each University: Declaring, that the fifty two Act of the first Session of this Parliament, *Concerning the disposal of vacand Stipends*, shall be of no force during the space of the years foresaid; And Ordains Letters of Horning and Poinding, and all other execution necessary, to be directed at the instance of the saids Bishops, or any to be appointed by them; and at the instance of the said Collector, for the more speedy in-bringing of the sums *respective* above-mentioned. Further, His Majesty and the Estates of Parliament, do recommend to the Lords of the Privy Council, to entertain and promote any voluntary offer or contribution, for the ends aforesaid, to be made by Noble-men or Gentlemen, for a work so worthy of the publick wisdom, piety and honour of this Kingdom. It is alwayes Declared, that this Act shall be without prejudice of Acts past in this Parliament, for allowing the vacand Stipends of the Dioceses of *Mles* and *Argyl* for breeding of young Schollars, the sum being regulate by the Committee above-named; and that this Act shall be no preparative for laying on any burdens on the Clergy hereafter, without their own consent.

X X V.

ACT regulating the proportions of Excise in the several Shires and Burghs.

THE Estates of Parliament, taking to their consideration, the grievances represented to them by the several Shires and Burghs, anent the excessive proportions of Excise laid upon them by the late Act of Parliament, and what great burthen the Land-rent of the saids Shires and Burghs lyes under, for making up the saids proportions, and the great ease which several other Shires have in their proportions; And it being just and reasonable, that all publick impositions of that nature, should be equally distributed upon those lyable in payment thereof. Therefore, the Kings Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, that the several Shires and Burghs of this Kingdom, shall, for the Moneths of November and December next, one thousand, six hundred, and sixty three, and January one thousand, six hundred and sixty four years, and in all time thereafter, be lyable in the monethly payment of the respective proportions under-written, *viz.* The Shire of *Edinburgh* principal, in the sum of two thousand, one hundred, and forty pounds Scots money; The

The Town of *Edinburgh*, in the sum of two thousand, nine hundred, thirty two pounds; The Shire of *Haddington*, in the sum of one thousand, two hundred, fourscore and eleven pounds; The Shire of *Berwick*, in the sum of six hundred, and ten pounds, sixteen shillings; The Shire of *Roxburgh*, in the sum of seven hundred, threescore twelve pounds, sixteen shillings; The Shire of *Selkirk*, in the sum of one hundred, forty seven pounds, ten shillings; The Shire of *Peebles*, in the sum of one hundred, thirty seven pounds, ten shillings; The Shire of *Lanrick*, in the sum of nine hundred, threescore eight pounds, eight shillings; The Town of *Glasgow*, in the sum of one thousand, threescore, sixteen pounds, four shillings; The Shire of *Dumfriese*, in the sum of six hundred, fifty six pounds; The Shire of *Wigtown* and *Kirkcudburgh*, in the sum of seven hundred, thirty two pounds, twelve shillings, whereof the Stewartry of *Kirkcudburgh* is to pay the sum of four hundred, threescore, one pounds, and the Shire of *Wigtown*, the sum of two hundred, threescore, eleven pounds, twelve shillings; The Shire of *Air*, in the sum of one thousand, six hundred, thirty nine pounds, sixteen shillings; The Shire of *Dumbartoun*, in the sum of two hundred, fifty four pounds; The Shire of *Bute*, in the sum of fifty seven pounds; The Shire of *Renfrew*, in the sum of four hundred, fifty seven pounds, four shillings; The Shire of *Stirling*, in the sum of nine hundred, and three score pounds, eight shillings; The Shire of *Linlithgow*, in the sum of seven hundred, fourscore nineteen pounds, four shillings; The Shire of *Pertb*, in the sum of two thousand, three hundred, threescore, fourteen pounds, sixteen shillings; The Shire of *Kincardin*, in the sum of three hundred, threescore, three pounds, twelve shillings; The Shire of *Aberdeen*, in the sum of two thousand, four hundred, and eighteen pounds, nineteen shillings; The Shire of *Banff*, in the sum of four hundred, forty seven pounds, three shillings; The Shire of *Inverness*, in the sum of seven hundred, fourscore, fourteen pounds, eight shillings; The Shires of *Elgin* and *Nairn*, in the sum of five hundred, fourscore sixteen pounds, four shillings; The Shire of *Cromarty*, in the sum of twenty four pounds; The Shire of *Argyl*, in the sum of four hundred, forty three pounds, sixteen shillings; The Shire of *Fife* and *Kinross*, in the sum of three thousand, six hundred, and eight pounds, eight shillings; The Shire of *Forfar*, in the sum of one thousand, twenty four pounds, four shillings; The Town of *Dundee*, in the sum of seven hundred, and eighteen pounds, four shillings; The Shire of *Sutherland*, in the sum of threescore twelve pounds, twelve shillings; The Shire of *Caithness*, in the sum of one hundred, fifty three pounds, four shillings; The Shire of *Orkney* and *Zetland*, in the sum of two hundred, forty three pounds, sixteen shillings; The Shire of *Clackmannan*, in the sum of two hundred, and six pounds, two shillings; And the Shire of *Ross*, in the sum of two hundred and four pounds, money foreaid; Any thing in the said Act of Parliament to the contrary notwithstanding, which is hereby, Declared to be of no force or effect, as to the proportions of the said Excise. after the said first day of *November* next.

XXVII.

An humble Tender to His Sacred Majesty, of the duty and loyalty of His ancient Kingdom of Scotland.

FOrasmuch, as the Estates of Parliament, upon consideration of the great blessings this Kingdom enjoyeth, under the protection of His Majesties Authority and the administrations of His Royal Government; being thereby not only delivered from their former troubles, and all the evils which attend such usurpations; but being fully restored to, and possess of, all the liberties and privileges of a free people; Have, by their several addresses to His Sacred Majesty, made offer of their lives and fortunes, and all that is dearest to them, for the advancement of His Royal Honour, Authority and Greatness. And this Kingdom being still more and more sensible of this their happiness, by the often and renewed expressions of His Majesties grace & favour, and of His tenderness and care of their preservation, in the peaceable and secure enjoyment of their Religion, Laws, Liberties and Properties; Do find themselves the more obliged to renew the expressions of their duty and loyalty to His Majesty. And therefore, the Estates of Parliament, of this His Majesties ancient Kingdom of *Scotland*, do, in name and behalf of all His Majesties good Subjects within the same, by these presents, renew the dutiful tender of their lives and fortunes, for the promoting of His Majesties Service and the advancement of His Royal Authority. And as they do cheerfully recognise His Majesties Royal Prerogative and undoubted Right of the sole power of raising, arming and commanding of His Subjects; So, in a further acknowledgment of their duty, they do make humble and hearty offer to His Majesty, of twenty thousand Foot-men and two thousand Horse-men, sufficiently armed, and furnished with forty dayes provision, to be raised from the several Shires of the Kingdom, according to the Proportions following, *viz.* From the Shires of *Roxburgh* and *Selkirk*, one thousand, three hundred, thirty three Foot, and one hundred, forty, eight Horse. From the Shire of *Berwick*, eight hundred, Foot, and seventy, four Horse. From the Shire of *Edinburgh*, eight hundred Foot, and seventy four Horse. From the Shire of *Haddington*, eight hundred Foot, and seventy, four Horse. From the Shire of *Peebles*, two hundred, sixty six Foot, and twenty nine Horse. From the Shire of *Linlithgow*, three hundred, thirty three Foot, and forty two Horse. From the Burgh of *Edinburgh*, *Liebt* and *Canongate*, eight hundred Foot.

From

From the Shire of *Dumfries*, eight hundred Foot, and eighty eight Horfe. From the Shire of *Wigtoun*, eight hundred Foot, and eighty eight Horfe. From the Shires of *Air* and *Renfrew*, one thousand, three hundred, thirty three Foot, and one hundred, seventy, six Horfe. From the Shire of *Lanerick*, one thousand Foot, and one hundred, forty, eight Horfe. From the Shires of *Stirling* and *Clackmannan*, six hundred sixty six Foot, and eighty eight Horfe. From the Shires of *Fife* and *Kinross*, one thousand, six hundred Foot, and one hundred, seventy, six Horfe. From the Shire of *Perth*, one thousand, six hundred Foot, and one hundred, seventy, six Horfe. From the Shire of *Forfar*, one thousand Foot, and one hundred and three Horfe. From the Shire of *Kincairdin* and *Marshall* part of *Aberdeen*, eight hundred Foot, and seventy four Horfe. From the rest of *Aberdeen* and Shire of *Banff*, one thousand, sixty six Foot, and one hundred seventy six Horfe. From the Shires of *Elgin*, *Nairn*, and this side of *Ness*, one thousand Foot, and eighty eight Horfe. From the Earl of *Seafort* and Lord *Lovat*, their division of *Inverness*, six hundred, sixty six Foot, and eighty eight Horfe. From the Shires of *Sutherland* and *Cairness*, and the rest of *Inverness*, one thousand, sixty six Foot, and eighty eight Horfe. From the Shires of *Argyl*, *Dumbartoun* and *Bute*, eight hundred Foot. From the Shire of *Orkney*, six hundred, sixty six Foot, which Forces are to be in readines, as they shall be called for by His Majesty, to march to any part of His Dominions of *Scotland*, *England* or *Ireland*, for suppressing of any foreign invasion, intestine trouble or insurrection, or for any other service wherein His Majesties Honour, Authority or Greatness may be concerned. And for the better prosecution hereof, the Estates of Parliament do humbly entreat, His Majesty may be graciously pleased to give Commissions to such persons to be general Officers, Colonels, Lieutenant-colonels, Majors and Rute-masters, as His Majesty, in His Royal judgment, shall think fit; And for other Officers, or any other thing fitting to be done for perfecting of the Levies and carrying on of this business, they do humbly recommend to His Majesty, to give His direction therein to His Privy Council, who are hereby empowered with Commission and Authority, for the ordering, disposing and sole managing of this Affair, in such a way, as this dutiful offer of the Parliament to His Majesty may be made most effectual, and according to the instructions and commands they shall receive from His Majesty. And the Estates of Parliament do Declare, that if His Majesty shall have further use of their service, this Kingdom will be ready, every man therwith sixty and sixteen, to joyn and hazard their lives and fortunes, as they shall be called for by His Majesty, for the safety and preservation of His sacred Person, Authority and Government.

X X V I I.

ACT asserting His Majesties Prerogative in the ordering and disposal of Trade with forrainers.

THE Estates of Parliament considering, that during the late troubles, divers invasions were made upon the Royal Prerogatives of the Crown; And that in a just abhorrence thereof, and on all occasions to vindicate and assert the same, in the several branches thereof: And since the ordering and disposal of Trade with forraign Countries, and the laying of restraints and impositions upon forraign imported Marchandizes, is, by the Law of Nations, acknowledged to be proper to, and inherent in, the persons of all free Princes, as an undoubted Prerogative of the Crown. They therefore, in a dutiful and humble recognizance of His Majesties Prerogative-royal, do Declare, That the ordering and disposal of Trade with forraign Nations, and the laying of restraints and impositions upon forraign imported Commodities, doth belong to His Majesty and His Successors, as an undoubted Priviledge and Prerogative of the Crown; And that by vertue thereof, they may lay such impositions and restraints upon imported forraign Commodities, and so order and dispose upon the Trade of them, as they shall judge fit for the good of the Kingdom. Likewise, the King's Majesty, with advice and consent of His Estates in Parliament, doth hereby Revoke and Annul all Acts, Statutes, Constitutions and Customs to the contrary; And Declares the same void and null in all time coming.

XXVIII.

COMMISSION for plantation of Kirks and valuation of Teinds.

THE King's most Excellent Majesty, being desirous to prosecute the work of valuation of Teinds and plantation of Kirks, in reference to His own interest for the annuity, and the universal good of His people, especially for the encouragement of the Ministers of the Gospel; Doth with advice and consent of His Estates of Parliament, Ratifie and Approve the nineteenth Act of the Parliament, holden at *Edinburgh* by His Royal Father of blessed memory, in anno, one thousand, six hundred

hundred and thirty three, (entitled, Commission for valuation of Teinds,) in the whole heads, clauses and condicions thereof, except in so far as there hath been any alterations made therein, by Acts and Commissions made and granted by His Majesty since the date of the said Act, or granted by any pretended Parliaments since, and which are Ratified, Salvèd or Reserved by this present Parliament; and which alterations are not destructive of, and contrary to, this present Act, or any clause thereof. And sicklike, Ratifies and Approves the sixty one Act of the first Session of this present Parliament, entitled, Commission for plantation of Kirks, &c. in the whole Heads, Articles and Clauses thereof, except in so far as the same may be contrary to this present Act, as said is. And His Majesty, with advice and consent foresaid, gives full power and commission to *James* Archbishop of St. Andrews; *William* Earl of Glencairn, Chancellor; *John* Earl of Rothes, Thesaurer; *Alexander* Archbishop of Glasgow; *William* Earl Marshal, Privy-Seal; *Duke* of Hamilton; *Marquess* of Montrose; Earl of *Lauderdale*, Secretary; Earl of *Eglington*; Earl of *Linlithgow*; Earl of *Kelby*; Earl of *Haddington*; Earl of *Annandail*; Earl of *Leiven*; Earl of *Tweddail*; *George* Bishop of Edinburgh; *James* Bishop of Galloway; *George* Bishop of Dunkel; Bishop of Aberdeen; *John* Bishop of Ross; *Robert* Bishop of Dumblance; *William* Lord Bellenden, Thesaurer-deputè; Sir *John* Gilmour, President of the Session; Sir *Archibald* Primrose, Clerke Register; His Majesties Advocat; Sir *John* Home of Renton, Justice Clerk; Sir *James* Lockhart of Lee; Sir *John* Scougal of whitekirk; *Charles* Maitland of Halton; Sir *Thomas* Hamilton of Preston; Sir *John* Wauchop of Nidrie; Sir *Robert* Fletcher of Salton; Sir *Henry* Wardlaw of Pitrevey; *William* Scot of Ardrofs; Sir *Andrew* Ramsay, Provost of Edinburgh; Sir *Robert* Murray there; Sir *Archibald* Sydsersf; Sir *Alexander* Wedderburn; Sir *William* Thomson; *John* Miln; *Robert* Lenthov, Provost of St. Andrews; Mr. *John* Paterson, Provost of Perth; *William* Seatoun, Provost of Haddington; or any fifteen of them; whereof three of the Clergy, three of the Nobility, three Officers of State, three Commissioners of Shires, and three of Burghs; of which number, the Archbishop of St. Andrews, or the Chancellor, or the Thesaurer, or the Archbishop of Glasgow, or the Privy-Seal, or the Secretary, or the Duke of Hamilton, or the Earl of Haddington, or any of them, being alwayes one, to meet and convene at *Edinburgh*, the day of one thousand, six hundred and sixty years; and at such other place or places, times and diets as they shall appoint, to value, and cause be valued, whatsoever Teinds, great or small, Parsonage or Vicarage, of whatsoever Lands within this Kingdom, lyable to the payment of Teinds, which are yet un-valued; Excepting alwayes the Teithes of the Archbishops, Bishops and other beneficed persons, whereof they were in real and actual possession, by leading and collecting the same, in the year, one thousand, six hundred and twenty eight; And with provision, that they be not prejudged of the Fruits and Rents of their severall Benefices, as the same was posselt by them, anno, one thousand, six hundred and thirty seven, conform to the Submission made by the Bishops to His Majesty in the said year, and Decree arbitral following thereupon: With power to the saids Commissioners, or *quorum* foresaid, to appoint Sub-commissioners, conform to the former Acts and Commissions for valuation of Teinds, and receive reports from them. And with power to them, where Ministers are not already sufficiently provided, or have not Localities assigned to them for their Stipends, out of the Teinds within the Paroch where they serve the Cure, to modifye, settle and appoint constant local Stipends to ilk Minister, out of the Teinds of the Paroch where they serve the Cure, in so far as the same will amount to, according to the quantities of victual or money mentioned in the saids Acts and Commissions, and to decide and proportion the saids Localities. And with power too dis-joyn to large and spacious Paroches, to cause erect and build new Churches, to dismember and annex Kirks, as they shall think just; and to take order, that every Heretor and Life-renter shall have the leading and buying of their own Teinds, if they be willing, according to the rates prescribed by former Commissions; Particularly, by the Commission granted by His Majesty, with consent of the Estates of parliament, in anno, one thousand, six hundred and thirty three; with power to them to determine all questions concerning the prices of Teinds, betwix Titulars and others having right thereto, and the Heretors; and to appoint such securities, in favours of the Titulars and others having right to the Teind, for the prices to be granted by Heretors, payers of the valued duties, or buyers of the said Teinds, and in favours of the Ministers, as to their maintenance, as the saids Commissioners shall think fitting, according to the rule set down in the saids former Acts, namely in the said Act, anno, one thousand, six hundred and thirty three. Declaring, That where the Vicarage of any Paroch is a severall Benefice and Title from the Parsonage, the same shall be severally valued; to the effect, the Titulars or Ministers serving the Cure, having right to the said Vicarage, be not frustrat of the true worth thereof; And that Titulars, and others having right to Teinds, shall not be forced to dispose any Teinds, valued or to be valued, which shall be assigned, disposed and allocat to the Minister serving the Cure of the Paroch. As also, with power to the saids Commissioners or *quorum* foresaid, to rectifie whatsoever Valuations, led or to be led to the enorm prejudice of the Titulars, and to the hurt and detriment of the Kirk, and prejudice of the Ministers maintenance and provisions, or of His Majesties Annuity. Provided alwayes, likeas it is hereby expressly provided, that where Valuations are lawfully led, against all parties having interest, and allowed by former Commissions, the same shall not be drawn in question, nor rectified upon the pretence of enorm lesion, at the instance of the Minister (not being Titular) or at the instance of His Majesties Advocat, in respect of His Majesties Annuity, except it be proven that collusion

was used betwixt the Titulars and Heretors, or betwixt the Proctor-fiscal and Heretors and Titulars; which collusion is declared to be, where the Valuations are led with the diminution of the third of the just Rent, which diminution shall be proven by the parties Oaths. And albeit all the Acts of the pretended Parliaments, in the years, one thousand, six hundred, and forty, one thousand, six hundred, and forty one and thereafter, are declared, by an Act of this Parliament, null and of no avail in all time coming: Yet, it is hereby Declared; That all and whatsoever Valuations, Acts, Sentences and Decrets, done and past by any Commissions granted by the saids pretended Parliaments, with all executions used or to be used thereupon, are and shall be as valide in all time coming, as if the saids Valuations, Acts, Sentences and Decrets, had been given and pronounced by persons legally empowered to that effect, any thing in the foresaid rescissory Act to the contrary notwithstanding; Excepting such Decrets of Valuation, modification of Stipends, or augmentations thereof, past and granted since the year, one thousand, six hundred, and thirty seven, whereby the saids Archbishops or Bishops are prejudged of any part of their Rents, whereof they were in possession in the said year thirty seven. And although, by a special Act of this present Parliament, the pretended Parliament, holden in *anno*, one thousand, six hundred, and forty nine, and in the beginning of the year, one thousand, six hundred and fifty, is, from the beginning, Declared void and null, and all that had followed thereupon; Yet nevertheless, His Majesty doth, with advice foresaid, authorize all Valuations, Acts, Decrets and Sentences, led, deduced and pronounced by the Commissions, one or more, appointed by the said pretended Parliament, for plantation of Kirks and Valuation of Teinds, and all execution competent thereupon; Excepting such Decrets and Sentences, given in favours of Ministers for their Stipends; or for dividing, uniting, annexing or building of Kirks, which shall be found to have been unjustly or exorbitantly decreed: The determination whereof is hereby referred by His Majesty, with consent foresaid, to the saids Commissioners, that they, after hearing of parties and consideration of particulars, may take such course, for altering, annulling, or allowing of the saids Acts, Decrets and Sentences, as they shall think fitting, conform to the Laws, practick and Custom observed preceeding the year, one thousand, six hundred, and forty nine; And ordains Processes, upon supplications, to be summarily granted, parties always being cited, and that without any reduction. And it shall be lawful to the saids Commissioners, or *quorum* foresaid, to proceed in all Summons and Actions to be intended for that effect, within the space of two years after the first down-sitting of the Commission. And whereas it may fall out, that some of the saids Commissioners, may be un-able to attend the service, through death, sickness, or other known impediment; Therefore, His Majesty Declares, that He shall be careful to fill their places with other persons qualified, whose oaths for faithful discharge of the same shall be taken by the Lord Chancellor, or in his absence, by the President of the said Commission for the time; And Ordains this present Commission to endure ay and while the same be discharged by His Majesty; and the Acts, Decrets and Sentences thereof, to have the force, strength and effect of a Decree and Sentence of Parliament, and the Lords of Session to grant and direct Letters of Horning, Poinding and others requisit, in maner contained in the foresaid Commissions. And considering, that it was the will and pleasure of His Majesties Royal Father, that all Heretors, who should be willing to buy, should have their own Teinds, at reasonable rates; Therefore, His Majesty, with advice foresaid, Statutes and Ordains, That all Heretors, whose Teinds are not valued, (excepting as is formerly excepted in this Commission) shall have liberty to value and buy the same, at such rates as is contained in the Acts of Parliament, one thousand, six hundred, and thirty three. With power to the saids Commissioners, to augment the saids rates according to the burden of augmentation, and others sustained by the Titulars since the saids Acts; and the saids Heretors to have the liberty of buying, as said is, within the space of three years after the Valuation. With this Declaration alwayes; That in case the impediment, during the time foresaid, flow from the Titular, by reason of his minority or other in-ability; in that case, the Heretor who offers himself ready to buy his own Teind, within the space foresaid, shall have place, so soon as the impediment is removed, to buy his Teinds, notwithstanding of the expiring of the years and space above-exprest. And it is Declared, that if the Heretor be Minor, and his Tutors neglect the buying of his Teinds within the foresaid space, the Minor shall have action for two years after his minority, to compel the Titular for selling of his saids Teinds; And His Majesty, with consent foresaid, hereby discharges all former Commissions, Declaring the same to be expired.

XXIX.

ACT anent penal Statutes.

THe King's most Excellent Majesty, having, out of His grace and goodness to His Subjects, granted an full and free Act of Indemnity, Pardon and Oblivion, for all crimes and offences committed by them, relating to the late troubles, and more fully exprest in the tenth Act of the second Session of this Parliament. And considering, that besides these, there be divers arbitrary and pecunial pains, adjected to penal Statutes, which being strictly exacted, would prove an heavy burden to the Subjects who may be lyaible thereto. And His Majesty being desirous, now at the close of this His first Parliament, that all His good Subjects may find the effects of His mercy, as to exceed all former presidents, so to be beyond their own expectation; Hath therefore thought fit, with the advice and consent of His Estates of Parliament, by these presents, to discharge, Pardon and remit all contraveners of any penal Statutes, for all deeds heretofore done by them, contrary to the tenour thereof; Excepting the Statutes concerning the unlawful taking of Usury, transporting of Silver and Gold, slaying of red and black Fish, and all Acts and Statutes past in this present Parliament, which are no wayes discharged by this present Act.

XXX.

ACT Salvo Jure cujuslibet.

OUR SOVERAIGN LORD and Estates of Parliament, considering, that in this last Session of this present Parliament, many particular Acts and Ratifications have been past, wherein divers Clauses may be inserted, prejudicial to the rights and interests of several persons, albeit it hath alwayes been His Majesties purpose and meaning, and the purpose and meaning of the Estates of Parliament, in this, as in all preceeding Parliaments, That all particular Acts and Ratifications, general or special, howsoever conceived (where persons concerned have not been heard, for their Interest before the passing thereof) should not prejudice private Rights of parties. Therefore, His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all particular Acts and Ratifications whatsoever, past in this last Session of this present Parliament, shall be interpreted *Salvo jure cujuslibet*; Excepting alwayes, an Act and Ratification past in this Session of Parliament, in favours of the Duke and Dutcheß of *Buccleuch*, of their Contract of Marriage, which is Declared by His Majesty and Estates of Parliament, no wayes to be comprehended herein.

Extracted from the Records of Parliament, by Sir Archibald Primrose of Chester Knight and Barronet, Clerk of His Majesties Council, Registers and Rolls.

A. PRIMEROSE,

Clk. Register.

F I N I S.

A T A B L E

Of the Printed A C T S.

- 1 *ACT anent the way and maner of Election of the Lords of the Articles.*
- 2 *Act against separation and disobedience to Ecclesiastical Authority.*
- 3 *Additional Act concerning the Declaration to be signed by all persons in publick Trust.*
- 4 *Act against Protections.*
- 5 *Act for the establishment and constitution of a National Synod.*
- 6 *Act anent ruinous houses in Royal Burghs.*
- 7 *Act discharging the importation of Strong-waters, &c.*
- 8 *Act discharging the mixing of Tin with Lead.*
- 9 *Act anent the discharging of Advocations for sums within two hundred merks.*
- 10 *Act in favour of Minors, anent the duties of the Lands comprised from them.*
- 11 *Act against exportation of money forth of the Kingdom.*
- 12 *Act for encouragement of Tillage and Pasturage.*
- 13 *Act for a new Imposition upon English Commodities.*
- 14 *Act imposing a Custom upon Corn imported from Ireland into this Kingdom.*
- 15 *Act for in-bringing of His Majesties Rents.*
- 16 *Act concerning Beggars and Vagabonds.*
- 17 *Act anent the measure of Coal.*
- 18 *Act anent the Foot-measure.*
- 19 *Act discharging Monday and Saturday Mercats in Royal Burghs.*
- 20 *Act anent Lint-seed, Hemp-seed and Steel.*
- 21 *Act anent Manſes and Glebs, and pouding for Ministers Stipend.*
- 22 *Act anent Comprisings.*
- 23 *Act anent Sentences of Excommunication.*
- 24 *Act for additional provision in favours of the Universities.*
- 25 *Act regulating the proportions of Excise in the severall Shires and Burghs.*
- 26 *An humble Tender to His Sacred Majesty, of the duty and loyalty of His ancient Kingdom of Scotland.*
- 27 *Act asserting His Majesties Prerogative, in the ordering and disposal of Traae with for-
raigners.*
- 28 *Commission for plantation of Kirks and valuation of Teinds.*
- 29 *Act anent penal Statutes.*
- 30 *Act Salvo jure cujuslibet.*

F I N I S.

A T A B L E

Of the special ACTS and RATIFICATIONS, past in the several Sessions of this Parliament, which are not imprinted.

F I R T S E S S I O N . !

Proteftations by some Noble-men, Commissioners from Shires and Burghs, concerning their prece-
 dencies in the Rolls of Parliament.
 Act discharging Sir *Archibald Johnston* of all publick Trust.
 Act concerning the Burial of the Corps of the late Marquess of *Montrose* and Laird of *Dalgety*.
 Commissions for the Lords of the Articles and Bills.
 Exoneration to Mr. *John Young*, concerning the Registers.
 Record of the production of the Patents granted by His Majesty to His Officers of State; and their
 Admissions.
 Record of the production of some Parents of Honour.
 Decreet Earl of *Dalbousie* and others, against Mr. *Robert Hodge*.
 Act in favours of the Laird of *Mackclean*.
 Precognition in favours of the Master of *Bamff*.
 Commission to Mr. *John Wilkie*, to collect the vacand Stipends.
 Act rescinding the pretended forfeiture of the Marquess of *Montrose*.
 Act allowing Messengers to execute Summons of Treason.
 Exoneration in favours of the Earl of *Crawford* and *Lindsay*.
 Act concerning the Magistrates of *Kirkcubald*.
 Act for an Imposition at the Bridge of *Muskeburgh*.
 Commission for visiting the University of *Aberdeen*.
 Act anent the election of the Magistrates of *Montrose*.
 Decreet *Archibald Lamont* contra *Campbell*.
 Act for an Imposition at the Calcees of *Cowie-mouth*,
 Reference *Mackenzie* contra *Mackpherson*.
 Decreet Earl of *Perth* contra Sir *George Monat*.
 Acts in favours of some Ministers for their Stipend.
 Act in favours of Col. *Weymes*, Col. *Lesly* and *James Scot*.
 Letter and Act in favours of the Laird of *Renton*.
 Act for a Bridge at *Ramal-wel-craig* on *Chyd*.
 Act in favours of the Town of *Wigtoun* concerning a Bridge.
 Decreet *Lockhart* contra *Bonar*.
 Decreet *Mackenzie* of *Redcastle*, contra *Gilbert Ker* and others.
 Decreet *Elizabeth Dutchy*, contra *Henry Dennistoun*.
 Act anent the Custom and Price of imported Tobacco-pipes.
 Decreet *Carnaigie* contra *Carnaigie*.
 Ratification to the Earl Marshal of the Sheriff-ship of *Aberdeen*.
 Protestation by the Earl of *Roxburgh*, in name of the Marquess of *Huntly*, against the same.
 Ratification in favours of Master *Adam Cunningham* of *Wood-hall*, of the Commissariat of *Dumfries*.
 Ratification in favours of the new Colledge of *Aberdeen*.
 Protestation by the Town of *Aberdeen* against it.
 Ratification in favours of Sir *John Urquhart* of *Cromarty*.
 Ratification to Master *Hary Hay*, of the Commissar-clerkship of *Edinburgh*.
 Ratification to *John Ramsay* of his Office from the Lord Register.
 Ratification in favours of the Burgh of *Elgin*.
 Ratification in favours of *Thomas Manson*.
 Ratification of the erection of the Kirk of *Kinlossie*.
 Ratification to Master *Thomas Young*, of the Commissar-clerkship of *Lauder*.
 Ratification of the erection of the Town of *Findorn* in a Burgh of Barony.
 Protestation Town of *Forres* against it.
 Ratification in favours of *Wat*.
 Ratification to Master *James Nicholson* of the Commissariat of *Brichen*.
 Ratification to *John Newel*.
 Ratification in favours of *Hary Blackwood*.

Ratification to *Alexander Monro* of the Commissariat of *Sterling*.
 Act concerning the Town of *Kirkwall*.
 Ratification to the Town of *Edinburgh* of the regality of the *Cannongate*.
 Ratification to the Town of *Edinburgh* of the mark upon the Tun.
 Ratification Town of *Edinburgh* of the Land called *The Kings work in Leith*.
 Ratification Town of *Edinburgh* of the Customs at the House in the *Mure*.
 Ratification of the Town of *Edinburghs* new Charter of Confirmation.
 Act in favours of *Mr. James Daes*.
 Commission for tryal of the burning the Gates of *Drumlawrig*.
 Act concerning the Earl of *Perth* and Lord *Drummonds* losses.
 Act concerning *Sir Thomas Hamilton* of *Prestoun* his Writes.
 Act rescinding the pretended forfeiture of the Marquess of *Huntly*.
 Act rescinding the pretended forfeiture of *Mackdonald* of *Largy*.
 Act rescinding the pretended forfeiture of *Sir John Gordon* of *Haddo*.
 Act for a contribution for repairing the Harbour of *Peterhead*.
 Act in favours of the Town of *Dunee*.
 Act in favours of *George Campbell*.
 Modifications to suffering Ministers out of the vacant Stipends.
 Ratification in favours of the Earl of *Mor*.
 Ratification in favours of the Town of *Nairn*, and Protestation by the Laird of *Caddel* against it.
 Ratification in favours of the Earl of *Pannure*, and Protestation by the Burgh of *Arbroth* against it.
 Ratification in favours of the Burgh of *Inverness*, and Protestation for *Redcastle Dunee* and the Burghs
 of *Forteross*, *Cromarty* and *Dingwall* against it.
 Ratification in favours of the Earl of *Linlithgow*.
 Ratification to the Earl of *Callander*.
 Ratification to the Town of *Musleburgh*.
 Ratification in favours of *Robert Thomson*, and Protestation by the Earl of *Arbol* against it.
 Ratification in favours of Master *Thomas Murray*.
 Ratification in favours of Master *John Finlay*.
 Ratification in favours of the Burgh of *Wigtown*.
 Act for a weekly Mercat and two Fairs yearly in *Bouden*.
 Ratification in favours of the Royal Burroughs.
 Ratification in favours of the Earl of *Weymes*.
 Ratification in favours of the Burgh of *Kirkcaldy*.
 Commissions for trying some persons suspected of witch-craft.
 His Majesties nomination of the Lords of Session and their Admission.
 Act for the sitting and diets of the Session.
 The Lord Registers nomination of the Clerks to the Session, to the registration of Seafings and admission of
 Notars, and their admission, conform to their Gifts from the Lord Register.
 Act establishing the Sheriffdom of *Ross* and the bounds of it.
 Commissions for the Fishings on the waters of *Ugie* and *Itam*.
 Act to *James Weymes* for a new invention of Milnes, &c.
 Act in favours of the Earl of *Lauderdale*, anent the Lordship and Regality of *Musleburgh* and Superi-
 ority thereof.
 Protestation by the Lord *Colintoun*, that the said Act should not prejudice him of his Right to the Teind of
 the Paroch of *Hales*.
 Act in favours of the Earl of *Lauderdale*.
 Act in favours of the Earl of *Lauderdale*, concerning the Writes and Securities of his Lands.
 Act concerning the Earl of *Cassils*.
 Act anent the Lights on the *May*.
 Act rescinding the pretended forfeiture of the Laird of *Glenqairy*.
 Act rescinding the pretended forfeiture of *Macklean* of *Lochbony*.
 Act rescinding the pretended forfeiture of *Macklean* of *Kingerloch*.
 Decreet Earl *Southesk* and Lord *Burghly*, against the Shire of *Fife*.
 Decreet Marquess of *Montrose* against the Marquess of *Argyl*.
 Decreet Laird of *Dury*, contra Duke of *Hamilton*.
 Act in favours of the Burgh of *Aberdeen*.
 Act for two Fairs and a weekly Mercat in *Strathaven*.
 Act in favours of *Patrick Dunbar*.
 Act in favours of the Laird of *Edgerstoun*.
 Act for three Fairs to the Town of *Lesly*.
 Act for a weekly Mercat and two Fairs in the Town of *Tullith*.

- Act for a yearly Fair in *Aldeir*.
 Decreet *Phycarden*, contra *Mackpherson* and others.
 Act in favours of the Clan-*Gregor*.
 Decreet Earl *Roxburgh*, contra Earl *Lothian*, anent the Title of Lord *Ker*.
 Decreet Earl of *Airly*, against *Mackenzie* and others.
 Act for repairing the Bridge of *Sanchar*.
 Act for two fairs and a weekly Mercat in *Hamiltoun*.
 Act rescinding the pretended forfeiture of *David Graham of Gortby*.
 Act in favours of Doctor *Gleg*.
 Record of the losses of some Noble-men for their loyalty.
 Act for ordering the precedency of the Officers of State.
 Decreet of forfeiture against Sir *Archibald Johnston*.
 Act rescinding the pretended forfeiture of the Lord *Heries*.
 Ratification in favours of the Earl of *Roxburgh*.
 Ratification in favours of the University of Sanct-*Andrews*.
 Ratification in favours of the Burgh of *Lauder*.
 Ratification in favours of Major *Ramsay*.
 Ratification in favours of the Laird of *Hayning*.
 Ratification in favours of *John Sterling of Other-field*.
 Ratification in favours of the Earl of *Leiven*.
 Ratification in favours of *John Campbell of Ardbattan*.
 Ratification in favours of the Burgh of *Linlithgow*.
 Ratification in favours of the old Town of *Aberdeen*.
 Ratification of the mortification of a Hospital in the Paroch of *Largo*.
 Ratification in favours of the Laird of *Monymusk*.
 Protestation by the Earl of *Aboyne*, in name of the Marquess of *Huntly*, against it.
 Ratification in favours of the Burgh of *Dumbartoun*.
 Protestation of the Town of *Glasgow*, against it.
 Ratification in favours of the Town of *Glasgow*.
 Protestation by the Dukes of *Lennox* and *Hamiltoun*, and the Burghs of *Dumbartoun* & *Renfrew*, against it.
 Ratification in favours of the Burgh of *Forterose*, and Protestation by the Town of *Inverness* against it.
 Ratification in favours of the Officers of the Mint.
 Protestation for the Burgh of *Edinburgh* against it.
 Act for coyning of Copper-money.
 Act for providing a Stock to the Mint house.
 Decrees of forfeiture against *William Dundas* of *Magdallans*, and *John Home* of *Kello*.
 Act anent the redemption of Infeftments of Fee granted under reversion.
 Act rescinding the pretended forfeiture of Sir *Robert Spotswood*.
 Act rescinding all Decrees of Forfeiture against *Archibald* and *Mackgilespik Mackdonal* of *Colinsay*.
 Act rescinding the Forfeiture of *Archibald Mackdonal* of *Sands*.
 Protestations by the Creditors of the Marquess of *Argyl*, that they be not prejudged by any sentence to be given against him.
 Decreet and Sentence of Forfeiture against the Marquess of *Argyl*.
 Decreet and Sentence of Forfeiture against Mr. *James Guthrie*.
 Decreet and Sentence of Forfeiture against *William Govan*.
 Decreet *L. Cochran*, against the Executors of the Earl of *Buccleuch*.
 Act for two Fairs to the Burgh of *Ruthglen*.
 Act for Imposition for upholding a Bridge on the Water of *Fleet*.
 Acts concerning the Town of *Edinburgh* and their Annuity out of the House-mails, and the Imposition granted to them of two pence upon the pint of Ale, &c.
 Decreet Duke of *Hamiltoun* contra *Ardrinklask*.
 Commission for a Council of Trade.
 Decreet in favours of the Earle of *Callander* against the Earle of *Leiven*.
 Act for changing an High-way at *Abbotshal*.
 Act in favours of *William Purves*.
 Decreet Sir *William Baile of Lamintoun*, contra Mrs. *Whaley*.
 Act for the ordinar allowance of the Clerk Registers Subscription.
 Ratification in favours of the Marquess of *Montrose*.
 Act ratifying the union of the Paroches of *Logy-montrose* and *Perth*.
 Act anent slaying of Fish in forbidden time.
 Act in favours of the Earl *Cassils*, Earl *Lothian*, *Brody*, &c.
 Commission concerning the Annual-rents due by persons forfeited by the Usurpers.

Decreet in favours of *Mackintosh* against *Lochiel*.
 Decreet *Murdoch Mackelean* against *John Mackallester*, &c.
 Protestations by the Earl of *Arrol*, Earl *Craufurd* and *Lindsay*, the General of the Mint, and the Provost of *Edinburgh* in name of the Royal Burroughs, against the power of the Justices of Peace.
 Act in favours of the Commissars of *Edinburgh*.
 Act in favours of the Earl of *Middleton* and Sir *John Smith*.
 Act in favours of the Earl of *Middletoun* and Sir *John Weymes*.
 Act for two Fairs to the Burgh of *Cuthros*.
 Act for raising a Moneths maintenance, imposed in the year, one thousand, six hundred, and fifty one, for the Kings use, and eighty thousand merks due by the Burroughs.
 Act in favours of the Earl of *Dundee*.
 Act in favours of the Hat-makers in *Edinburgh*, and Protestation by the Town of *Edinburgh* against it.
 Decreet *John Makdowgal* contra *Campbel*.
 Decreet of Forfeiture against *John Swintoun*.
 Act rescinding the pretended Forfeiture of the Earl of *Bransford*.
 Ratification in favours of the Earl of *Parmure*.
 Commission for the Fishings of *North* and *South-esk*.
 Ratification in favours of the Lord *Rollo*.
 Ratification in favours of the Earl of *Murray*.
 Ratification of the Rights and Liberties of the Burgh of *Dundee*.
 Ratification in favours of the Burgh of *Kintor*.
 Ratification in favours of the Earl of *Tweeddal*.
 Ratification in favours of *Alexander Thomson*.
 Ratification in favours of the Earl of *Atbol*.
 Ratification to Sir *John Gilmor*, President of the Session, of his Right to the Barony of *Craigmillie*.
 Ratification in favours of the Burgh of *Dunkel*, and Protestation by the Town of *Perth* against it.
 Two Ratifications to the Earl of *Craufurd* and *Lindsay*.
 Ratification to the Earl of *Lauderdale* of the Regality of *Thirlstane* and Lordship of *Musleburgh*.
 Ratification to the Earl of *Lauderdale* of the gift of *Swintouns* Forfeiture.
 Ratification in favours of Mr. *James Douglass*.
 Ratification to Sir *John Gilmor* of his gift of Pension.
 Ratification to Sir *James Hope* of his right to the Mines.
 Ratification in favours of the Laird of *Calder*.
 Ratification in favours of the Burgh of *Aberdeen*.
 Ratification in favours of Mr. *John Herbertson*.
 Ratification in favours of the Earl of *Home*.
 Ratification in favours of Sir *Alexander Home*.
 Ratification in favours of Mr. *John Cunningham*.
 Ratification in favours of Sir *James Cunningham*.
 Ratification in favours of *James Innes*.
 Ratification in favours of Sir *Robert Murray* of *Camron*.
 Ratification in favours of the Earl *Marshall*.

SECOND SESSION:

Act for calling in the Bishops to the Parliament.
 Act for settling the Orders in the Parliament-house.
 Act concerning Members of Parliament who do not attend.
 Recommendation for the Creditors of the late Marquess of *Argyl*.
 Commission for tryal of the burning the Gates of *Drumlanrig*.
 Modification and Recommendations for some suffering Ministers.
 Proclamation for the Anniversary Thanks giving.
 Act concerning the Earl of *Mortoun* and Town of *Kirkcubright*.
 Act for yearly Fairs in *Corstorphin*.
 Act in favours of the Lord *Frazer*, for his Title of Lord *Frazer*.
 Act berixt the Lord *Burghly* and Shire of *Fife*.
 Act in favours of *Alexander Bruce*, Brother to the Earl of *Kincarden*.
 Act anent the Chapter of *Argyl*, and *Glenorchies* Protestation against it.
 Act in favours of the Inhabitants of *Orkney*.

- Act for reliefe of those who were overburdened in their Levies, in Anno, 1649. for their concurrence in the Engagement, in Anno, 1648.
- Act concerning the Ministers of *Edinburgh*.
- Act rescinding the pretended Forfeiture against *Harthil*.
- Act in favours of the Earl of *Perth* and others, for some monies due to them by the Shire of *Perth*.
- Commission for the Creditors of Forfeited persons.
- Act for keeping the Registers of Session in the Parliament-house.
- Decreet Marquess of *Huntly*, contra *Innes Cromarty*, *Robert Foulis*, &c.
- Decreet Laird of *Haddo*, contra *Lefly*.
- Act of dissolution of the Earldom of *Orkney*.
- Decreet *Macklaud*, contra Mr. *David Drummond*, &c.
- Decreet Sir *James Mackdonald*, contra *Mackonochie Inera*.
- Act for changing the Way betwixt the south *Ferry* and *Cramond*.
- Act in favours of the Town of *Edinburgh*.
- Decreet against *Archibald Campbell*.
- Decreet of Forfeiture against *Arckinlaß* and *Ormsay*.
- Act in favours of the Lord *Lyon*.
- Act for an Arch-deanry in the *Isles*.
- Act in favours of Sir *Robert Fletcher*.
- Decreet Mrs. *Whaley*, contra *Lamintoun*.
- Act for changing the Mercat-day in *Aberdeen*.
- Act in favours of the Town of *St. Andrews*.
- Act for yearly Fairs to the Earl of *Kinghorn*, the Lord *Tarbet*, the Laids of *Glenorchie* and *Haddo*.
- Act for two Fairs yearly, and a weckly Mercat in *Dalmeny*.
- Act in favours of the Earles of *Queensberry* and *Annandail*.
- Decreet in favours of Mr. *Thomas Mackenzie*.
- Act for building a Meal-mercat in *Dumfries*.
- Act concerning the Declaration.
- Act containing exeptions from the Act of Indempnity, for *Finers*.
- Act anent the Children and Posterity of Forfeited Persons.
- Act in favours of the Countess of *Bransford* and Lady *Forrester*.
- Act in favours of the Lord *Mackdonald*.
- Act in favours of *Lamont*.
- Act freeing Bishops Vassals from the charges of Commissioners to the Parliament.
- Commission for rectifying the Valuations of *Aberdeen* Shire.
- Recommendation in favours of *John Mein*.
- Decreet *Dunolich* against *Campbel*.
- Suspension of publick Debts, with References in favours of the Lord *Burghly* and Lord *Carden*.
- Ratification in favours of the Archbishop of *St. Andrews*.
- Ratification in favours of the Bishop of *Edinburgh*.
- Ratification in favours of the Bishop of *Galloway*.
- Ratification in favours of the Bishop of *Brichen*.
- Ratification in favours of the Bishop of *Argyl*.
- Ratification in favours of the Earl of *Craufurd* and *Lindsay*.
- Two Ratifications in favours of the Duke of *Lenox*.
- Two Ratifications in favours of the Earl of *Athol*.
- Ratification in favours of the Earl of *Tullibarden*.
- Ratification to Sir *John Gilmor* of his Lands of *Craiglockhart*.
- Ratification to the Laird of *Morphie*.
- Ratification to the Laird of *Allardice*.
- Ratification to the Laird of *Glenorchie*.
- Two Ratifications to the Laird of *Cromarty*.
- Ratification to *John Beaton*.
- Ratification to the Burgh of *Linlithgow*.
- Ratification to Sir *John Strachan*.
- Ratification to *Paul Symer*.
- Ratification to the Earl of *Annandail*.
- Ratification to the Earl of *Newburgh*.
- Ratification to Sir *Robert Innes* of *Muretown*.

THIRD SESSION.

- A**ct concerning the constitution and election of the Lords of the Articles.
Warrants for personal Protections against Captions, for some time, to the Lord *Sinclair* and others.
Commission for trying of the contrivance and carrying on of the Act of Billeting.
Decreet and Sentence of Forfeiture against *Archibald Johnston*, sometime of *Waristoun*.
Act ratifying the Remission granted to *George Campbell*.
Act for annexing some Kirks to the Deanry of *Sanct-Andrews*.
Record of the production of the Duke of *Monmouth's* Patent to be Duke of *Buccleuch*.
Act allowing to the Ministers who served before and in the year, one thousand, six hundred and sixty two, the half of the Stipend due for that year.
Ratification in favours of Sir *Peter Wedderburn*.
Act rescinding a former Act past in the last Session of Parliament, anent some Fees acclaimed as due to the Lyons Office.
Act concerning the matter of Billeting, and a Letter directed to His Majesty thereupon.
Act for repairing the High-ways at the Town of *Prestoun*.
Warrant for three Fairs to the Town of *Newburgh*.
Act concerning the pardoning and restoring the Children of Forfeited persons.
August and *Donald Macklands* declared Fugitives.
An imposition for repairing and upholding a Bridge in *Clidsaill*.
Warrant for changing the Fair-day of the Town of *Clackmannan*.
Reference to His Majesty concerning the Process against *Affint*.
Act concerning the Imposition laid on English Commodities.
Act past in favours of *Printers, Stationers, Silk-weavers, &c.*
Act for changing of the name of *Souter*, of late used by some of the name of *Johnston*.
Act for an Imposition for repairing the High-way betwixt *Gorsforph* and the *Cow-bridge*.
Warrant for changing the Fair-day of the Town of *Nairn*.
Commission concerning the Annual-rents due by persons Forfeited by the Usurers.
Act Rescinding, Annulling, and for Razing out of the Records; two Acts past in the second Session of this Parliament, one for excepting persons from publick Trust, and the other for the manner of voting it by Billets.
Act in favours of Doctor *Cotvil*.
Act concerning the riding of the Parliament, and the Penalties of such as shall be absent from it.
Decreet betwixt Sir *Arthur Forbes* and the Lord *Cochran*.
Act in favours of Mr. *John Wilkie*.
Act anent the vacand Stipends in *Argyl* and *Isles*.
Act for repairing the Bridge of *Tullibody*.
Act for the disposal of some vacand Stipends.
Act for the Bridge of *Dalkeith*.
Act for upholding the Bridge of *Kippon*, and for two Fairs at the Kirk of *Kippon*.
Act for a yearly Fair in the Barony of *Caskibon*.
Act for changing the weekly Mercat of *Pettenweym*.
Act in favours of *John Halybrinton*, concerning his Writes.
Act appointing the Fines to be paid in to any person His Majesty shall appoint.
Act in favours of the Captain of *Dunstaffnage* and others.
Two Fairs yearly to be kept in the Barony of *Preston*.
The Fairs granted to the Town of *Whitehorn* changed in the dayes and dyers thereof.
Decreet the Earl of *Roxburgh* contra Sir *John Weymes*.
Act for two Fairs and a weekly Mercat in *Stanlyze*.
Act concerning the making of Cards.
Recommendation in favours of the Marquess of *Montrose*.
Warrant for two Fairs and weekly Mercat to the Laird of *Drum*.
Warrant for paying of some debt due by the Shire of *Dumfries*.
An Act and Ratification of the Contract of Marriage betwixt the Duke and Dutches of *Buccleuch*, and Warrant for registering the Contract.
Act concerning the Stipend of the Ministers of the *Cannongate*.
Remit the Duke of *Hamiltoun* contra Lady *Forrester*.
Warrant for two Fairs, and for changing the Mercat-day of the Barony of *Skirling*.
Warrant for a yearly Fair on the Brae of *Athol*.
Act for a Fair and weekly Mercat on the Lands of *Kimudy*.
Act concerning *Broomhals* Writes.

Act for an Imposition, for repairing and keeping up the Bridges of *Sauchtounbal* and *Clegorn*.
 Remit to the Session concerning the eighty thousand merks claimed from the Burroughs.
Lamonts Process against *George Campbel* remitted to the Session.
 Recommendation in favours of some suffering persons.
 Commission for ordering the prices of Offices, Writes and Seals.
 Act suspending execution for publick debts until the next Parliament.
 Act concerning the *Zetland* Company of White-fishing, remitted to the Council.
 Act for a yearly Fair in *Paisly*.
 Act for a yearly Fair in the Barony of *Caskibon*.
 Remit to the Council anent the Act for Trade.
 Warrant for changing a Way near *Leidinton*.
 Act for renewing the Justices of Peace.
 Ratification in favours of Sir *Andrew Aiton*.
 Ratification in favours of the Lords of the Session.
 Ratification in favours of *David Souter*.
 Ratification in favours of Mr. *Alexander Foulis of Ratho*.
 Ratification in favours of the Bishop of *Aberdeen*.
 Ratification in favours of Sir *Robert Sinclair of Steinstoun*.
 Ratification in favours of Mr. *Robert Sinclair of Longformacus*.
 Ratification in favours of *Thomas Hamilton of Bathgate*.
 Ratification in favours of *William Prestoun of Valified*.
 Ratification in favours of Mr. *Robert Prestoun* of that ilk.
 Ratification in favours of *Michael Balfour of Pitmedden*.
 Ratification in favours of *James Campbel* and his Son.
 Ratification in favours of *John Malcolm*.
 Ratification of a mortification in *Perth*.
 Ratification in favours of *George Home of Kames*.
 Ratification in favours of the Earls of *Craufurd* and *Lauderdaile*, the Lord *Parbroth*, the Laids of *Hutton*
 and *Ardroß*, Colonel *Lefly* and *James Scot*, of their Gifts of Mines and Minerals.
 Ratification in favours of *James Dickson*.
 Ratification in favours of the Burgh of *Whitehorn*.
 Ratification in favours of Sir *John* and Mr. *Alexander Gibson*.
 Ratification in favours of the Earl of *Rother*.
 Ratification in favours of the Earl of *Dumfermeline*.
 Ratification in favours of Sir *John Home of Renton*, Lord Justice Clerk, and Protestation for Sir *Alexander Home* and *Wedderburne* against it.
 Ratification in favours of *Charles Maitland of Halcoun*.
 Ratification in favours of *William Scot of Ardroß*.
 Ratification to the Town of *Edinburgh* of their right to the Citadel.
 Ratification in favours of Captain *Lockhart*.

F I N I S.

L E T T E R,

To his PARLIAMENT of SCOTLAND, in the year 1663.

Concerning the Act of Billeting.

CHARLES R.

My Lords and Gentlemen.



S WEE have just cause to account it one of the great blessings of Almighty God, upon Our Person, and Government, that You the Members of Our Parliament of that Our Ancient Kingdom of *Scotland*, Have so unanimously joined in rescinding all pretended Parliaments, and Acts derogatory to Our Authority, and in making so many laudable Laws, whereby the Church and State are now again settled, upon their proper, and solide foundations; Peace and Order established; Laws restored to their former lustre, and vigour, Our Authority and the Royall Prerogatives of Our Crown, transmitted to Us from so many Ancestours, now fully asserted, and clearly vindicated, and the seeds of Rebellion rooted out. By all which, Truth, and Righteousness, Peace, and Plenty, are by Gods blessing, like to be the lasting fruits of your labours: So Wee have thought it fit at the beginning of this Session of Our Parliament, again to signifie unto you, Our just esteem of that eminent Pietie, Loyalty, Prudence, and Affection, to Our Person, Crown, and Dignity, which you have by these excellent publick Acts, manifested to the World. And Therefore Wee doe again return Our most hearty thanks, which Wee doe desire may be recorded to Posterity. Wee shall not enumeat the particulars, for that were to recite all the Laws of general concern enacted in the first Session of this present Parliament, and some in the last Session. Only Wee shall let you know, that Wee have observed all along in the framing of these Laws, a most obsequious compliance with whatsoever hath been represented to you by Our last Commissioner to be Our intention, or what might be acceptable to Us, and that to a degree, that could not but proceed from an unparalleled affection to Our Person, and Service, and an intire deferency to Our Judgment in every point. In so much that although some few things hath been carried on, and even past, and Our consent given to them, without Our knowledge, and very farre from Our intention, which upon deliberat consideration, Wee find to be of quite another strain, then these other excellent Laws, which Wee so deservedly applaud: Yet Wee cannot attribute your concurrence therein to any thing, but that affection and deferency Wee have mentioned, though in the contrivance, and promoting of them, some sinister and giddie courses hath been taken, whereby the Loyal intentions of well meaning Persons have been led into absurdities, which if not redressed, may prove a pernicious example of dangerous consequence, as tending to the dishonour of Our Parliament, and to the subversion of all Justice, and good Government of this nature. And indeed the thing Wee mainly insist on, was that strange Act for incapacitating *Twelve* transmitted to Us sealed, (And which Wee have so ordered that it shall never more come to light,) and the yet stranger way of voting it, even by *Billets*. A way never before practised under Monarchy, nor ever heard of under any Government, as to punishments of such a nature as this was, where the Persons concerned, were so farre from being accused, heard, or upon evidence condemned, that their names were never made known to your selves who so sentenced them. But because the consent Wee gave to the incapacitating some few, seems to have been made use of as the ground of this, with which Wee are with so much reason most unsatisfied: We shall let you know clearly how both Wee and you were abused in this particular. Before the last Session of Parliament, Wee did by Our Instructions to Our last Commissioner declare Our pleasure concerning fines to be imposed by Our Parliament, both as to the crimes for which Wee did allow fining, and as to the proportions: And this moderat way of raising fines (which Wee intended to employ only for the relief of Our good Subjects who had been great Sufferers) was the only punishment Wee gave warrant for. Wee also commanded the Act of Pardon, and Oblivion to be transmitted to Us, before Our Royall assent was given to the same, because Wee were desirous Our self to see Our grace extended as large as Wee intended it: In obedience to which command Our Commissioner dispatched to Us last Summer, A *Gentleman*, with a letter of Credit, He brought to Us two draughts of an Act of Pardon and Oblivion: The One excepted only as to fines, the other excepted also as to incapacity from publick trust. And this last he owned to be the desire of Our Parliament, (though Wee are since sufficiently informed that incapacitating was never so much as heard of in Our Parliament till his return.) He likewise prest in name of Our Parliament, Our consent to the incapacitating some few of the most guilty, not exceeding

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exceeding *Twelve*. To the last Wee consented; And meerly upon the accompt of gratifying the desire of so faithfull and so Loyall a Parliament. NOW You can best Judge whether you gave warrant for such a desire as was made in your name, whether Our consent so obtained, was represented as a command from Us, and wherlier it was made use of as the rise and ground of this pernicious way of incapacitating by *Billets*; Which as it hath no colour of warrant from Us, (being farre from Our knowledge, and yet farther from Our intentions) So Wee cannot but declare, that Wee esteem it contrary to Our Honour, Freedom, and Gravity of Parliament, to all former practises, to Common Justice, and highly derogatory to Our Authority, and Dignity, as tending to the universal dissatisfaction of all Our good Subjects: For it voting by *Billets*, and punishing in that way be allowed, no man is secure of his Honour, his Estate, his Liberty, nor his Life, Persons of greatest merit may be this way destroyed; And even Our Officers of State and those of nearest Relation to Us, may by colour of Our Authority, without Our knowledge, be torn from Us, and exposed to intamy and ruine. And because Wee are most confident, such things were, and are as farre from Your meaning and intentions, as they are from Ours, and that Wee have great reason to suspect, that Our Name hath been abused, and many well meaning Persons have been made to believe, that what was done would be acceptable to Us: *Therefore* for vindicating of Our Honour and Yours, Wee doe in the first place, earnestly recommend to you to take speedy and exact trial, of the contrivance, and carrying on of this pretended Act of incapacitating by *Billets*, and report the same to Us; That Wee may make known to you Our farther pleasure, And Wee are so confident of your Justice, that Wee are certainly perswaded, you will joine in passing a new Act for rescinding all that relates to *Billeting*, with the clauses referring to it in the Act of Pardon, and Oblivion, and in the Act of fines, expressing in the narrative, such grounds and reasons as you shall find just, and necessary, rasing all memory of it out of Our records, and discharging all voting by *Billets* for the future. There be some other Acts in which Wee doubt not you will concur with Our opinion, that they have also need to be mended: But as to these Wee referre you to Our Commissioner, who will assure you, that Wee believe your consent to these things, with which Wee are no wayes satisfied, did proceed (as Wee have said) from your intire deferency to Our Judgment, and the belief of most among you, that they would be acceptable to Us. So expecting the continuance of that Zeal, and Affection to Our service, and the good of that Our Kingdom, of which Wee have had so many, and large testimonies, Wee bid you very heartily farewell.

Given at Our Court at Whythall, the fourth day of June, 1663, and of Our Reign, the 15th year.

By his Majestie's Command,

L A U D E R D A L E.

Commission for trying of the Contrivance, and carrying on of the

ACT OF BILLETING.

Edinburgh 26. of June. 1663.

FOR AS MUCH as it hath pleased his Sacred *Majesty*. by his Letter of the *fourth* of this instant, to signify His just esteem of that eminent Piety, Loyalty, Prudence, and affection, to His Royal Person, Crown, and Dignity, which His Parliament of this Kingdom hath by many excellent Acts manifested to the World: And that His *Majesty* hath observed in the framing of these Laws, such an obsequious compliance, with whatsoever was by his Commissioner represented to have been His Royal intention, or acceptable to him: Which could not but proceed from an unparalleld affection to His Person, and Service, and intire deferency to His Judgment in every point: In so much as although some few things have been in the last Session of Parliament, carried on, and even past, and the Royall assent interponed thereto, without His knowledge, and very farre from his intention: Yet His *Majesty* declareth, he cannot attribut the concurrence of His Parliament therein to any thing, but to their affection, and deferency aforesaid, though in contrivance and promoting of them, some sinistrous, and giddie courses have been taken, whereby the Loyall affections of well meaning Persons, have been led into absurdities: Which if not redressed may prove a pernicious example, and dangerous consequence, as tending to the dishonour of the Parliament, and the subversion of all Justice, and good Government. OF THIS NATURE was that strange Act for incapacitating TWELVE, Transmitted to His *Majesty* sealed, (and which His *Majesty* hath so ordered that it shall never more come to light) and the way of voting it by *Billets*, a way never before practised under Monarchy, nor ever heard of under any Government, as to punishments in such a nature as this, where the

Persons

Persons concerned, were so far from being accused, heard, or upon evidence condemned, that their names were never made known to the Parliament who sentenced them. But because the consent His Majesty gave to the incapacitating some few, seems to have been made use of as the ground to this, with which His Majesty hath by the said Letter made known, how much both His Majesty himself, and the Parliament were abused in that particular, *To wit*, That before the last Session of Parliament, His Majesty did by His Instructions to His Commissioner, declare his pleasure concerning fines to be imposed by the Parliament, both as to the crimes for which His Majesty did allow fining, and as to the proportion; And this moderate way of fining which His Majesty intended to employ for the relief of His good Subjects, who had been great sufferers, was the only punishment He gave warrand for. His Majesty also commanded the Act of Pardon and Oblivion to be transmitted to Him, before His Royal assent was given to the same, because His Majesty was desirous to see His Grace extended as large as he intended it. And that in obedience to this command, His Commissioner dispatched A Gentleman, with a letter of Credit, who brought to His Majesty two draughts of an Act of Pardon, and Oblivion; The One excepted only as to fines, and the Other excepted also as to incapacity from publick Trust, and this last he publicly owned to be the desire of the Parliament, (though His Majesty is since sufficiently informed that incapacitating was never so much as heard of till his return) and that he likewise prest in the name of the Parliament His Majesty's consent to the incapacitating of some few of the most guilty, not exceeding *twelve*, to which His Majesty at last consented, merely upon the account of gratifying so Faithful and Loyall a Parliament. By all which the Parliament can best Judge, whether they gave warrand for such a desire, as was made in their name, whether his consent so obtained, was represented as a Command from His Majesty, and whether it was made use of as a rise and ground of this pernicious way of incapacitating by *Billets*: Which as it had no colour of warrand from His Majesty, (being far from His Royal knowledge, and yet farther from His intentions) so that His Majesty cannot but esteem it contrary to His Honour, to the Honour, Freedom, and Gravity of Parliaments, to all former Practices, to Common Justice, and highly derogatory to His Authority, and Dignity, as tending to the Univerfall dissatisfaction of all His good Subjects, for if voting and punishing by *Billets* be allowed no man is secure of his Honour, his Estate, Liberty, nor Life, Persons of greatest merit may be this way destroyed, and His Majesty's Officers of State, and those of nearest Relation to His Majesty may by colour of His Authority, without His knowledge be torn from Him. And His Majesty being most confident that such things were, and are as far from the meaning and intention of the Parliament, as from His Own; And that His Majesty hath great reason to suspect, that His Royall name hath been abused, and many well meaning persons hath been made believe, that what was done would be acceptable to His Majesty.

T H E R E F O R E, And for vindicating of his Majesties Honour, and the Honour of his Parliament, His Majesty hath earnestly recommended, that a speedy and exact tryall be taken of the contrivance, and carrying on of this pretended Act of Incapacitating by *Billets*; That the same being reported to his Majesty, he may make his farther pleasure therein known. IN ORDER WHERE UNTO, & in a due compliance with, & obedience to his Majesties pleasure exprest in the said Letter, T H E E S T A T E S in P A R L I A M E N T Gives full Power and Commission to *John* Earl of *Lauderdale*, His Majesties Secretary, *John* Earl of *Hadington*, *Sir John* *Gilmour* President of the Session, *Sir James* *Lockhart* of *Lee*, *Sir Robert* *Murray* Provost of *Edinburgh*, And *Alexander* *Wedderburn* Provost of *Dundee*, or any four of them, to meet and to take speedy and exact trial of the contrivance, and carrying on of that pretended Act of Incapacitating by *Billets*: Also to try whether the Parliament gave Warrant to desire his Majesties consent to the incapacitating of some not exceeding *twelve*: Whether his Majesties consent so obtained, was represented as a Command from his Majesty; And whether it was made use of as the rise and ground of this way of Incapacitating by *Billets*; And if his Majesties name hath been abused by any, to make others believe that such a procedure would be acceptable to his Majesty. And generally with power to them to take trial of the matter of fact, in the affairs above exprest. And for that effect, that they call before them, and examine upon Oath, all such Persons, as they shall think fit, for giving information to them therein, and that their Depositions be written and subscribed by the Deponents: With power to them also to call for all such Acts, Letters, Instructions, or other Papers, which may give clearness in this matter, and if any Person who shall be called before them, shall refuse, or delay to depon, or to exhibit, and give in such Acts, Letters, Instructions, or other Papers which are in their power, relating to this business, and shall be called for from them; That then the Commissioners aforesaid, make report thereof to his Majesty's Commissioner, the Parliament, or Lords of the Articles, that such farther course may be taken therein as effects. And that the saids Commissioners be ready from time to time to make an account of their proceeding to his Majesty's Commissioner, and Lords of the Articles, That being from them transmitted to the Parliament, a speedy report thereof may be made to his Majesty, conform to the prescript of his Royal Letter aforesaid.

THE PARLIAMENTS ANSWER.

To His Majesty's Gracious LETTER, of the 4th of June, 1663.

Most Sacred Sovereign,



WE DESIRE Wee have had to return to your Majesty a satisfactory account, of what by your most Gracious Letter, of the *fourth* of June, was entrusted to Us for trying of the contrivance, and carrying on of that design of *Billeting*, (with which Your Majesty with so much reason declared Your self most unsatisfied) Hath occasioned that Wee have not sooner made these humble, and thankfull acknowledgments, which the gracious expressions in the former part of Your Letter call for; Being desirous that the account of Our dutifull, and hearty obedience, to these Your Majesties just commands, might accompany Our due acknowledgments of your Majestie's grace and goodness, and that Our return might not divide what your Majesty by your Royall Letter Joined.

Wee doe with all humble duty, and thankfulness acknowledge the great blessings which this Your Ancient Kingdom doth now enjoy, under your Royall Authoritie. The Church being restored to its right Government; The Kingdom to its former peace; The Laws to their free course; And the Subjects to their just Liberties; And all these flowing to Us, as the happy fruits and effects of your Majestie's blessed restitution. Wee conceive our selves obliged in a due resentment thereof, and of the often, and renewed expressions of your Majestie's Royall care and tenderness of this Kingdom, To return the humble offer of our Lives, and Fortunes, and all that is dearest to Us, for the advancement of your Majestie's Honour, Authority, and Greatness: And that it shall be Our care, that the expressions of Our obedience to your Majestie's commands, shall be futable to these unparalleld Acts of grace, and favour your Majesty hath vouchsafed upon Us.

By your Majestie's Letter, it appears that by a *Gentleman* employed last year, with a letter of Credit from the Earle of *Middletoun*, it was represented to your Majesty, that it was the desire of Your Parliament here, That the Act of Indemnity should carry an exception of incapacitating from Publick trust; And that he earnestly prest in name of Your Parliament your Majestie's consent to the incapacitating some few of the most Guilty, not exceeding *twelve*, And your Majesty desiring to know the truth thereof from Us. IN OBEDIENCE to your Majestie's commands, this being taken into the consideration of Your Parliament, and every member of Parliament particularly asked thereupon: *Wee Find* by the unanimous opinions, and votes of the House, That the Parliament gave no warrant to desire of your Majesty, that the Act of Indemnity should carry an exception of incapacitating from Publick Trust, And that the Parliament gave no warrant at all to desire in their names your Majestie's consent to the incapacitating a few: Yet Wee have seen the enclosed double of an instruction given by the Earle of *Middletoun* in the contrary to Sir *George McKenzie* signed, and owned by him, in presence of your Parliament, to be a just double, bearing that it was much desired by Your Parliament, that some should be excepted from Publick Trust.

Wee also find no other ground in the Act of Parliament concerning *Billeting*, neither doe Wee remember of any other ground made use of before the Articles, or in the Parliament, for incapacitating; But that it was your Majestie's pleasure to have it so; And that this was the rise of bringing in the Act of *Billeting*, as the most expedient way of voting the Act for incapacity.

And in obedience to your Majestie's commands, for the farther trial of the manner of contrivance, and carrying on of this design of *Billeting*; And your Majesties suspicion that your Name was abused therein; Some Commissioners authorized by your Majesties Parliament, having taken the Depositions of diverse Members of Parliament, and two Knights thereupon; And having delivered the principal depositions to your Majesties Commissioner, to be by his Grace, communicated to your Majesty; Have offered to Us this particular account thereof under their hand-writings, which Wee (without presuming at all to give any Judgment thereupon) offer hereby to your Majesties Royall consideration. And when your Majesty shall be pleased to make Your farther pleasure therein known to Us, Wee shall give such obedience thereto, And to the other particulars in your Royall Letter, as shall witness to the World, that your Majesties Royall Judgment is the rule of Our actions; And that your Majesties commands shall always receive that obedience from Us, which futes with the Duty of good Subjects, and the relation wee now serve your Majesty in; As your Majesties most Loyal and Faithful Parliament. In whose Name, and by whose Command, these are signed by

*Your Majesty's most Humble, most Dutifull, most
Obedient, Subject, and Servant.*

GLENC AIRNE Cancellarius. J. P. D. Par.

ACT

ACT Rescinding two ACTS

Past in the last SESSION of

PARLIAMENT:

The one for excepting of persons from publick Trust; and the other for voting the same by Billets.

Edinburgh, the ninth of September, 1663.



OUR SOVERAIGN LORD, out of his innate goodness and love to this His ancient Kingdom, being desirous, that now, after so long troubles, a perfect peace be sealed within the same, and that all His good Subjects might enjoy the happiness and blessings of His Government in a full and free Act of Indemnity, Pardon and Oblivion; Did, by His Instructions to the Earl of Middleton, His last Commissioner, before the second Session of this Parliament, Declare His Royal Pleasure concerning Fines to be imposed, both as to the crimes, for which fining was allowed, and as to the proportions; and this moderate way of fining (which His Majesty intended to impley for the reliefe of His good Subjects who had been sufferers) being the only punishment His Majesty gave warrant for; And His Majesty being careful to see His Royal Grace and Favour to His people extended as large as he intended it: He commanded the Act of pardon and Indemnity to be transmitted to His own consideration, before His Royal consent were given to the same. In obedience whereunto, the Earl of Middleton, in summer, one thousand, six hundred, and sixty-two, dispatched Sir George McKenzie of Tarbet to His Majesty, with a Letter of credit: He carried two draughts of an Act of Indemnity, the one excepted only as to fines, the other excepted also as to incapacity from publick Trust; the last he publicly owned to be the desire of the Parliament, and earnestly prest, in name of the Parliament, the incapacitating of some few of the most guilty, not exceeding twelve; to which His Majesty at last consented, meely to gratifie that which was represented to be the desire of so faithfull and loyal a Parliament: And having desired to know the truth hereof from His Parliament, they, by their unanimous opinions and votes, upon the twenty two of July last, Declared, that they gave no warrant to desire of His Majesty, that the Act of Indemnity should carry an exception of incapacitating from publick Trust, nor any warrant at all to desire in their names, His Majesties consent to the incapacitating a few; and that notwithstanding thereof, they had seen the double of an Instruction given in the contrary by the Earl of Middleton to Sir George McKenzie, signed, and in presence of the Parliament, owned by him to be a just double; bearing, that it was much desired by the Parliament, that some should be excepted from publick Trust: And it was also declared by the Parliament, that there was no other ground for incapacitating, but that it was His Majesties pleasure to have it so, and that this was the rise of bringing in the Act of billeting, as the most expedient way of voting the Act of Incapacitating: by which it appears, both His Majesty and His Parliament were abused, as to that exception from publick Trust. And Our Sovereign Lord considering, that this way of Billeting had no colour of warrant from His Majesty, and that His Royal consent was given to it without His knowledge, and very far from His intention; and that in the contrivance and carrying on of the same, sinistrous courses were taken, and designs laid, for incapacitating the Earls of Craford and Lauderdale, and Sir Robert Murray; persons who for their eminent loyalty to, and great and long sufferings for His Majesty, are deservedly in His high esteem, and who, for the time, had the special approbation of this present Parliament for these great employments they had from His Majesty, as His Officers of State and otherways; and that Therefore He hath, with much reason, declared Himself most unsatisfied therewith: Yet, He doth not attribute the concurrence of His Parliament in Billeting to any thing, but to their unparallel'd affection to His person and Service, and their obsequious compliance to every thing was represented to them to be His Majesties intention, or which might be acceptable to His Majesty. And considering the way of Billeting to be most pernicious in it self, and of a most dangerous consequence, as tending to the dishonour of His Majesty and his Parliament, and to the subversion of all Justice and Government; it being a way never before that time practised in this Kingdom, or in any other place, under Monarchical Government; being so derogatory to his Majesties Authority and Royal Dignity, and so contrary to the

the honour, freedom and gravity of Parliaments, to all former practices, and to the rules of common Justice; every man, even these of the greatest merit, being thereby rendered unsecure of their honour, estates, liberties and lives; his Majesties Officers of State and those of nearest relation to him, being exposed to infamy and ruine, to be, by colour of his Authority without His knowledge, torn from Him; and his Royal Prerogative, in the choice of his Chancellors and servants, asserted in this present Parliament, violated and made contemptible, and all his Majesties good Subjects made lyable to censures, without being accused, heard, or legally condemned. In regard of all which, Our Sovereign Lord, with consent, and by special advice of his Estates in Parliament, Doth hereby Rescind and Annul two Acts past in the last Session of this Parliament on the ninth of September, one thousand, six hundred, and sixty two; the one Entituled, *Act appointing the manner of voting by Billets*, and the other Entituled, *Act concerning persons to be excepted from publick Trust, together with the Clauses relating thereto in the Act of Indemnity and in the Act of Fines*; and Declares the saids two Acts, with the Clauses aforesaid relating thereto, to have been from the beginning, to be now, and in all time coming, void and null; and Ordains the same to be expunged and razed out of the Records. Likewise accordingly, the saids principal Acts being called for and presented in Parliament, were publickly torn and destroyed; and the Act of Indemnity and Act for Fines, with the Records of the minutes of Parliament being also called for, the Clauses contained therein, relating to the excepting of persons from publick Trust, and the voting of it by Billers, were expunged out of the same: And the Clerk-Register is hereby Ordained to take care, that from henceforth the Act of Indemnity and Act for Fines be extracted and recorded according to these amendments, and that any extracts already given out, be void and null, as to the Clauses thus amended. Likeas Our Sovereign Lord, to evidence His just dislike of so pernicious a course, Doth with advice and consent foresaid, Discharge all voting by Billers for the future.

And forasmuch, as the Parliament, in obedience to His Majesties Commands, did transmit to His Majesty, the originall Depositions of those who were examined, concerning this whole business, to the end he might declare his further pleasure; his Majesty Declares, that having taken all that relates to the business of Billeting into serious consideration, He will, in convenient time, make known His pleasure therein.

F I N I S

THE
L A W S A N D A C T S
Of the S E C O N D
P A R L I A M E N T,
Of Our Most High and Dread Sovereign,
C H A R L E S
T H E S E C O N D.

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.

Begun at Edinburgh. the 19. of October, 1669.

*By a Noble Lord, John Earl of Lauderdale, Viscount Maitland, Lord Thirlestane and
Bolton, &c. His MAJESTIES Commissioner for holding the same, by
vertue of a Commission under His MAJESTIES Great
Seal of this Kingdom:*

With the special Advice and Consent of the Estates of Parliament.

Extracted from the Records of PARLIAMENT, be Sir Archibald Primrose
of Chester, Knight and Baronet, Clerk to His MAJESTIES Council, Re-
gisters and Rolls.

I.

*A C T asserting His Majesties Supremacy over all Persons and in all Causes
Ecclesiastical.*

November 16. 1669.



THE Estates of Parliament having seriously considered, how necessary it is, for the good and Peace of the Church and State, That His Majesties Power and Authority, in relation to Matters and Persons Ecclesiastical, be more clearly asserted by an Act of Parliament; Have therefore thought fit it be enacted, Assented and Declared, Likeas, His Majesty, with advice and Consent of His Estates of Parliament, doth hereby Enact, Assent and Declare, That His Majesty hath the Supreme Authority and Supremacy over all Persons and in all Causes Ecclesiastical within this His Kingdom; and that by vertue thereof, the Ordering and Disposal of the External Government and Policy of the Church doth properly belong to His Majesty and His Successors, as an inherent Right to the Crown: And that His Majesty and His Successors may Settle, Enact and Emit such Constitutions, Acts and Orders, concerning the Administration of the External Government of the Church, and the Persons employed in the same, and concerning all Ecclesiastical Meetings, and Matters to be proposed and determined therein, as they in their Royal Wisdom shall think fit. Which Acts, Orders

Orders and Constitutions, being recorded in the Books of Council and duly published, are to be observed and obeyed by all his Majesties Subjects, any Law, Act or Custom to the contrary notwithstanding. Likeas, his Majesty, with Advice and Consent foresaid, doth Rescind and Annul all Laws, Acts and Clauses thereof, and all Customs and Constitutions Civil or Ecclesiastick, which are contrary to, or inconsistent with his Majesties Supremacy as it is hereby asserted, And declares the same void and null in all time coming.

I I.

ACT concerning the Militia.

November 16. 1669.

FORasmuch as by divers ancient Laws and Acts of Parliament, made in the Reigns of His Majesties Royal Ancestors, it is Statute and Ordained, That Weapon-showings be holden in ilk Shire several times in the year, at which the Lieges are appointed to be harnished and armed, according to their qualities and degrees; as at length is specified in these Acts. And it being declared by the fifth Act of the first Session of His Majesties late Parliament, That it is His Majesties Prerogative-Royal and undoubted Right, to have the power of raising in Armes the Subjects of this Kingdom, and of the commanding, ordering and disbanding, or otherwayes disposing thereof as He shall think fit. As also, the Estates of Parliament of this Kingdom, in recognizance of His Majesties Royal Prerogative foresaid, and in a further acknowledgment of their duty, Having, by the twenty fifth Act of the last Session of the foresaid Parliament, made offer to His Majesty of twenty thousand Footmen, and two thousand Horsemen, sufficiently armed and furnished with forty dayes provision, to be raised from the severall Shires of the Kingdom, according to the proportions exprest in that Act, to be in readines as they shall be called for by His Majesty, to march to any part of His Dominions of *Scotland, England or Ireland*, for any service wherein His Majesties Honour, Authority or Greatness may be concerned. And His Majesty, finding it expedient that the foresaid number of Foot and Horse should be modelled and trained in military discipline, to the effect they might be in greater readines and fitness for His Majesties Service when they should be called for, Having, by advice of His Privy Council, constituted and settled a Militia of horse and Foot in many Shires of the Kingdom, according to the proportions mentioned in the foresaid Act; And in some other Shires a Militia of horse only; having thought fit in this exigent, for important reasons, to change their Foot into a proportion of horse, suteable to the charge of their proportion of Foot: And having nominated and appointed the Collonels and Lieutenant-Collonels of Foot, and Captains of horse; And the Lords of Privy Council having, by his Majesties Order and warrant, appointed Commissioners of the Militia in the severall Shires, ordered the election of the inferiour Officers, appointed particular dayes of Rendezvous, the way of listing of Foot-souldiers, ordered fit allowances to be given to the Foot and horsemen every day of the Rendezvous; That Collours, Standarts, Drums and Trumpets be provided at the charge of the Shire; And having given severall other Orders and Instructions concerning the ordering and disposing of the Militia, The Estates of Parliament do in all duty acknowledge his Majesties singular Wisdom, and tender Care of this his ancient Kingdom, in constituting and settling the foresaid Militia. Likeas, his Majesty, with advice and consent of his Estates of Parliament, doth Ratifie and Approve the constitution and model of the Militia, as the same is established by his Majesty, with advice of his Privy Council: And particularly, their appointing dayes for Rendezvous, ordering fit allowances to be given to the Foot, and horsemen the saids dayes of their Rendezvous; And all Acts, Commiissions, Orders and Instructions past and emitted by the Council concerning the Militia, and their whole proceedings relating thereto. And Statutes and Ordaines, that in all time coming there be allowed to each Footman six shillings *Scots*, and to each horseman eighteen shillings *Scots*, every day of the Rendezvous, to be payed be the heretors; And that the said six shillings to be payed to the Footmen, be reconfounded to the heretors by the men-tennants and servants for whom the Footmen are put out, and who are not listed in the Militia. And also Statutes and Ordaines, that the Rendezvous be punctually kepted, that horse and Foot be duely outreiked and sufficiently armed, that Fractions with their propotions of the price of the Collours, Drums, Standarts, and Trumpets be timeously payed. Likeas, His Majesty, with advice foresaid, doth give power and warrant to the Commissioners of the Militia in the respective Shires, to fine parties for the Souldiers absence from the Rendezvous, not exceeding six pounds *Scots* for the horseman, and two pounds *Scots* for the Footman absent ilke day of the Rendezvous; And likewise, such as shall be deficient in the outreik of horse or Foot, or in payment of the fractions thereof, or of the proportions of Collours, Drums, Standarts and Trumpets, or of the pay allowed by this present Act to the horsemen or Footmen, the men-tennants and servants for whom the Footmen are put out, being alwayes lyable to relieve the respective heretors of the payment of the fines aforesaid, in so far as concerns the deficiency in outreik of Foot, or payment of the fractions thereof, or absents of the Footmen from the dayes of Rendezvous. And to the effect, more ready obedience may be given to this present Act and Ordinance, his Majesty, with advice foresaid (without derogation

derogation from any power already given by the Instructions or Acts of council) doth authorize and empower the Commissioners of the Militia in the respective Shires, or any three of them (two of the *quorum* not being Officers) after tryal taken that parties have been absent from the Rendezvous, or deficient in the outtricks and payments foresaid; to give order and warrant to any one of the Serjants of Foot of the respective Companies, or Corporals of Horse to be named by the saids Commissioners, to poind and destreinzie the readiest Goods and Geer of these absent or deficient, wherever the same may be found, apprise and make sale thereof toward the payment of the sums specified in the said Warrant, and of the charges and expenses of the poinding and apprising; these charges alwayes not exceeding als much more as the sums for which the poinding shall be used. Likewise, His Majesty, with advice foresaid, constitutes the said person, to whom the foresaid Order shall be directed, Sheriff in that part; with power to him, by virtue of that Order, to poind the Goods without necessity of carrying the same to the Paroch-church or Mercat-crofs of the head Burgh of the Shire to be apprifed; and to do and act in the execution of the said Order, sicklike as a Messenger at Armes may do by the Law, in execution of Letters of poinding and apprising given under his Majesties Signet: providing alwayes, that the goods poinded be valued and apprifed by two honest sworn men, whose oaths the said Sheriff in that part is authorized to take to that effect; And declares, that it shall be leifome to the party from whom the Goods shall be poinded, to redeem the same within six dayes after the poinding, by payment of the sums, for which the poinding shall be used, expenses of the poinding foresaid, and twelve shillings *Scots* each day during the not redemption. And in case the party do not redeem the goods poinded within the space foresaid, Declares that it shall be lawful to the said Sheriff in that part, to retain the goods or sel the same, with deduction of the thrid of the sume to which they were apprifed, He allwayes being countable for the price thereof to the Commissioners of the Militia, who are to see the party, from whom the Goods were poinded, satisfied of the *superplus* of the price (if any be) of the Goods for which the poinding was used, expenses foresaid of the poinding, third part of the value to which the Goods were apprifed, with twelve shillings *Scots* ilk day during the space that the party had power to redeem, being alwayes deduced; and declares the said Warrant, being signed by three of the saids Commissioners (one of them only being ane Officer) to have the force and strenght of an Decreet; and that there is no necessity of any Precept or Charge to follow thereon: And that the poinding and apprifing so used, by vertue of the said Warrant, is and shall be als lawful and valid, as if all the solemnities requisite in and usal poindings were observed; whereanent His Majesty, with advice foresaid, doth dispense in this case of the Militia. And it is declared, that these who are not sufficiently armed or mounred at the Rendezvous shall be holden as absent therefrom, and shall be fined and poinded accordingly in manner foresaid. And for preventing debates that may arise the time of mustering, It is Declared, that Lieutenants and Cornets of Horse shall be reckoned of the number of Horse-men, appointed to be put out in the respective Shires; But prejudice alwayes to any of the saids Officers, to claim and sure payment of Fractions, if they be Leadsers of Horse. As also, His Majesty, with advice foresaid, doth authorize and empower the Lords of his Privy Council from time to time, to appoint dayes of Rendezvous, and to give such further orders as shall be requisite for the full establishment of the Militia in every particular thereof; and to call for an account from the several Shires of their procedure and diligence in settling the same. And commands and requires all his Majesties Subjects of whatsoever degree or quality, to give due and ready obedience to all such orders and directions as they shall receive from His Majesties Privy Council, relating to the Militia, under the pains and certifications contained in any Acts made, or to be made by them thereanent.

III.

A C T for registration of Instruments of Resignation ad remanentiam.

November 16. 1669.

OUR SOVERAIGN LORD, with the advice of the Estates of Parliament, Staturs, & Otdains, That all Instruments of Resignation that shall be made in the Superiour hands, *ad remanentiam*, (fourty dayes after the publication hereof) be registrate within threecore dayes after the date thereof, in the same manner and way, and at the same rates as Renounciations, Seifings or Reversions: To the effect, the Lieges may the better know, that the Infesment which was granted to the Resigners is thereby void and extinct, and that they may be put in *mala fide* to contract with the Resigner theteanent, or to comprise the same from him, otherwayes the said Resignation to be null. It is alwayes hereby Declared, That the Instruments of Resignation of Tenements, Lands and Fishings holden in free Burgage, being registrate in the Town Court Books of the Burgh, shall not fall within the certification of this present Act.

I V.

ACT concerning pointing before the dayes of the Charge expire.

November 16. 1669.

OUR SOVERAIGN LORD, with advice and consent of the Estates of Parliament, Statutes and Ordains, that hereafter it shall not be lawful to point moveables upon registrate Bonds, or Decrees for personal Debts, while the Parties be first charged, and the dayes of the Charge be expired: With certification, that pointing otherways used shall be null, and the pointers shall be punished and proceeded against as spouillers; But prejudice alwayes of any Decrees recovered at the instance of Heretors against their Tennents in their own Courts; whereupon it shall be lawful to them to use pointing as formerly; And but prejudice to Superiours to use pointing against their Vassals for their Few-duties, as they might lawfully have done of before.

V.

ACT for the security of the Persons of Ministers.

November 30. 1669.

FOrasmuch as the Kings Majesty, considering how just and necessary it was, that the Orthodox Clergy should be protected from the violence of disaffected and disloyal persons; Did therefore, with advice of His Privy Council, by His Royal Proclamations of the fiftenth of March and thirteenth of June, one thousand, six hundred, and sixty eleven, command and charge all Heretors, Life-renters and others, having any real Interest or Rent within the severall Paroches of the Kingdom, to protect, defend and secure the Persons, Families and Goods of their Ministers, not only in the exercise of their Ministerial Function, but in their dwelling Houses, or being elsewhere within the Paroch, from all injuries, affronts and prejudices which they might incur in their Persons or Goods; from the violence and invasion of any disaffected, disloyal or other wicked person: With certification, if the actors of such outrages should not be apprehended and brought to tryal, by the means and diligence of the Parochiniers, the Parochioners should be decreed to pay to suffering Ministers for reparation, damage and interest, such a sum and fine as His Majesties Council should determine; as is more fully exprest in the saids proclamations. And the Estates of Parliament, having taken to their consideration the proceedings of His Majesties Council herein; and finding that the protection of the Orthodox Clergy, and the restraining of the insolency of disaffected, disloyal and wicked persons at this time, did require more nor ordinary means and care from His Majesties Council; Have therefore thought fit, Likeas, His Majesty, with advice and consent of His Estates, doth hereby Ratifie and Approve the two Proclamations aforesaid, and the proceedings of His Majesties Council in prosecution thereof; and authorizeth them still to prosecute the same as occasion shall offer, until His Majesty in his next Parliament give farther Orders therein. And it is Declared, That this Act is and shall be but prejudice of any former Laws and Acts of Parliament made against the invaders of Ministers, and of the pains therein contained; And particularly the twenty seventh Act of the eleventh Parliament of King James the sixth, and seventh Act of King Charles the first His Parliament in Anno, 1633. Which Acts, His Majesty, with advice foresaid, doth hereby Ratifie and Approve, and Declares the same to stand in full force, strength and effect intime coming.

V I.

A C T for the ordering of Suspensions of the Benefices and Stipends of the Clergy.

November 30. 1669.

THe Kings Majesty being careful that the maintainance of the Clergy be duely secured unto them, and that they be not withdrawn by unnecessary Law-sutes, for recovery thereof: Doth therefore, with advice and consent of His Estates of Parliament, Statute and Ordain, that no suspension shall be past in time coming against any Arch-bishop, Bishop, Minister of the Gospel or Universities and Colledges, of any Charges to be given at their instances for payment of the Rents of their Benefices, Stipends or Colledge-rents, where they have special Decrees against the Heretors or possessors due and lyable in payment thereof to them, except upon production of Discharges, or consignment of the sums charged for, if the Rent of the Benefice or Stipend consist in money; or of one hundred merks Scots for ilk Chalder of Victual where the same consists in Victual, and proportionally if the Victual charged for be less then a Chalder, without prejudice to the Lords of Session to modify a greater or less sum for the Chalder of Victual, as they shall find cause at the discussing of the Suspension. And if any Bill of Suspension of a general Charge shall be presented in time of Session, That the ordinary Lord upon the Bills, before the passing thereof, call for the Chargers at the

at the Bar, that they may instruct the ground of the Charge: And in case it shall be found by the Lords of the Session, at the discussing of the suspension, that either the Charge hath been maliciously given or maliciously suspended, That the Lords modify a fifth part of the sum charged for, of expenses of Plea to be payed by the malicious Charger or Suspender.

VII.

ACT for Naturalization of Strangers.

December 8. 1669.

OUR SOVERAIGN LORD, out of his Innate Bounty and Royal Inclination to favour and protect Strangers, and for the encrease and promoting of Trade and Manufactories, being graciously pleased and willing to give encouragement to Strangers to repair to, and dwell and reside within this Kingdom; Hath therefore thought fit, Likeas, his Majesty, with advice and consent of his Estates of Parliament, doth hereby Statute, Ordain and Declare, That all strangers, being of the Protestant Religion, either such who having Estates shall think fit to bring the same to this Kingdom, to dwell and inhabit within the same; or who shall come to set up new Works and Manufactories therein, and shall repair to, and settle their abode, dwelling and residence within this Kingdom; shall be, and are hereby Naturalized as native born Subjects of the Kingdom of Scotland, and are to enjoy his Majesties Royal Protection, the benefit of the Law, and all other Priviledges which a Native doth enjoy, als freely in all respects, as if they themselves had been born within the same; and that they shall have liberty and freedom of Trade, and freedom to buy and purchase Lands, Heretages, and other Goods moveable and immoveable, and to enjoy the same by succession, purchase or donation, or any other way; and to dispose thereof and transmit them to their Heirs and Successors, who are to succeed thereunto: And to enjoy all other Liberties, Priviledges and Capacities which do belong to, and are competent, or may and shall belong to any native Subject born within this Kingdom. And further his Majesty doth Declare, that upon applications to be made unto him by these Strangers, He will grant unto them the free and publick exercise of their Religion in their own Languages, and the liberty of having Churches within this his Kingdom. It is alwayes hereby provided, that no person or persons shall have the benefit of this Act, untill first by Petition to the Lords of his Majesties Privy Council, containing an exact designation of their names, places of their birth and former residence, and that they are of the Protestant Religion, it be found by the Council, that they are qualified according to this Act, and ought to have the benefit thereof. And it is hereby Declared, that these presents, with an Extract of the Act of Council, in favours of the said persons to the effect aforesaid, shall be unto them a sufficient Naturalization to all intents and purposes. Which Extract shall be given to them freely, without payment of any money or composition; save only the Fee of nine pounds *Scots* money to the Clerks of Council and their Servants.

VIII.

ACT concerning the Bullion.

December 8. 1669.

OUR SOVERAIGN LORD considering, that by divers former Acts of Parliament made by the Kings Majesty and His Royal Ancestors, and specially by the thirty seventh Act of the first Session of his Majesties first Parliament, it is Statute and Ordained, that all and whatsoever Commodities yearly exported forth of this Kingdom, should be lyable to the payment of Bullion, twelve denier fine, according to the quantities contained in the Alphabet of Bullion thereto adjoynd, and that for the yearly support of a stock of Coinage within the Kingdom, and for supplying of his Majesties Mint, being a part of His Prerogative Royal. And his Majesty and Estates of Parliament, being still willing to support and encourage the same, and to provide for all necessary wayes and remedies for increasing the stock of Coinage within the Kingdom, and especially those that may be of most advantage, and may most encourage the Manufactories and the natural growth and native Commodities of the Kingdom; And finding, that the removing of the Bullion from the whole native Commodities and others exported forth of this Kingdom, and that the imposing of the said Bullion upon the Commodities imported, or some considerable part thereof may very much contribute thereto; And being resolved, that His Majesties Mint should be hereby encouraged, and that no hurt or derogation should thereto occur by this change. Therefore his Majesty, with advice and consent of his Estates of Parliament, Declares, That all and whatsoever native Commodities of this Kingdom, and others that shall be exported forth thereof, contained in the aforesaid Alphabet of Bullion, after the second day of *February* next to come, one thousand, six hundred, & seventy years, shall be free, and are hereby discharged of the payment of all quantities of Bullion therein contained: & the Customers and their deputies are hereby prohibited & discharged to

ed to take surety or pledges, or to use any other exaction upon the Merchants therefore, under all highest pain. And his Majesty, with advice foresaid, Rescinds and Annuls any Clauses contained in the foresaid thirty seventh Act of the first Session of his Majesties first Parliament, or in any other Acts of Parliament, in so far allannerly as the same imposes Bullion upon the native Commodities of this Kingdom, and others to be exported forth thereof, and no further: And in lieu and place thereof, Statutes and Ordains; That the imported Goods and Commodities under-written be lyable in payment of the several quantities of Bullion aftermentioned, *viz.* Spanish, Rhenish and Brandy-wines of all sorts, each Tun twenty four ounces twelve denier fine; French-wines of all sortes, every Tun twelve ounces; Loaf-suggar the hundred weight, six ounces; Playing-cards, one ounce the grofs; Paper for Printing and Writing, of all sorts, one ounce every six rimms; Gray-paper, every twelve rimms one ounce; Deals, every thousand five ounces; Single trees, every thousand five ounces; Double-trees, every thousand ten ounces; Double-double-trees, and all other greater Fir-timber, every thousand twenty ounces; Steel, every hundred weight one ounce; Iron and Iron-work beaten of all sorts, every Tun two ounces; Onions and Apples, every two Barrels one ounce; Mum-beer, every Barrel four ounces; Prunes, every Tun four ounces; Raisins, Currants and Figs, every Tun ten ounces; Iron-pots of all sorts, every dozen one ounce; Sop, every Barrel two ounces; Suggar-candy, every hundred weight ten ounces; Copper-kettles, Bras-pans, and all other made work in Bras or Copper, Yetline or beaten, every hundred weight four ounces; Mader, every thousand weight five ounces; Hats of all sorts, every three dozen two ounces; Window-glass of all sorts, every Chest one ounce; Limons and Oranges, each thousand one ounce; Hopes of all sorts, every hundred weight one ounce; Spanish-leather, Marikin, Tanned-leather, Wild-leather, and all other sorts of Leather, except *Muscovia*-leather, every hundred weight one ounce; Gloves of all sorts, each dozen one ounce; Whale-bone or Baline, ilk two hundred weight one ounce. And Statutes and Ordains, That the Merchant or other importers of the abovementioned Commodities or any of them, make ready payment of the foresaid quantities of Bullion hereby imposed, to the Officers of His Majesties Mint for the time, being of the fineness of twelve Deniers, and being safer to be considered by weight and reckoning, and that immediately upon the entry of the said Goods; And in case the said importer shall fail to pay in the said Bullion at his entry, he shall be holden and aftricted, to make payment of the sum of twelve Shillings *Scots* for ilk ounce thereof to the Collectors, at the Port or Precinct where he enters the said Goods; And which money so payed by him at his entry, shall be redeemable from the said Collectors, upon the payment of the foresaid quantities of Bullion in to the Officers of his Majesties Mint: Provided alwayes, such payment of Bullion be made within forty dayes, after the date of the entry of the Goods, and not thereafter. And it is hereby Declared, that it shall not be lawfull to the said Tackf-men, Collectors or their Deputies, to permit the said importers to break Bulk, or to give them Transire's or other warrant thereanent, till first the said Importers report or produce the Mint-masters receipt of the due quantity of Bullion payed *in specie*, or else, that the Tackf-men, Collectors or their Deputies, receive payment or twelve Shillings *Scots* for ilk ounce of Bullion not delivered in to the Mint; And for ilk ounce of Bullion of twelve Denier fine, so payed in to the Mint *in specie* by the Importer, he is to have delivered back to him in his Majesties Coin three pounds, ten pennies *Scots*, and for ilk ounce of eleven Deniers fine, he is to have delivered back to him fifty five shillings, nine pennies *Scots*, and so proportionably conform to the fineness of the Bullion given in, and that in satisfaction of all Dues whatsoever that can be acclaimed by the Officers of the Mint, for his Majesty or otherwise. And whereas, by the former Acts of Parliament made ancient Bullion, the general Tackf-men and collectors of the customs and their Deputies, were bound and obliged to take sickle Surety or Pledges, such as they would be answerable for, for the Bullion to be brought in, and which then lay upon export, and that what rested not delivered to the Mint, the said Tackf-men, collectors and their Deputies, were to be answerable therefore; And that by the constant practice of his Majesties Exchequer, the said Tackf-men and collectors by their Tacks and commissions given to them, and Obligations granted by them, are bound to make count, reckoning and payment of the whole Bullion then arising upon the export of this Kingdom. And left his Majesty or his said Mint should sustain any hurt or prejudice, or be at any uncertainty by loosing of these bonds, or by this change; Therefore it is hereby Statute and Ordained, that all general Tackf-men of his Majesties customs of this Kingdom, general collectors of the same and their Deputies present and to come, shall be, and are hereby bound and obliged, *virtute Officii*, and by the acceptation of their Tacke or Office, to make count, reckoning and payment to the Officers of his Majesties Mint, of all and whatsoever quantities of Bullion that shall yearly arise upon the imported commodities aforementioned, and which shall be delivered by the Merchant *in specie*; and also to make payment of all such sums of money, as shall be payed by the Merchant to them, in place of Bullion, at the foresaid rate of twelve shillings *per ounce*, to the General and Master of the Mint for the time being, and that quarterly; beginning the first quarters payment at the terme of *Whitsunday* next, one thousand, six hundred and seventy, and so forth yearly and quarterly thereafter. And whereas the said Tackf-men, collectors or their Deputies, were formerly holden and aftricted to give in exact accounts of the whole commodities exported yearly forth of this Kingdom upon Oath, whereby the full charge of the Bullion was yearly known; And to the effect, that the full charge of the Bullion now imposed upon the foresaid commodities imported, may be als fully known: It is hereby Statute and Ordained, That the said Tackf-men, collectors or their Deputies

at all the Ports or Precincts within this Kingdom, shall give in yearly in Exchequer the exact account of the several quantities of the Commodities, whereupon Bullion is hereby imposed, and that upon Oath, at the feast and term of *Martinas* yearly: As also to exhibit and produce the subscribed Entries by the Merchants of the forefaids Goods imported; And for that effect, that Letters of Horning be directed against the said general Collectors, Tackf-men and their Deputies, by the Lords of His Majesties Exchequer, upon a charge of six dayes: And it is hereby Declared, That the saids Tackf-men, Collectors or their Deputies shall be holden and astricted to deliver to the importer, Certificates of the forefaid Bullion *in specie*, or of the Money payed therefore at the rate forefaid, *gratis*. And whereas; by the meaning of this Act, it is left in the option of the importer, either to pay Bullion *in specie* or to pay Money for the same, at the rate of twelve Shillings *per ounce*, and that the Money so payed is to be delivered to the General and Master of the Mint, by the saids Tackf-men, Collectors and their Deputies, and thereby the said General and Master are obliged to import the stock of the Bullion themselves: Therefore it is hereby Statute and Ordained, that the saids Officers shall be obliged to Coin the said Bullion so imported by them, and to make the same pass His Majesties Irons, and that the saids Officers be controled by their Leiters of receipt of the saids sums of money granted by them, to the saids Tackf-men, Collectors and their Deputies. And it is hereby Declared, That the forefaids whole Commodities imported after the forefaid day, shall be lyable to the several proportions of Bullion above specified, notwithstanding of any Act or Acts of Parliament formerly made, or to be made in this present Parliament, in favours of any Manufactories, Companies of Fishing, or Trade, or other Acts whatsoever, which are hereby Declared not to impede the payment of Bullion imposed upon the imported Goods forefaids, in manner abovementioned.

I X.

ACT concerning Prescriptions.

December 8. 1669.

OUR Sovereign Lord, with advice & consent of the Estates of Parliament, Statutes and Ordains, That all Arrestments to be used hereafter upon Decrees, registrate Bonds, Dispositions or Contracts, not pursued and insisted on within five years after the laying on thereof, shall after that time prescribe; And that all Arrestments already used upon the ground aforesaid, shall prescribe within five years after the date hereof. And that all Arrestments, used or to be used upon dependance of Actions, shall likewise prescribe within five years after Sentence is obtained in the saids Actions, if the saids Arrestments be not pursued or insisted on within that time. And likewise, His Majesty, with advice forefaid, Statutes and Ordains, That Ministers Stipends and Multars not pursued for within five years after the same are due. And likewise Mails and Duties of Tennents, not being pursued within five years after the Tennents shall remove from the Lands for which the Mails and Duties are craved, shall prescribe in all time coming: Except the saids Ministers Stipends, Multars, Mails and Duties shall be offered to be proven to be due and resting owing, by the defenders their Oaths; or by a special Writ under their hands, acknowledging what is resting owing; And that all Bargains concerning moveables or sums of money, probable by Witnesses, shall only be probable by Writ or Oath of Party, if the same be not pursued for within five years after the making of the Bargain. And further, His Majesty with advice and consent forefaid, Statutes and Ordains, That all actions proceeding upon warnings, Spuilzies, Ejections, arreastments, or for ministers Stipends and others forefaid, shall prescribe within ten years, except the said actions be wakened every five years: But prejudice alwayes of any of the saids actions, which by former acts of Parliament are appointed to prescribe in a shorter time. And also Statutes and Ordains, That Holograph missive Letters, and Holograph Bonds, and Subscriptions in Compt-books without Witnesses, not being pursued for within twenty years, shall prescribe in all time thereafter; Except the pursuer offer to prove, by the defenders Oath, the verity of the saids Holograph Bonds and Letters, and Subscriptions in the Compt-books. It is alwayes hereby Declared, That prescriptions shall not run in any of the Cases forefaid, against minors during the years of their Minority:

X.

ACT concerning Interruptions.

December 8. 1669.

OUR SOVERAIGN LORD, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all Interruptions, as to the Rights of Lands be citations, shall in time hereafter be execut by Messengers at arms, and against the defenders personally or at their dwelling place and at the Paroch Churches in the time of Divine Service, or immediately after; And in case the parties be forth of the Kingdom, at the mereatcrofs of *Edinburgh*, and Peer and Shore of

of *Leith*, upon threescore dayes. And that all Citations that shall be made use of for Interruptions, whether in real or personal Rights, be renewed every seven years, otherways to preferve; Except the parties be Minors: in which case this Act is not to be extended against them; during the years of their Minority.

X I.

A C T concerning the forfeiture of persons in the late Rebellion.

December 15. 1669.

OUR SOVERAIGN LORD and his Estates of Parliament, having considered the Process of Treason, pursued and deduced at the instance of Sir John Nisbet of Dirleton, His Majesties Advocate, By Warrant and Order of his Majesties Privy Council before the Justice, against the persons after-mentioned, for their treasonable rising in Armes, and being in, and having accession to, the late Rebellion in the Western-Shires, in the year of our Lord, one thousand, six hundred, and sixty six; with the Libels, Interloquiturs, Probations, Depositions of Witnesses, and the verdicts of Inquests and dooms of Forfeitures proceeding thereupon: Do find, that the Justice and their Assessors appointed by the Council in the said Process, in finding the said Libels to be relevant, and admitting the same to the knowledge of Inquests; and the foresaid Inquests in finding the same to be verified and proven, and in giving their verdicts and dooms of Forfeiture thereupon respective; Have proceeded justly and warrantably upon relevant Libels, and clear evidences and probation; And therefore, do Ratifie and Approve their proceedings, Interloquiturs, verdicts and respective Dooms and Sentences of Forfeiture given and pronounced by them in the said Process, viz. The Sentence and Doom of Forfeiture pronounced against Collonel James Wallace, Joseph Lermouth, M'Klellan of Barcobe, Mr John Welsh, Mr James Smith, Patrick Listoun in Calder, William Liston his Son, William Porterfield of Quarreltoun, pronounced upon the fiftenth day of August, in the year of God, one thousand, six hundred, and sixty seven years; And the other Sentence and Doom of forfeiture pronounced against William Muir of Caldwell, Caldwell, eldest Sone to the Good-man of Caldwell, Robert Ker of Kerland, Mr. John Cunningham of Bedland, Alexander Porterfield, brother to Quarreltoun, John Maxwell of Monreith younger, M'Klellan of Belmagaban, Mr Gabriel Semple, Mr John Guthery, Mr Alexander Pedan, Mr William Veitch, Mr John Crookshanks, Patrick McKnaght in Cumnock, upon the sixteenth day of August, in the said year of God, one thousand, six hundred, and sixty seven years: And Decerns and Ordains the saids Process and Dooms and Sentences of Forfeiture foresaid, to be valid and effectual to all intents and purposes, notwithstanding that the saids persons found guilty and convicted of the crimes foresaid, did not compear in the saids Process; And Declares, that the said Sentence and Dooms of Forfeiture shall be of als great force and strength, as if the saids persons had compeared, or the same had been pronounced in Parliament. And his Majesty, with consent foresaid, doth Approve His said Advocats service in the said affair. And in respect it were against reason and justice, that when any person or persons are accused of high Treason, for rising in Armes against his Majesty or His Authority, when they are cited to underly the Law before the Justice, if they do not appear, that their absence and contumacy, which ought to be an aggravation, if any can be, of so high and horrid a crime, should be of any advantage to them: Therefore, his Majesty, with consent foresaid, doth Statute and Ordain, that in time coming in all such cases of treasonable rising in Armes, and open and manifest Rebellion against His Majesty or his Successors and their Authority, his Majesties Advocate for the time, may and ought to insist against, and prosecute such persons as he shall be ordered by his Majesty or his Privy Council to pursue: And if they be cited and do not appear, the Justice notwithstanding of their absence, may and ought to proceed to consider, and give their Interloquiturs upon the Libel; and if it be found relevant, to admit the same to the knowledge of an Assize, and upon the verdict of the Inquest, finding the same to be proven, the Doom and Sentence of Forfeiture ought to proceed, and be given and pronounced in the same manner, as if the persons accused had compeared and were present. And his Majesty, with consent foresaid, doth remit to the Justice-General, Justice-Clerk or Justice-Deputes, the Summons and Process of Treason, intended at the instance of his Majesties Advocate, against certain persons therein mentioned, for their accession to the said Rebellion, and depending before his Majesty and the Estates: With power to them to proceed, notwithstanding of the absence of the saids persons; And if the saids Summons be found relevant and proven by the verdict of the Inquest, to pronounce the Sentence and Doom of Forfeiture thereupon.

XII.

ACT concerning the Excise and Customs.

December 15. 1669.

Forasmuch as many debates, questions and inextricable difficulties do and may arise, in levying and inbringing of the Excise, imposed by the fourteenth act of the first Session of His Majesties first Parliament, to the great prejudice of His Majesty, and of the Trade of this Kingdom: Therefore, and for preventing and clearing of the same, and to the effect, the said Excise may be more orderly and easily levied and collected, His Majesty with advice and consent of His Estates of Parliament, Statutes and ordains, That notwithstanding the said Excise is due and payable by the Retailers, yet the Importers shall be liable for the same in time coming, at the rates contained in the said Act, for Wines of all sorts, Vinegar and Salt, as they are particularly exprest therein, and that under the provisions after-specified: To wit, that what shall not be payed by the Retailers, shall be compleatly made up by the Importers, within twelve moneths after the importation thereof, for which they are to give sufficient security to the Farmers or Collectors of his Majesties Excise, at the entry of the saids Wines, which are to be according as they shall be loaded at the port from whence they came; And for the said Importers, their greater ease and encouragement, his Majesty, with consent foresaid, doth Statute and ordain, That the collectors or Farmers of his Majesties Excise in all time coming, shall grant abatement to the said Importers of the fourth part of the said Excise duties of all Wines and Vinegar imported and entred by them, in consideration and upon the account of leakage and decayed Wines, and other hazards and inconveniencies. And further, It is Statute and Ordained, for the encouragement and greater ease and advantage of trade and Merchants, that the Importers of all other Goods and commodities, except what is excepted from the duties of Excise by the foresaid act of Parliament, shall pay the Excise thereof, according to the Books of Rates for His Majesties customs, and as the said commodities are and shall be valued and rated in the same; And if any of the saids commodities be not contained in the Books of Rates, the Excise of the same is declared to be five *per cent.* according to the value of the said Goods; And the Excise of the said Commodities is to be payed at the entring of the same in the Excise-office, unless the said Excise-duty exceed the sum of one hundred Merks Scots; in which case, the said Importers shall be obliged to give sufficient security for payment of the said Excise-duty, within six Moneths after the entring of the same; they making it alwayes evident, that no Merchant shall make entry of any Goods, but what properly belongs to himself. And for further encouragement of Trade and Traffick, It is Statute and Ordained, that all Goods and Merchandise whatsoever imported, and which shall be instructed to be really exported, within twelve Moneths after the entring thereof, shall be free of Excise; and in case of payment thereof, the same shall be repayed at the exportation of the said Commodities, the Importers alwayes making faith, that the Commodities exported, are the same which were imported and entred; and in case bond of security hath been given for the Excise of the said Commodities, the same shall be returned unregisstrat, or discharged if the same be regisstrat. And for the regulating of the Excise of Salt, and the better levying and inbringing of the same, his Majesty, with consent foresaid, Statutes and Ordains, that the Importers of forraign Salt of all sorts, at their entring of the same at the Excise-office, shall give sufficient security for payment of the Excise thereof, conform to the Rates contained in the foresaid fourteenth Act, and that the Importers shall be obliged by the said security, to pay the saids respective Excise-duties, for such parcels of the said Salt as shall be retailed, when and as the same shall happen to be retailed, and to pay compleatly the whole Excise of the said Salt, within twelve Moneths after the entring thereof, and that whether the said Salt hath been expended and employed upon the cureing of Fishes or not; providing alwayes, there be abated and allowed to them, the Excise of all Salt that shall happen to be cast away at Sea; And likewise, the Excise of Salt expended upon Fishes, that may happen to be cast away betwixt one Port and another, before the same be entred, to be exported out of this Kingdom, the wrack and quantities of the Salt or Fishes lost thereby, being alwayes sufficiently instructed. And further, It is Ordained that all In-land Salt consumed within this Kingdom, whether the same be expended upon Fishes or employed otherwise, shall be liable to the duty of Excise, exprest in the said Act, which shall be payed by the first buyer thereof, and that before it be carried from the Salt-pans where it is bought; And albeit it be provided in manner foresaid, that the Excise-duties *respective* above-mentioned, should be payed for Forraign and In-land Salt, whether the same be employed upon Fishes or otherwise, and that in respect of the great difficulties, to clear and make appear what Salt is employed upon Fishes or not, and that his Majesty may be prejudged of the Excise of Salt, upon groundless pretences, that the same hath been, or is to be employed upon Fishes; Yet, nevertheless, his Majesty being most willing to give all due encouragement to the Trade of Fishing, and that whatsoever Salt shall be employed and expended in order to the said Trade, and upon the cureing of Fishes to be exported, shall in effect be free of excise; and upon, and after mature and exact consideration of the quantity of Salt, necessary and sufficient for each Last of Herring and White-

White-fish of any kind, and of each Last of Salmond, and what the Excise of the same Salt *respective* will amount to, finding that the Excise of the Salt of the Last of Herring and White-fish, will amount to the sum of ten pounds, four shillings *Scots*, and that the Excise of the Salt of each Last of Salmond, will amount to the sum of twelve pounds, money foresaid. His Majesty, with consent foresaid, Statutes and Ordains, that there shall be no Custom exacted at the exportation of the saids Herring and White-fish, and that whatever the foresaid ten pounds, four shillings of Excise, shall exceed the Custom payable for the saids Herring and White-fish; at the exportation thereof, shall be duly and timely paid to the Merchant-exporters, without any delay, reward or abatement for each Last of Herring and White-fish of any kind whatsoever that shall be exported out of this Kingdom: And that the foresaid sum of twelve pounds, for the Excise of the Salt of each Last of Salmond, at the entry and exportation shall be payed to the Heretors, Life-renters and others, from whom the Merchant-exporters bought these Salmond, they alwayes producing Certificates from the respective Heretors and others, making up the just quantities contained in their Entries; upon which Certificate, the foresaid sum of twelve pounds is to be payed, to the Heretors and others from whom these Salmond were bought, or to any having their warrant to receive the same; which sums *respective* above-written, for the Herring, White-fish and Salmond, are to be payed in manner above-specified, by the Collectors at the respective Ports where the same shall be entered, for whom, the Farmers and principal Collectors of the Excise are to be answerable and careful that the same shall be punctually payed; and in case of not punctual payment, they shall be lyable for the parties damage; providing alwayes, that the said Herring, White-fishes and Salmond, be duly entered in the Excise-office, and the exportation thereof sufficiently instructed to the Collectors, so as they may certifie the same under their hands. Likeas, His Majesty, with advice foresaid, doth inhibit and discharge the Collectors or Farmers of Excise upon any pretext, to give any ease or abatement of the fourty shillings *Scots* imposed by the foresaid fourteenth Act, upon ilk Boole of forraign Bay-salt, *Linlithgow*-measure, imported into this Kingdom: Certifying them, if they contravene, the saids Collectors shall suffer deprivation of their Office, and the saids Farmers shall loose the benefit of their Tack of the Excise, and shall be further lyable to the payment of such fines and penalties, as the Lords of Exchequer shall think fit to inflict. And for the better inbringing of the Excise of the said In-land Salt, it is Ordained, that all Owners of Salt-pans and their Greeves, shall be obliged to exhibite and produce to the Collectors or Farmers of Excise or their Deputies, when they shall be required, their Compt-book of all Salt sold, to be perused by them, and returned within the space of twenty four hours, to the effect, it may be known what Salt is consumed, and that the Excise of the same is duly payed, whereupon they are to make faith, if they be required, and that they have sold nor disposed upon no more nor is contained in the said Books; And likewise, the Salters of every Salt-pan shall be obliged to give an account to the Collectors of the said Excise of the Salt appertaining to them any manner of way, and what they have sold of the same, and to instruct, that the same hath been duly entered in the Excise-office, and that the Excise-duty of the same hath been payed, whereupon, and that they have sold no more but what hath been duly entered, they are ordained to make faith if they be required; It is alwayes provided, that where Excise-offices are in the Town or place where the Salt is made, the Salt-masters, their Greeves or Salters, shall be holden to repair to the Excise-office, to the effect foresaid, if they be required; but if there be no Excise-office in these places, the Collectors or Farmers of Excise or their Deputies are appointed to convene them at the respective Salt-Girnals, or Salt-pans where the Salt is made, and the saids persons shall not be obliged to go any further. And in like manner, His Majesty considering, that divers questions and debates may arise, anent the interpretation of several Acts and Priviledges made and granted in favours of Manufactories, for immunity and exemption from the Excise or Custom of certain Goods, which are the Materials of the saids Manufactories; Doth hereby, with consent foresaid, Statute, Ordain and Declare, That no Manufactory shall have the benefit thereof, excepting such as shall be, or hath been lawfully erected since the first day of January, one thousand, six hundred, sixty one years, and shall be found by the Lords of His Majesties Exchequer to have been, or to be erected conform to the Acts of Parliament, and to have the qualifications required by the same. And further, His Majesty understanding, that if after so large expressions of His Majesties Royal care and tenderness for the advancement of Trade and ease of Merchants, any shall be so unfaithful as to presume to conceal and abstract the Goods imported by them, thereby evading the payment of the Custom and Excise due and payable to His Majesty; nor only His Majesty will be prejudged of His Custom and Excise, but also the Trade of Merchandise will be much endamaged by the saids Merchants their underselling others, who do honestly make true entries of their Goods, and pay the duties of Custom and Excise. Therefore, for preventing of the said prejudice and abuse, His Majesty, with consent foresaid, doth give power and warrant to the Collectors of Custom and Excise, or to their Deputies, to call and pursue such persons who shall wilfully and wickedly conceal and abstract their Goods, or any part thereof, and not duly enter the same, or who shall be accessory, or any wayes aiding and assisting to the concealing or abstracting thereof; and that before the Lords of His Majesties Exchequer, if the saids persons dwell and reside within twelve miles of the place where the saids Lords shall happen to sit for the time, or in their option, before any other competent Judge: And in case the saids persons live at farther distance, it shall be lawful to the saids Collectors or Farmers, or their Deputies, to pursue them before the Sheriffs, Stewards of Stewtries, or

Bailiffs of Regalities, Magistrates of Burghs, or any other competent Judges, who are hereby required to take due and speedy tryal of the premises, and to admit probation thereof by writ, witness, Oath of party or otherwise according to Law, any Act or Acts of Parliament, or Clauses therein contained to the contrary thereof notwithstanding. And to the end, that his Majesties Lieges and Merchants, upon the occasion and pretence foresaid, be not unjustly molested and troubled, It is Ordained, that the saids Process and Pursutes shall be intended within three Moneths after the fraudulent abstracting and imbezeling foresaid; and that these at whose instance they shall be pursued, shall be obliged to give their Oaths *de calumnia*, if thereto required, that the saids pursutes are not intended of malice, but upon credible information, and that they have just reason to pursue, as they conceive. And in case any Merchant, Skipper, Mate or Marriner, or other person shall be found guilty of, or accessory to, the said imbezeling, in concealing or abstracting any Goods which ought and should have been entered; It is Statute and Ordained, that the said delinquents shall be imprisoned for the space of twenty four hours, and until they make payment of the full price and value of the Goods which shall be found to have been abstracted by them, and shall be further fined by the Lords of his Majesties Exchequer, as they shall see cause. And in case any Goods shall be found and seised, upon account that they were concealed and not duly entered, they shall not only be detained and confiscat without redemption, but also the Owners of the saids Goods, and all others who shall be found to be accessory or aiding to the concealing or abstracting of the same, shall be imprisoned for the space of twenty four hours, and such fines and other punishment shall be imposed and inflicted upon them, as the Lords of Exchequer shall appoint. And that the Collectors of his Majesties Customs and Excise and their Deputies, at the making their accounts of their intromission with the Custom and Excise duties, shall be holden and obliged to give their Oaths upon the truth of these accounts to be given in by them. And it is Provided and Declared by His Majesty, with consent foresaid, that the foresaid Act of his Majesties first Parliament, whereby the Excise is imposed, shall stand, and is and shall be of full force; except in so far as the same is altered, innovat, qualified and taken away in manner above-mentioned.

XIII.

ACT for annexation of Orkney and Zetland to the Crown.

December 17. 1669.

INASMUCH as the Isles of *Orkney* and *Zetland* are a great and so considerable a part of this His Majesties ancient Kingdom, that for divers ages they were the occasion of much trouble and expence of blood and money, for maintaining thereof against the invasion of Forraigners, and recovering the same out of their hands by Armes and Treaties; And the saids Isles being of a great and large extent of bounds, and so remote and at such a distance from the ordinary seat of Justice and Judicatories, that the Inhabitants within the same are not able to travel in the winter season; and at other times cannot, without great trouble and expences, repair to the said Judicatories to complean when they are oppressed and grieved. It is not only fit in order to His Majesties Interest, but will be the great advantage of His Majesties Subjects dwelling there, that without interposing any other Lord or Superior betwixt his Majesty and them, they should have an immediat dependance upon his Majesty and His Officers, being their great security against Forraign attempts and oppression at home. And seeing it is most expedient and necessary, that a publick Patrimony and certain Revenue in Lands, Lordships and others, should be settled upon, and annexed unto his Majesties Crown, for supporting of His Royal Estate and Government, and the great and necessary charges of the same, which if not defrayed out of His Majesties own Property and Revenue, would unavoidably ly, and be a heavy burden upon his Majesties Lieges: And to that purpose, divers Acts of Annexation have been made from time to time, and in special the Earldom of *Orkney* and Lordship of *Zetland*, with the pertinents of the same, were annexed to the Crown in the years, one thousand, five hundred, and forty, and one thousand, six hundred, and twelve, *respective*. And yet importunity prevailing with his Majesty and his Royal Father, their goodness and inclination to gratifie their Subjects, they have been induced to give away and part with so great a Jewel of their Crown, and to dispose and grant Rights of the said Earldom and Lordship; which being found to be to the great prejudice of His Majesty, His Crown and Subjects, and contrary to the Laws and Acts of Parliament of this Kingdom, by a Decree of the Lords of Session, obtained upon the twenty fifth day of *February* last by-past, at the instance of Sir *John Nisbet* of *Dirlotoun* Knight, His Majesties Advocate for His Majesties interest, against *William* Earl of *Mortoun*, *Charles* Lord of *Dalketh* his Son, *George* Viscount of *Grandistoun*, and certain other persons therein mentioned; the saids Lords by their Decree foresaid, have reduced the Contracts, Dispositions, Infeudments, Acts of dissolution, and other Rights therein mentioned, made and granted by His Majesty and His Royal Father, to, and in favours of the deceased *William* Earl of *Mortoun*, Grand-father to *William* now Earl of *Mortoun*, and the said *George* Viscount of *Grandistoun*, of the said Earldom of *Orkney* and Lordship of *Zetland*, with the Rights also therein mentioned depending thereupon: and the said Lords have found and declared, that His Majesty hath good and undoubted Right to the said Earldom and Lordship, as His annexed Property, for the

reasons therein contained; as the said Decreet at length proports. Therefore, His Majesty, with advice and consent of the Estates of Parliament, doth Ratifie and Confirm the said Decreet, and Ordains the same to be of full force, strength and effect in all time coming; holding and willing this their Ratification to be as sufficient and effectual, as if the said Decreet and whole tenor of the same were insert herein. And his Majesty, following the laudable example and practice of his Royal Predecessors, doth, with consent foresaid, Ratifie the said former Annexation of the same to the Crown; and without prejudice thereof, doth of new again unite, annex and incorporat to His Crown of this His ancient Kingdom, to remain inseparably with the same in all time coming, the said Earldom of *Orkney* and Lordship of *Zetland*, withall and sundry Isles, Holms, Udal-lands and other Lands whatsoever, of what name and by what designation soever the same are or may be known, lying within the Sheriffdom of *Orkney* and pertaining to the said Earldom and Lordship, and belonging to his Majesty in manner foresaid, in Property or Superiority, or by any other Right or Title, together with all Castles, Towers, Fortalices, Milns, Multars, Fishings, Annual-rents, Reversions, Patronages of Kirks, and Teinds, Parsonage and Vicarage pertaining to his Majesty within the bounds foresaid; And all and whatsoever Mines of Gold, Silver, Copper and other Minerals within the bounds bounds, with the heretab Office of Justiciary, Sheriffship and Foudrie and Admiralty within the foresaid Isles, and belonging to the said Earldom and Lordship, with all other Parts, Pendickles and Pertinents, Casualties, Priviledges, Jurisdicktions, Offices and others whatsoever pertaining to the same; all which, his Majesty, with consent foresaid, doth unite and annex to His Crown, Declaring the generality foresaid to be sufficient to the intent & effect foresaid, as if each Part, Parcel, Pertinent, Office, Patronage or Priviledge belonging to the said Earldom and Lordship were herein exprest. And it is Statute and Declared, That the said Earldom and Lordship, Lands, Teinds, and others above-mentioned, annexed to the Crown in manner foresaid, shall remain therewith in all time coming; and that the same or any part thereof shall not, nor may be given away in Fee and Heretage, nor in Frank-tenement, Life-rent, Pension or Tack, except for the full duty which may be gotten from, and payed by the Tennents, nor by any other manner of Alienation, Right or Disposition whatsoever, to any person or persons of whatsoever estate, degree or quality they be, without Advice, Decreet and Deliberation of the whole Parliament; and for great, weighty and reasonable causes concerning the good, welfare and publick Interest of the whole Kingdom, first to be proposed and to be advised, and maturely pondered and considered by the Estates, *re integra*, before any previous Grant, Right or Deed be given, made or done by his Majesty or his Successors, concerning the disposition of the said Earldom and Lordship or any part thereof, which may any wayes predetermine them or the Estates of Parliament, and prejudice the freedom of their Deliberation and Consent. And if at any time hereafter it shall be thought fit to dispose or grant any Right of any part of the said Earldom and Lordship, It is Declared, that the general narrative of good services, weighty causes and considerations shall not be sufficient; but the particular causes and considerations, whereupon His Majesty and His Successors may be induced to grant, and the Estates to consent to such Rights, are to be exprest; that it may appear, that the same is not granted through importunity, or upon private suggestions or pretences, but for true, just and reasonable causes and considerations of publick concernment. And farther, It is Declared, that if any general Act of Dissolution of His Majesties Property shall be made at any time hereafter; the said Earldom and Lordship, and others above-mentioned and annexed, shall not be understood to fall or be comprehended under the same; And if the said Earldom and Lordship, or any part thereof, shall be annallied or disposed, or any Right of the same shall be granted otherwaies then is appointed and ordained in manner above-mentioned; His Majestie, with consent foresaid, doth statute and Declare, That all Dispositions, Infeudments and other Rights of the said Earldom and Lordship, or any part thereof which shall be granted contrary to this present Act, with all Acts of Dissolution and Ratification and other Acts of Parliament concerning the same, shall be from the beginning and in all time coming void and null, and of no effect; And notwithstanding thereof, that it shall be lawful to our Sovereign Lord and His Successors for the time, to take back and receive at their pleasure for their own use, without any Procefs of Law, the Lands and others above-annexed, or any part thereof which shall be annallied or disposed; and these in whose favours any such Rights and Alienations shall be made, shall be countable for, and liable to refund and pay all profits, intromission or benefit taken, uplifted or enjoyed by them in the mean time: And it is Declared, that all other Clauses, Articles and Provisions contained in any former Act or Acts of Annexation to the advantage of His Majesty and His Crown, are and shall be holden as repeated and insert herein. And farther, His Majesty, with advice and consent of the Estates foresaid, hath suppressed the said Office of Sheriffship, and hath erected and hereby erects a Stewartry within the bounds foresaid of the said Earldom and Lordship, and Isles of *Orkney* and *Zetland*, to be called in all time coming, *The Stewartry of Orkney and Zetland*; Ordaining the Tennants, Possessors and Inhabitants within the bounds foresaid, and other persons who were formerly answerable and liable to the jurisdiction of Sheriffship, and Foudrie above-mentioned, to be answerable to His Majesties Stewart of the said Stewartry, with all Priviledges competent to any Stewartry of His Majesties Property within this Realm. Likeas, it is Declared and Statute, that the foresaid Office of Stewartry shall not be given heretab to any person or persons and their heirs, without advice and consent of Parliament in manner above-mentioned; and all Rights of the same which shall be granted otherwaies at any time hereafter, shall be from the beginning and in all time coming null and void.

It is always Declared, that this Act and Annexation foresaid shall not prejudice the Bishop of *Orkney* of His Patrimony and Priviledges belonging to him, or of any part thereof; and that he and his Successors shall be in the same case as they were before the making hereof. And likewise it is Declared, that the Annexation foresaid and the suppressing of the said Office of Sheriff, and the erecting of the said Stewartry shall be without prejudice to His Majesties Vassals within the said Isles, of their Liberty and Priviledge to have and send Commissioners to Parliament, to represent them in the same manner as they did or might have done formerly.

XIV.

ACT concerning the exportation of Corns.

December 17. 1669.

OUR SOVERAIGN LORD considering, that by the eleventh Act of the third Session of His Majesties late Parliament, liberty is granted to export Corns of all sorts, when they are under the prices following, *viz.* Ilk Boll of Wheat under twelve pounds the Boll, Beer and Barley under eight pounds the Boll, Oats and Pease under eight merks the Boll. And seeing, by reason of several Duties formerly imposed upon Corns, the exportation thereof hath been hitherto obstruited; And His Majesty being desirous for the good of this His ancient Kingdom, to give all due encouragement to the export of Corns, and to remove every thing which may impede the same: Hath therefore thought fit, Like-as, His Majesty, with advice and consent of His Estates of Parliament, doth Statute and Declare, That all Corns which shall be exported in time coming by His Majesties Subjects forth of this Kingdom, shall be free, and are hereby discharged of the payment of Custom, Bullion, and all other Duties whatsoever, except one Merk Scots allanerly for ilk Chalder. And lest any considerable prejudice should thereby ensue to His Majesties Customs, it is Statute and Ordained, that the Duties after-mentioned are and shall be imposed upon the Commodities following, *viz.* Ten shillings Scots upon ilk Barrel of Tar, and twenty shillings Scots upon ilk Tun of Iron imported into this Kingdom, and that over and above all former Impositions put thereon; and the Customers, Collectors and their Deputies are hereby appointed and impowered to uplift the same accordingly. And for preventing any debates that may arise anent the respective prices of the Victual, when the same are under or above the rates exprest in the said Act; His Majesty, with advice foresaid, doth recommend to, and authorizeth the Lords of Privy Council to determine the same; And Declares, that it shall be lawful to His Majesties Subjects to export Corns of all sorts, unless by a Proclamation or publick Intimation from the saids Lords of Council, they be prohibited and discharged to do the same. And Ordains this Act to begin and take effect upon the second day of February next to come.

X V.

ACT for regulating the prices of Ale and Drinking-beer, and Malt-men.

December 23. 1669.

OUR Sovereign Lord considering that it is most agreeable to reason and equity, and of universal concernment to all His Majesties Subjects, and specially to those of the meaner sort, that a due proportion be observed betwixt the price of the Boll of Beer, and the Pint and other measures of Ale and Drinking-Beer vended and sold within this Kingdom, that thereby the liberty taken by Brewars and Vintners, to exact exorbitant prices for Ale and Drinking-Beer at their pleasure, may be restrained. Therefore, His Majesty, with advice and consent of His Estates of Parliament, doth recommend to, and authorize the Lords of His Majesties Privy Council from time to time, after consideration had of the ordinary rates of Rough-Beer and Barley for the time, to regulate and set down the prices of all Ale and Drinking-Beer, vended and sold in the several Shires and Burghs of the Kingdom, as they shall think just and reasonable; And likewise to set down a Table of proportion betwixt the weight and price of all Bread made of Wheat, and the price of the Boll of Wheat, in like manner as betwixt the price of the Ale and the Boll of Beer: With power to the saids Lords of Council to make and emit such Acts, Orders and Directions, in relation to the prices of Ale and Drinking-Beer, and weight and prices of Wheat-bread, and to inflict such censures, pains and penalties upon the contraveners of these Acts and Orders as they shall think fit; and to do all other things requisite for execution of the same. And in case, after setting of the saids prices by the Lords of Council, any Brewer shall cease from, and give over their Brewing or vending of Ale or Beer, His Majesty, with advice foresaid, Declares, that they shall not be permitted or allowed to brew or vent any Ale or Beer for the space of one year thereafter, and shall be further lyable to such pains and punishments, as the Lords of Council shall think fit. And further, His Majesty taking to consideration, that by the twenty ninth Act of the first Parliament of King *James* the sixth, Malt-men are declared to be no Craft, & discharged to have a Deacon; which Act of Parliament, His Majesty, with advice foresaid Ratifies and Approves, and Ordains the same to stand in full force and effect in all time coming,

And

and that notwithstanding of the said Act, and expressly contrair thereto, the Provost and Council of *Edinburgh* have, by their Act dated the eleventh of *March*, one thousand, six hundred, and fourty six, ranked Maltmen amongst one of their Trades and Callings, discharged any to be admitted thereto within their Barrony of *Leith*, but by their Licence, with consent of the Calling; and have constitute a Box-master amongst them, and granted liberty to them to meet and keep correspondence, providing the Water-Bailiff be present with them: Therefore, his Majesty and Estates of Parliament nor only Declares the said pretended Act of the Council of *Edinburgh* to have been null and void from the beginning, and Ordains the same to be razed out of their Registers; but discharges the said Town, or any other Burgh within the Kingdom, ever to presume to do the like again; And Ordains the said Box to be broken, and the Office of Deacon, Visitor, Box-master, or any other pretending to the like power, and the pretended Calling or Incorporation and Society of Brewars or Malt-men, to cease at *Leith*, and in all other Burghs, Towns and places in the Kingdom; With certification, that if they shall be found hereafter to meet and keep correspondence amongst themselves, upon whatsoever pretence, either at *Leith*, *Edinburgh*, or in any other Burgh, Town or Place, ilk person so meeting shall be lyable in the penalty of five hundred Merks *toties quoties*, whereof the one half to be payed to the informer, he proving the same before the Council; and this by and attour such personal punishment, as the Lords of Privy Council shall think fit to inflict.

XVI.

A C T for repairing High-ways and Bridges.

December 23. 1669.

OUR SOVERAIGN LORD considering how necessary it is for the good of the people, that High-ways be made and maintained for ready and easie Passage, Travel and Traffick through the Kingdom; and that the care thereof which hath been laid upon the Justices of Peace, hath yet for the most part proven ineffectual, in regard the saids Justices have not had special Orders and Warrants for that effect. For remeid whereof, his Majesty, with advice and consent of the Estates of Parliament, Doth Appoint and Ordain the Sheriff of the Shire, and one of his Deputes, being alwayes an Heretor therein, and the Justices of Peace in each Shire, to convene at the head Burgh of the Shire upon the first Tuesday of *May* yearly, for ordering of High-ways, Bridges and Ferries; with power to them, or major part of them that shall happen to convene, to set down a particular List of the High-ways, Bridges and Ferries within their bounds, and to divide the Paroches of the saids bounds as they lye most to the severall High-ways to be repaired, and as they may have the most equal burden, and to appoint such of their number or others Overseers of such parts and portions of the saids High-ways, as are most convenient and nearest to their ordinary residence, and to nominate such of their number as they see fit, to survey and give an account of the High-ways, Bridges and Ferries unto the rest; with power to them to appoint Meetings from time to time, till the said Survey, List and Division of the saids High-ways be closed: which persons, or any one of them to whom the particular portions of the saids Highways shall be committed, are hereby authorized and strictly required, to call and convene all Tennants and Cottars, and their Servants, within the bounds appointed for their parts of the High-ways, by publick intimation at the Paroch-Kirks upon the Sabbath day, immediately after the first Sermon, or any other way that they shall think fit, to have in readinesse Horses, Carts, Sleds, Spades, Shovels, Picks, Mattocks, and such other instruments as shall be required, for repairing of the saids High-ways, and to convene at such places thereof as they shall be required, and in such proportion and with such furniture as the saids Justices or Overseers shall appoint, and that in the most equal and proportionable way, as the saids Justices and Overseers will be answerable. With power to them to design such of the saids persons as they find to be most skilful, to attend and direct the rest, and to appoint them fit wages for their attendance; providing that the dayes they are required to work do not exceed the number of six dayes for Man and Horse yearly for the first three years, and four dayes yearly thereafter, and that they be only betwixt the Bear-seed yearly, and Hay-time or Harvest thereafter: With power to the saids Justices or Overseers to poind the readiest Goods of the absents, for twenty shillings *Scots* money for the absence of ilk Man daily, and thirty shillings for the Man and Horse, without further solemnity but apprising the same upon the ground of the Land, and therewith to hire others in place of the absents; and in case the saids absents shall have no poindable Goods, to punish them in their persons as they shall see cause. Which High-ways shall be twenty foot of measure broad at least, or broader, if the same have been so of before, and shall be so repaired, that Horses and Carts may travel Summer and Winter thereupon: and if any part of the saids High-ways cannot well be continued as now they are, but require to be changed, the saids Justices shall appoint three of their number to visit the places where the High-ways need to be changed, and to set down Meiths for the new way in place thereof, and upon Oath to estimate the damage of the parties prejudged thereby, and to deliver the same to them in writing under their hands, to the effect the same may be satisfied by the whole Shire, in manner afterwards specified. Which Justices are Ordained again to convene at the head Burgh of the Shire the first Tuesday of *June* yearly, and thence every Tuesday from fourtnight to fourtnight, at such places as shall be by them appointed

appointed during the Moneths of *June* and *July*, for three years next ensuing, for taking account of the said several Justices and Overseers of the respective proportions of High-ways committed to them, & to fine those Justices and Overseers who shall failzie; still increasing the said fines till they give obedience and perform their part, and to point therefore upon the ground of the Lands where their Goods shall be found, without further solemnity. With power also to the saids Justices to visit the Ferries in their Shire, and where the Ferries ly betwixt two Shires, that they correspond with the Justices of the other Shire, to the end they may appoint fit and sufficient Boats, and convenient Landing places; and so to regulate all things concerning the Ferries, as His Majesties Lieges may be readily and conveniently served, and at reasonable rates, and to punish all such as shall neglect or transgresse the Rules set down be them for the effect foresaid.

And because the work of the inhabitants within the several bounds, will not be able sufficiently to repair the High-ways and others foresaid; Therefore, His Majesty, with advice and consent of the said Estates, doth hereby authorize and require the whole Free-holders and Heretors of the several Shires, to convene at the respective head Burghs the said first Tuesday of June yearly, and to call for an account from the Justices of Peace of what is needful for reparation of the High-ways and others foresaid, and what charges and expenses is requisite for promoting thereof, and for making or repairing Bridges and Ferries where they shall be found needful, and accordingly to stent the Heretors of the said Shire, comprehending the Heretors of the Burrough-lands therein, in what shall be found necessary for the effect foresaid, not exceeding ten shillings Scots upon each hundred pound of valued Rent in one year, which is to be uplifted be the saids Justices or whom they shall appoint, be pointing as said is, and employed for the use foresaid; and of which they shall be obliged to give an account to the saids Heretors at the next Michaelmas head Court yearly. Likeas, His Majesty, with consent foresaid, prohibits and discharges all persons whatsoever to break or abuse the saids High-ways by plowing up any part thereof, laying stones, rubbish or dung thereon, or any way breaking or pooling the same, or turning in, or damming water thereupon; and Ordains the Conveener of the saids Justices at their meeting the said first Tuesday of May yearly, to take an Oath of the remanent Justices and of the Constables, of what damage they know done to the High-ways, Bridges or Ferries since the year preceeding, in any of the foresaid particulars prohibited, or any other, and by whom. Upon which the saids Justices shall convene the transgressors, and in case of conviction by Oath or Witnesse, shall fine them as they shall see just, and shall point therefore in manner foresaid, and apply the same for the use of the saids High-ways. with power also to the saids Justices, to call for an account of all Destinations and Mortifications to Bridges, Causa's, Ferries or High-ways, and to cause the intromitters therewith, that have not applied the same to these proper ends, to make payment thereof to such persons as they shall appoint, to be employed to the uses for which the same were destinat. Likeas his Majesty Ordains the Conveener of the saids Justices to give a particular account under his hand, of what progress is made in the reparation of the saids High-ways, Ferries and Bridges, upon the third Tuesday of *July* next to come, and so forth yearly to the Lords of his Majesties Privy Council, who are hereby impowred to grant Letters of Horning and Pointing for the effects foresaid, if need be.

And further, His Majesty, with consent foresaid, gives power to the said Lords of his Majesties Privy Council, to Ordain the levying of moderat Customs at Bridges, Causa's or Ferries, for the building, repairing and upholding thereof, in case the said Stent shall not be able to accomplish the same, and to appoint the endurance thereof as they shall see cause. With power also to them, that in case the saids Justices and Heretors failzie in the performance of the things by this Act committed to them, so that the High-ways shall not be sufficiently repaired, nor Bridges and Ferries sufficiently provided for, to take such course for making the same effectual as they shall judge expedient, and to punish the saids Heretors and Justices, as their neglect shall deserve. With power likewise to the saids Lords of privy Council, to appoint and commissionat Overseers for putting the premises in execution where they shall see cause; which Overseers so appointed, shall have the same power as is by this present Act committed to the Justices of Peace foresaid. And farther, his Majesty Ordains, that where laboured Land lyes upon the sides of High-ways, the said laboured Land shall be fenced with Dike and Ditch or Hedge; yet so as neither Dike, nor Ditch, nor Hedge, nor any part thereof, be within the forementioned breadth appointed for the High-way: And in case any laboured Land so lying shall not be fenced betwixt the first day of *August*, one thousand, six hundred, and seventy one, then and in that case, the saids Justices are hereby authorized and required to cause point in manner foresaid, the Labourers of the said Land, for four shillings Scots for each elm which shall not be so fenced after the said time, and to apply the said fines for the fencing thereof in manner foresaid. Likeas, it is hereby Declared, that whatsoever stones, rubbish, dung or other impediments beis thrown or found lying upon the saids High-ways, or water turned in or dammed thereupon, shall be esteemed and held as done by the Labourers of the Land next adjacent to the High-ways where the damage is done, who shall be fined therefore be the said Justices and Overseers; Reserving right to the saids Labourers to call before the saids Justices any other for their relief, who have been the real actors of the skaith.

XVII.

ACT anent inclosing of Ground.

December 23. 1669.

WHEREAS by the fourty one Act of the first Session of His Majesties first Parliament, entitled, *An Act for planting and inclosing of Ground*, It is provided, that where Inclosers fall to be upon the borders of any mans Inheritance, the next adjacent Heretor shall be at equal pains and charges in building, ditching and planting that Dike which divides their Inheritance. And the Estates of Parliament considering the inconvenience and difficulty the execution of that part of the said Act may meet with, in Lands marching together where the Marches are crooked and unequal, or where any part of the bordering Ground is unfit or incapable of bearing a Dike or receiving a Ditch, or hinders the compleating of the Inclosure in an equal line. For remedie whereof, His Majesty, with advice and consent of the said Estates, doth Statute and Ordain, That whensoever any person intends to inclose by a Dike or Ditch upon the March betwixt his Lands & the Lands belonging to other Heretors contiguous thereunto; it shall be leifom to him to require the next Sheriffs or Bailiffs of Regalities, Stewarts of Stewartries, Justices of Peace or other Judges Ordinar, to visit the Marches alongst which the said Dike or Ditch is to be drawn, who are hereby authorized, when the said Marches are uneven or otherways incapable of Ditch or Dike, to adjudge such parts of the one or the other Heretors Ground, as occasion the inconvenience betwixt them; from the one Heretor in favours of the other, so as may be least to the prejudice of either party, and the Dike or Ditch to be made, to be in all time thereafter the common March betwixt them; and the parties so adjudged *respective* from the one to the other, being estimat to the just avail and compensated *pro tanto*, to decern what remains uncompensed of the price, to the party to whom the same is wanting: And it is hereby Declared, that the parts thus adjudged *hinc inde*, shall remain and abide with the Lands or Tennandries to which they are *respective* adjudged, as parts and pendicles thereof in all time coming.

XVIII.

ACT anent adjudications.

December 23. 1669.

OUR SOVERAIGN LORD taking to consideration, that by severall Acts of Parliament and constant Practick of the Kingdom, there is one years Rent of all Lands, Annual-rents or others apprifed, due and payable to the Supetior of the saids Lands and others, before he be holden to enter and intrest the Compriser; and that there is the same reason in cases of Adjudications as Apprifings. Therefore his Majesty, with advice and consent of the Estates of Parliament, Statutes, Ordains and Declares, that the Superiors of Lands, Annual-rents and others adjudged, shall not be holden to grant any Charter for Infesting the Adjudger, till such time as he be payed and satisfied of the years Rent of the Lands and others adjudged, in the same manner as in Comprisings; And Declares, that in all cases, Adjudications shall be in the like condition with Comprisings, as to Superiors.

XIX.

ACT concerning the Confirmation and Quots of Testaments

December 23. 1669.

OUR SOVERAIGN LORD, with advice and consent of the Estates of Parliament, Statutes and Ordains, That it shall be lawful to Executors, at the confirmation of the defuncts Testament, to give up the debts owing be the Defunct, and that the Quot be only payed for the free Geer (the Debts being alwayes instructed) With power to the saids Executors, for instructing of the saids Debts before the Commislar the time of confirmation, to cite the Creditors for production of the Bonds and Instructions of their saids Debts; and if the saids Creditors shall not produce the same, and yet shall happen thereafter to seek payment from the Executors, that then and in that case, the Creditors shall be obliged to relieve the Executors of a proportion of the Quot payed by them, esseiring to the said Debt, or otherways to allow the same to them; And preventing of all fraud, both the Executors and the Creditors shall be holden to make faith, if required, anent the truth and reality of the saids Debts, that they were truly resting unsatisfied the time of the defuncts decease. And likeways, Statutes and Ordains, That in all time comming, Executors Creditors be free of paying of Quot, in so far as they confirm only for Debts resting ro them be the Defunct the

the time of his decease, and thereupon the saids Exccutors shall be holden to make faith, if required, notwithstanding of any Instruction produced by them. As also, the Relict confirming her self Executrix Creditrix, and for satisfying of the obligement of her Contract of Marriage, or other Provision made to her by her Husband where there was no Contract of Marriage, be also free of Quot, in so far as the Inventer extends to five years purchase of the Annual-rent or Life-rent provided to her; and that she shall be lyable and pay Quot for the *superplus* of the free Goods or Debts confirmed; And that this be extended to all other Life-renters, confirming themselves Executors Creditors. As likewyses, that poor people, not worth in heretable or moveable Estate fourty pounds *Scots* money, have their Confirmation past and registrat free from payment of any Quot; and for Fees of Court, that they pay only two pounds eighteen shillings *Scots*. And farther, it is Statute and Ordained, That heretable Debts resting by the Defunct, be Inseftment, Bonds or Contracts bearing obligement to inseft, be not allowed be the Commissars at the Confirmation, to default off the Inventer in prejudice of the Quot, where there is an heretable Estate belonging to the Defunct to satisfie the heretable Debts, even though the saids Debts be given up by the Defunct himself or his Executor. And likewyses, it is Statute and Ordained, that Commissars admit of no division in Testaments, in favours and upon account of the Relict, where by her Contract of Marriage or otherwayes, she is seclused from all part of her Husbonds moveables; And if a bipartit or tripartit division be craved be the Executor at the confirmation upon her acceptmpt, in that case the Procurator Fiscal shall have power to cite the Relict, for production of her Contract of Marriage, or to give Oath upon her having thereof, or that by the same or any other Writ, she is seclused: And if it appear, either be the said Contract or be any other Writ, or be the Relicts Oath, that she is seclused from the third or half of the moveables, That then the Testament shall be confirmed without division upon her acceptmpt, and the Quot payed accordingly; And in case there be any exception in the Relicts favours, of the Inseft and Houhold-plenishing, or any part thereof, In that case deduction is only to be granted of the Quot, effeiring to the proportion excepted and reserved in her favours. And lastly, His Majesty, with advice foresaid, Statutes and Ordains, that in time coming, no Charges of Horning be given to any person, at the Procurator Fiscals instance, for giving up of Inventer, but upon a Roll of the persons names to be charged subscribed be the Commissar, and that within the space of three years after the Defuncts decease, after which time it shall not be lestone to give any such Charges of Horning for giving up of Inventer; And for the years preceeding, that they shall only charge for giving up Inventer of the Goods of such Defuncts who have deceast since the year, one thousand, six hundred and sixty. And Ordains, That Letters of Caption shall not be used against any of His Majesties Lieges for not confirming of Testaments but where the Letters of Horning have been executé against the parties personally, or at their Dwelling-houses and Paroch Kirk-doors, on a Sabbath-day after Divine Service. And Ordains the Commissars of the respective Diocesses, to keep Circuit Courts the time of the Spring and Harvest Vacance, for Confirmation of Testaments at such convenient places in ilk Presbytery, as may be most conducing to the good and ease of the Lieges; and whereunto they are to be cited personally, or at their Dwelling-places and Paroch-Kirks as saids, to the end and effect foresaid: With certification, that if the Commissar, Commissar-clerk, Procurator Fiscal, or any other Member of Court, contraveen this Act, the contraveener shall suffer deprivation of his Office, and never be re-admitted thereto again, beside satisfaction to the party grieved, of any damage sustained by him there-through.

X X.

ACT for in-bringing of publick Dues from the Northern Shires.

December 23. 1669.

OUR Sovereign Lord considering, that divers persons within the Shires of *Ross, Sutherland, Caithness, Argyle, Inverness* and Burghs within the same, ate in arrear, and deficient in payment of a considerable part of the Annuity of Excise, granted to His Majesty in the year, one thousand, six hundred and sixty one, the Taxation and Assessment imposed by the Conventions of Estates in the years, one thousand, six hundred and sixty five, and, one thousand, six hundred and sixty six, notwithstanding of all legal diligence used for in-bringing thereof. For obtaining payment of which Arrears, and for the more effectual and better payment of the said Annuity of Excise in time coming, His Majesty, with advice and consent of the Estates of Parliament, doth Statute, Ordain and Declare, That the persons deficient and in arrear of the foresaid Annuity of Excise, Taxation and Assessment in the said Shires, and Burghs within the same, preceeding the Month of *November* last, and who shall not pay in the same according to their respective proportions, to the Receivers and Collectors thereof, berwixt and the first day of *June* next to come, shall be lyable in double payment of all such deficiency and arrear, without any manner of defaultation. And farther Declares, that if for the future, three quarters payment of the said Annuity of Excise in the said Shires, shall happen to run in the fourth unpaid (the feast and terme of *Candlemas* next ensuing being the first terme). Then

Then and in that case, such Shires, Burghs and Persons therein so deficient, shall be lyable in payment of the double of the whole years Annuity of Excise, *toties quoties*, and all execution personal and real shall be used against them therefore. And His Majesty and Estates of Parliament doth hereby Declare, That this present Act or any thing therein contained, shall no wise liberate the Commissioners of Excise for the said respective Shires and Burghs, from being lyable in the single payment allannerly of the said Annuity of Excise; but that they shall still stand obliged therefore as formerly, in manner contained in the Act of Parliament made thereanent.

XXI.

ACT Salvo jure cujuslibet.

December 23. 1669.

OUR Sovereign Lord taking to consideration, that there be many Acts of Ratifications and others, past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned and prejudged: Therefore, His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all such particular Acts and Acts of Ratification past in manner foresaid, shall not prejudice any third party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the said particular Acts and Acts of Ratifications; And that the Lords of Session and all other Judges within this Kingdom, shall be obliged to judge betwixt Parties, according to their severall Rights standing in their persons before the making of the saids Acts: All which are hereby expounded, and Declared to have been made, *Salvo jure cujuslibet*.

XXII.

ACT of Adjournment.

December 23. 1669.

THE King's Majesty Declares this Parliament current, and Adjourns the same to the eight of June next to come; Ordaining all the Members of Parliament to attend that day, And that there be no new Election of Commissioners from Shires or Burroughs, except upon the death of some of the present Commissioners.

F I N I S.

A L I S T

Of the Printed *ACTS* past in the *Parliament*, kepted at *Edinburgh* in
October, 1669.

1. *ACT* asserting His Majesties Supremacy over all persons and in all Causes Ecclesiastical.
2. *Act* concerning the Militia.
3. *Act* for registration of Instruments of Resignation ad remanentiam.
4. *Act* concerning pointing before the dayes of the Charge expire.
5. *Act* for the security of the persons of Ministers.
6. *Act* for the ordering of Suspensions of the Benefices and Stipends of the Clergy.
7. *Act* for Naturalization of Strangers.
8. *Act* concerning the Bullion.
9. *Act* concerning Prescriptions.
10. *Act* concerning Interruptions.
11. *Act* concerning the forfeiture of persons in the late Rebellion.
12. *Act* concerning the Excise and Customs.
13. *Act* for annexation of Orkney and Zeland to the Crown.
14. *Act* concerning the exportation of Corns.
15. *Act* for regulating the prices of Ale & Drinking-beer, & Malt-men.
16. *Act* for repairing High-ways and Bridges.
17. *Act* anent inclosing of Ground.
18. *Act* concerning Adjudications.
19. *Act* concerning the Confirmation and Quots of Testaments.
20. *Act* for in-bringing of publick Dues from the Northern Shires.
21. *Act* Salvo jure cujuslibet.
22. *Act* of Adjournment.

F I N I S

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A LIST

A L I S T

*Of the ACTS and RATIFICATIONS past in this first Session
of His MAJESTIES second Parliament, and which are
not here printed.*

- P**rotestations by some Noblemen, and others Commissioners from Shires and Burghs, concerning their
precedency in the Rolls of Parliament.
His Majesties Letters to the Parliament, concerning the Union of the Kingdoms of *Scotland* and *England*,
with the Parliaments Answers.
Act anent the clektion of Commissioners from Shires.
Act for continuing the Imposition for upholding the Cause of *Coniementh*.
Acts for yearly Fairs and weekly Mercats to some Noblemen and others.
Protestation by the Earl of *Nithisdale*, that the Forfeiture of *McKelland of Belmagachan* should
not prejudice him.
Protestation by the Vassals of *Orkney*, that they be not prejudged be the present annexation thereof
to the Crown.
Protestation in name of the Duke of *Lenox*, that this annexation do not prejudice his right of Admi-
ralty in *Orkney*.
Protestation be the Lord Advocat *contra* these two Protestations.
Commission anent the regulation of the Commissar and Sheriff-Courts, and other inferiour Courts
of Justice.
Act suspending the payment of publick Debts.
Protection to *William Dick*.
Ratification in favours of the Duke and Dutcheffs of *Hamilton*.
Protestation be the Town of *Linlithgow* against the same.
Protestation be the Duke of *Hamilton* in the contrair.
Two Ratifications in favours of the Earl of *Argyl*.
Protestations be the Earl of *Errol* and others against the same.
Protestation be the Earl of *Argyl* in the contrair.
Ratification in favours of the Lord *Newbyth*.
Ratification in favours of Mr. *John Young of Leny*.
Ratification in favours of *Thomas Moncrief* of that ilk.
Ratification in favours of the Earl of *Kellie*.
Ratification in favours of the Lord *Stair*.
Ratification in favours of Sir *Andrew Fletcher of Aberlady*.
Ratification in favours of Mr. *Andrew Oswald* and his Son.
Two Ratifications in favours of Sir *John Nicolson* of that ilk.
Ratification in favours of *Mungo Graham of Gorthie*.
Ratification in favours of the Archbishop of *St. Andrews*.
Ratification in favours of the Earl of *Perth*.
Ratification in favours of the Earl of *Roxburgh*.
Ratification in favours of Sir *Alexander Frazer of Dorrs*.
Ratification in favours of Sir *Robert Cunninghame of Auchinbarry*.
Ratification in favours of *William Murray of Ochertyre*.
Ratification in favours of Sir *James Drummond*.
Ratification in favours of Sir *John Forbes of Wattertoun*.
Protestation in name of the Town of *Aberdeen* against the same.
Ratification in favours of the Earl of *Tweeddale*.
Ratification in favours of Sir *Hary Bruce of Clackmannan*.
Ratification in favours of Sir *Alexander Don of Newtoun*.
Ratification in favours of Sir *Patrick Home of Polwart*.
Ratification in favours of Sir *Charles Erskin of Cambo*.
Ratification to him of his Office of *Lyon King at Arms*.
Ratification in favours of Sir *Philip Anstruther*.
Ratification in favours of *David Fortbringhame of Pourie*.
Ratification in favours of the Earl of *Middleton*.
Ratification in favours of the Earl of *Dundonald*.

Ratification in favours of the Lord Lee.
 Ratification in favours of Sir John Keith of Caskieben.
 Ratification in favours of the Master of Ross.
 Ratification in favours of John Forbes of Cullodin and his Son.
 Ratification in favours of David Blair of Adamtoun.
 Ratification in favours of William Hamilton of Wisbar.
 Ratification in favours of George Dundas of that ilk.
 Ratification in favours of Sir William Ker of Hadden.
 Ratification in favours of Thomas Boyd of Pinkil.
 Ratification in favours of the Minister of North-Lietb.
 Ratification in favours of Hugh Wat.
 Ratification in favours of the Town of Bervie.
 Ratification in favours of Sir Adam Blair of Carberry.
 Ratification in favours of George Fullertoun.
 Ratification in favours of David Philp of Overcarnbie.
 Ratification in favours of Mr. Robert Deens of Longherdismistoun.
 Ratification in favours of the Earl of Annandale.
 Protestation in name of the Viscount of Stormont against it.
 Protestation be the Earl of Annandale in the contrair.
 Ratification in favours of Sir John and Sir Robert Dalryels.
 Ratification in favours of Mr. John Wishart.
 Ratification in favours of the Earl of Linlithgow.
 Ratification in favours of Sir John Nisbet, Lord Advocat.
 Ratification in favours of Alexander Brodie of Letham, &c.
 Ratification in favours of Sir William Purves of Woodhouselee.
 Ratification in favours of the Girdle-makers of Culrofs.
 Ratification in favours of James Stewart of Torrence.
 Ratification in favours of the Lord Drumlanrig.
 Ratification in favours of the Viscount of Stormont.
 Ratification in favours of Lieutenant-General Drummond.
 Ratification in favours of Sir William Bruce of Balcaskie.
 Ratification in favours of the City of Glasgow.
 Protestation be the Town of Ruglin against it.
 Ratification in favours of the Town of Forfar.
 Ratification in favours of Mr. Andrew Burnet of Warristoun.
 Ratification in favours of Sir John Aitoun of that ilk.
 Remit for the Viscountess of Stormont, Lord Drumlanrig and Laird of Ednam.
 Act for an Imposition to be uplifted at the North-water Bridge.
 Prorogation of the Imposition for the Bridge of Saughtonhal.
 Act for changing the Way at Walter Chislies House at Dalry.
 Recommendation for the Heritors of the Sheriffdom of Berwick, concerning their fishing on Tweed.
 Commissions for the Fishings in the Waters of Spey and Duvorn.
 Act anent the Fishings on Spey, &c.
 Commission for improving of Trade.
 Act discharging the Custom of Books.
 Act anent the Kirks of Kinneil and Burroughstonefs.
 Act concerning the Losses of the Town of Dundee.
 Recommendation in favours of the Masters of the Scots Incorporation at London.
 Continuation of the Lady Bramfords business.

F I N I S.

THE
LAWES AND ACTS
Past in the SECOND
SESSION
Of the SECOND
PARLIAMENT,
Of Our Most High and Dread Sovereign,
CHARLES
THE SECOND.

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.

Begun at *Edinburgh*, from the 28. of *July*, to the 22. of *August*, 1670.

By a Noble Earl, John Earl of *Lauderdale*, Viscount *Maitland*, Lord *Thirlestane* and
Bolton, &c. His MAJESTIES Commissioner, &c.

I.

*ACT, Authorizing certain Commissioners of the Kingdom of Scotland, to treat with
Commissioners of England, for the weell of both Kingdoms.*

Edinburgh, the 30. day of July, 1670.



Orasmuch as the Kings most Excellent Majesty, from His Princely Zeal and Fatherly Care of the weelfare and happines of his Subjects (persisting in the same pious and prudent Resolution of His Royal Grand-father, King *James* of ever blessed memory, to endeavour a nearer and more compleat Union between His two Kingdoms of *Scotland* and *England*) Hath recommended it to the Parliaments of both Kingdoms, that Commissioners might be nominat to Treat and Consult concerning this Union, to the end, that His Majesties Royal and Gracious Purposes therein may be accomplished, and such a further Union may be treated and agreed upon, as may compleat and confirm for ever, a constant, mutual love and friendship betwixt His Subjects of both Realms.

Therefore, His Majesty, with advice and consent of His Estates of Parliament, doth hereby Statute, Ordain and Enact, That such Persons, or *Quorum* thereof, as shall be nominated by His Majesty under His Great Seal of *Scotland*, are by verue and authority of this Act, Authorized, Commissionare and Impowred, to meet and assemble at such times and in such places, as His Majesty shall appoint; And there to Treat and Consult, according to the tenor of their Commission and Authority in that behalf under the Great Seal, with the Commissioners authorized by Authority of the Parliament of *England*, of, and concerning such an Union of the Realms of *Scotland* and *England*, and of and concerning such other matters, causes

causes and things whatsoever, as upon mature deliberation, the greatest part of the saids Commissioners assembled, as said is, and the Commissioners authorized by the Parliament of *England*, according to the tenor and purport of the Commission in that behalf, shall in their wisdoms think convenient and necessary for the Honour of His Majesty, and the Well and Common-good of both Kingdoms during His Majesties Life, (which Almighty God make long and prosperous) and of His Heirs and lawful Successors for ever. Which Commissioners of both Kingdoms shall, according to the tenor and purport of the Commissions in that behalf, reduce their Doings and Proceedings therein into Writings or Instruments tripartite, every part to be subscribed and sealed by them; To the end, that one part thereof may in all humbleness be presented to the Kings most Excellent Majesty, another part thereof offered to the consideration of the Parliament of *Scotland*, and another part to be offered to the consideration of the Parliament of *England*, at their next Sessions to be held in either Kingdoms *respective*, after such Writings or Instruments shall be subscribed and sealed by the saids Commissioners, that thereupon such further proceedings may be had, as by his Majesty and both the saids Parliaments, shall be thought fit and necessary for the Well and Common-good of both the said Kingdoms; To whom the entire consideration of the whole, and the allowing or dis-allowing thereof, or any part thereof as they shall think fit, is wholly reserved. Likeas, his Majesty, with advice and consent foresaid, doth hereby Statute and Declare, that no matter or thing to be proposed, treated of, or agreed by the saids Commissioners, by virtue of this Act, shall have any force or effect, or be put in execution, until it be confirmed and established by Act of the Parliament of *Scotland*.

I I.

ACT against such who shall refuse to depone against Delinquents.

Edinburgh, 3. of August. 1670.

FOrasmuch as it is the duty of all good Subjects, to give their best concurrence and assistance as they shall be thereunto required by publick Authority, for discovery and punishment of all crimes against the publick Laws, or which may tend to the breach or disturbance of the publick Peace of the Kingdom; And that it is an high contempt of Authority, and a signal evidence of disloyalty and inclination to rebellion, to refuse or shift the same when required thereunto. Therefore, His Majesty, with advice and consent of his Estates in Parliament, doth hereby Statute and Ordain, That all and every Subject of this Kingdom, of what degree, sex or quality soever, who hereafter shall be called by His Majesties Privy Council, or any others having Authority from His Majesty, to declare and depone upon Oath, their knowlege of any crimes against the publick Laws and Peace of the Kingdom; and particularly, of any Conventicles or other unlawful Meetings, and of the several circumstances of the persons present, and things done therein, or of the resetting and intercommuning with persons who are, or hereafter shall be declared Fugitives or Rebels: Are obliged in conscience, duty, and by the alledgiance of Subjects, to declare and depone their knowlege thereof, and of all the particulars relating thereunto. And if any shall happen to be so perversly wicked and disloyal, to refuse or delay to declare or depone, being thereunto required, as said is; His Majesty, with advice and consent foresaid, appoints their punishment to be fining and close imprisonment, or banishment, by sending them to His Majesties plantations in the *Indies*, or elsewhere, as His Majesties Council shall think fit. Likeas, His Majesty, with advice foresaid, doth require His Privy Council to be careful in tryal of the crimes above-written, and in the speedy and due execution of the pains foresaid, upon all such, without exception, as shall refuse or delay to declare or depone thereupon, as said is. It is alwayes hereby provided, that no mans declaration or deposition against any other person, shall infer against himself the pain of loss of Life, or Member, or Banishment.

I I I.

ACT for the raising a Supply of three hundred and sixty thousand pounds offered to His Majesty.

Edinburgh, 9. of August, 1670.

THE Estates of Parliament taking to their consideration, that His Majesty, from His Princely Zeal, and Fatherly care of the good and wel-fare of His Subjects, doth imbrace and improve every opportunity which may tend to the further securing of their peace and happinens; They in a due acknowledgment of His Majesties unparalleld grace and goodness, and for defraying the expence which the extraordinary occasions of His Royal Service and Government will at this time require: Do with all humble duty and thankfulness, for themselves, and in name of this His Majesties most ancient Kingdom, whom they represent, make offer to His Majesty of a new Supply of three hundred and sixty thousand

thousand pounds *Scots*, to be raised and payed out of the Land-rent, in the same manner, according to the same proportion, and with the same exceptions that the former supply granted to His Majesty by the convention of Estates in *January*, one thousand, six hundred, sixty seven years was raised; And whereof one hundred, forty four thousand pounds *Scots*, as being the proportion of two months of the former Supply, is to be payed betwixt and the first day of *February*, one thousand, six hundred, seventy one; and seventy two thousand pounds betwixt and the first day of *May* thereafter; And another seventy two thousand pounds betwixt and the first day of *August* following; And the last seventy two thousand pounds betwixt and the first day of *November* thereafter; being all in the year one thousand, six hundred, seventy one. Likewise His Majesty, with advice and consent of His Estates of Parliament, Doth hereby Ordain the Commissioners for the Valuations, nominat by the Act of Convention for the late Supply in the year one thousand, six hundred, sixty seven, to take care and be answerable that this Supply be duly raised and payed in to such as shall be warranted by His Majesty to receive the same, at the particular terms of payment above-mentioned; And that all manner of diligence and execution contained in that Act be made use of for raising of this Supply, as fully as if the same were expressly repeated in this Act.

IV.

ACT against Invaders of Ministers.

Edinburgh, 13. of August, 1670.

FOrasmuch as the assaulting of Ministers, and the invading of their houses be atrocious crimes, often prohibit and discharged by Law under high and severe pains; And yet, such hath been the wickedness of some loose Men, Rebels and Vagabonds, that of late they have, in several places in the night time, invaded and broken in upon Ministers houses, assaulted and wounded their persons, and pursued them for their lives. And the Kings Majesty having a just indignation of such horrid and unchristian villanies, hath thought fit to brand the same with a signal mark of His displeasure: And Therefore, His Majesty, with advice and consent of His Estates in Parliament, doth hereby Statute, Enact and Declare, That whatsoever person or persons shall be found guilty of the assaulting the lives of Ministers, or troubling their houses, or actually attempting the same, shall be punished with the pain of death, and the confiscation of their Goods. And for the better discovery of these crimes, His Majesty doth, with advice and consent foresaid, hereby offer and ensure the sum of five hundred Merks to any person who shall discover and seize any of the saids Assaulters, Robbers or Attempters: And in case they shall be discovered by one person, and apprehended by another, the discoverer is to have two hundred Merks, and the apprehender three hundred Merks, to be payed out of His Majesties Treasury by the Commissioners thereof, who are hereby authorized to pay the same. And if there shall happen any slaughter to be committed in the apprehending of such persons, His Majesty, with advice foresaid, doth hereby indemnifie the persons employed, and all such as shall assist in the apprehending of them; and Declares them free of all question or trouble for the same in time coming.

V.

ACT against Conventicles.

Edinburgh, 13. of August, 1670.

FOrasmuch as the assembling and convoking of His Majesties Subjects without His Majesties Warrant and Authority, is a most dangerous and unlawful practice, prohibite and discharged by several Laws and Acts of Parliament, under high and great pains; And that notwithstanding thereof, divers disaffected and seditious persons, under the specious, but false pretences of Religion and religious Exercices, presume to make, and be present at Conventicles and unwarrantable Meetings and Conventions of the Subjects, which are the ordinary Seminaries of Separation and Rebellion, tending to the prejudice of the publick Worship of God in the Churches, to the scandal of the reformed Religion, to the reproach of His Majesties Authority and Government, and to the alienating of the hearts and affections of the Subjects from that duty and obedience they owe to his Majesty, and the publick Laws of the Kingdom. For the suppressing and preventing of which for the time to come, His Majesty, with advice and consent of His Estates of Parliament, hath thought fit to Statute and Enact, Likewise they do hereby Statute and Command, That no outed Ministers, who are not licenced by the Council, and no other persons not authorized or tolerate by the Bishop of the Diocese, presume to preach, expound Scripture, or pray in any Meeting, except in their own Houses, and to these of their own Family; and that none be present at any Meeting, without the Family to which they belong, where any not licenced, authorized nor tolerat as said is, shall preach, expound Scripture or pray: Declaring hereby, all such who shall do in the contrair, to be guilty of keeping of Conventicles; and that he or they who shall so preach, expound or pray within any house, shall be seized upon & imprisoned, till they find

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caution, under the pain of five thousand Merks, not to do the like thereafter, or else enact themselves to remove out of the Kingdom, and never return without His Majesties Licence; And that every person who shall be found to have been present at any such Meetings, shall be, *toties quoties*, fined according to their qualities, in the respective sums following, and imprisoned untill they pay their fines, and farther during the Councils pleasure, *viz.* Each Man or Woman, having Land in Heretage, Life-rent or proper Wodset, to be fined in a fourth part of his or her valued yearly Rent; each Tenant labouring Land, in twenty five pounds Scots; each Cottar in twelve pounds Scots, and each serving Man in a fourth part of his yearly Fee. And where Merchants or Trades-men do not belong to, or reside within Burghs Royal, That each Merchant or chief Trades-man be fined as a Tennant, and each inferior Trades-man as a Cottar: And if any of the persons above-mentioned shall have their Wives, or any of their Children living in Family with them, present at any such Meeting, they are therefore to be fined in the half of the respective fines aforesaid, consideration being had to their several qualities and conditions. And if the Master or Mistris of any Family, where any such Meetings shall be kept, be present within the house for the time, they are to be fined in the double of what is to be payed by them, for being present at a House-conventicle. And it is hereby Declared, that Magistrates of Burghs Royal are lyable, for every Conventicle to be kept within their Burghs, to such fines as His Majesties Council shall think fit to impose; and that the Master or Mistris of the Houses where the Conventicle shall happen to be kept, and the persons present thereat, are to relieve the Magistrates as the Council shall think fit to order the same; it being notwithstanding free to the Council to fine the Inhabitants of Burghs, for being present at Conventicles within or without Burghs, or where their Wives or Children shall be present at the same.

And farther, His Majesty understanding that divers disaffected persons have been so maliciously wicked and disloyal, as to convocat His Majesties Subjects to open Meetings in the Fields, expressly contrair to many publick Laws made thereanent; And considering that these Meetings are the rendezvous of Rebellion, and tend in a high measure to the disturbance of the publick Peace: Doth therefore, with advice and consent foresaid, Statute and Declare, That whosoever, without Licence or Authority foresaid, shall preach, expound Scripture or pray at any of these meetings in the Field, or in any House where there be more persons then the House contains, so as some of them be without doors, (which is hereby declared to be a Field-conventicle) or who shall convocat any number of people to these meetings, shall be punished with death, and confiscation of their goods. And it is hereby offered and assured, that if any of His Majesties good Subjects shall seize and secure the persons of any who shall either preach or pray at these Field-meetings, or convocat any persons thereto, they shall for every such person so seized and secured; have five hundred Merks payed unto them for their reward, out of His Majesties Theaury by the Commissioners thereof, who are hereby authorized to pay the same; and the saids seizers and their assistants are hereby indemnified for any slaughter that shall be committed in the apprehending and securing of them. And as to all Heretors and others aforesaid, who shall be present at any of these Field-conventicles, it is hereby Declared, they are to be fined, *toties quoties*, in the double of the respective fines appointed for House-conventicles; but prejudice of any other punishment due to them by Law as seditious persons, and disturbers of the Peace and Quiet of the Kirk and Kingdom. And seeing the due execution of Laws is the readiest means to procure obedience to the same; Therefore, His Majesty, with consent and advice foresaid, doth Impower, Warrant and Command all Sheriffs, Stewarts of Stewartries, Lords of Regalities and their Deputs, to call before them and try all such persons who shall be informed to have kept, or been present at Conventicles within their Jurisdictions, and to inflict upon these who shall be found guilty, the respective fines exprest in this Act; they being always countable to the Commissioners of His Majesties Theaury; for the fines of all Heretors within their bounds. And His Majesty, for the encouragement of the saids Sheriffs, Stewarts and Lords of Regalities, to be careful and diligent in their duties herein, doth allow to themselves all the fines of any persons within their Jurisdictions, under the degree of Heretors; and requires the Lords of His Majesties Privy Council to take exact tryal of their care and diligence herein: And if the Sheriffs, Stewarts and Bailiffs shall be negligent in their duties, or if the Magistrates within Burghs shall be negligent in their utmost diligence, to decreet and dilate to the Council all Conventicles within their Burghs, that the Council inflict such censures and punishments upon them as they shall think fit. And the Lords of His Majesties Privy Council are hereby required to be careful in the tryal of all Field and House-conventicles, kept since the first day of October, one thousand, six hundred, sixty nine, and before the date hereof, and that they punish the same conform to the Laws and Acts of State formerly made thereanent. And lastly, His Majesty being hopeful that His Subjects will give such chearful obedience to the Laws, as there shall not be long use of this Act; Hath therefore, with advice foresaid, Declared, That the endurance thereof shall only be for three years, unless His Majesty shall think fit that it continue longer.

V I.

ACT against disorderly Baptisms.

Edinburgh, 17. of August, 1670.

FOrasmuch as the disorderly carriage of some Persons, in withdrawing from the Ordinances of the Sacraments in their own Parish Churches & procuring their Children to be Baptized by persons not publickly authorized or allowed, is highly scandalous to the Protestant Religion, and tends exceedingly to the increase of Schism and Profanitie: Therefore the Kings Majesty, with advice and consent of His Estates in Parliament, doth Statute and Prohibit all His Majesties Subjects, that none of them, of whatsoever degree or quality, presume to offer their Children to be Baptized by any but such as are their own Parish Ministers; or else by such Ministers as are Authorized by the present established Government of the Church, or Licenced by His Majesties Council, upon a Certificat from the Minister of the Parish, if he be present; or in his absence, by one of the Neighbouring Ministers: And declares, that the Father of any Child which shall be otherways Baptized, shall be liable to the pains and penalties following, *viz.* Every Heretor, Life-renter, or proper Wod-setter, shall be fined in a fourth part of his valued yearly Rent; Every person above the degree of a Tennent, having a personal, but no real Estate, in one hundred pounds Scots: Every considerable Merchant in one hundred pounds: Every inferior Merchant, or considerable Tradesman, and every Tennent labouring Land, in fifty pounds: Every meaner Burges, Tradesman, Inhabitant within Burgh, and every Cottar, in twenty pounds Scots; and every Servant in half a years Fee. And His Majesty, with advice foresaid, requires the Sheriffs, Stewarts, Lords of Regalities and their Deputes, and Magistrates of Burghs Royal, within their severall Bounds and Jurisdictions, to be careful to put this Act in execution; and that upon Information from the Bishop of the Diocess, or any other, they call before them, and judge the Persons Contraveners thereof, and uplift the Penalties foresaid. Likeas, His Majesty, for the further encouragement of the saids Sheriffs, and others foresaid, to do their duty herein, doth allow them to retain for their own use, the Fines of the severall Persons above-mentioned, except these of the Heretors, for which they are to be completable to the Commissioners of His Majesties Thesaurie.

V I I.

ACT against Separation and withdrawing from the publick Meetings of Divine Worship.

Edinburgh, 20. of August, 1670.

FOrasmuch as it is the duty of all His Majesties good Subjects, to acknowledge and comply with His Majesties Government, as it is by the Lawes of the Kingdom established in Church and State; and in order thereunto, to give their cheerful concurrence and countenance to such Ministers, as by Publick Authority are, or shall be admitted in their severall Parishes, and to attend all the Publick and Ordinary Meetings of Divine Worship in the same. And seeing the Laws of the Kingdom hath declared a withdrawing, and not keeping of, and joyning in, these Meetings, to be seditious, and of dangerous example and consequence: His Majesty conceives Himself also bound in Conscience and Duty to interpose His Authority, that the Publick Exercises of Gods Worship be countenanced by all His good Subjects, and that such as upon any pretext do disorderly withdraw, be by the Censures of the Law made sensible of their miscarriages, and by the Authority of the Law, drawn to a dutiful obedience to it. And therefore, His Majesty, with advice and consent of His Estates in Parliament, Statutes, Ordains, and commands all His good Subjects of the Reformed Religion within this Kingdom, to attend and frequent the ordinary Meetings appointed for Divine Worship, in their own Parish Churches; Declaring hereby, that every such Person who shall three Lords Days together withdraw & absent themselves from their own Parish Churches, without a reasonable excuse to be allowed or disallowed by the Judges and Magistrates after-mentioned, shall *toties quoties* be liable to the pains and penalties following, *viz.* Every person having Land in Heretage, Life-rent, or proper Wod-set, in the eight part of his or her valued yearly Rent: Every Tennent in six pounds Scots: Every Cottar or Servant, in fourty shillings Scots: Every person above the degree of a Tennent, and who hath a personal, but no real Estate, in twelve pounds Scots: Every considerable Merchant in twelve pounds Scots: Every inferior Merchant, and considerable Tradesman, in six pounds Scots: Every other meaner Burges, Tradesman, and Inhabitant within Burgh, in fourty shillings Scots. And His Majesty, with advice and consent foresaid, doth commit the execution of this Act, and the raising the Penalties above-mentioned, to the Sheriffs, Stewarts, Lords of Regalities and their Deputes, and to Magistrates of Burghs within their severall respective Jurisdictions: And doth hereby Authorize and require them to be careful to see this Act put in due execution; and in order thereunto, that they Examine upon Oath such persons in every Parish as they shall think fittest, for discovery of such as shall withdraw, and thereby

incur the penalties above-mentioned. And for their encouragement herein, His Majesty, with advice foresaid, doth hereby allow to themselves the Fines of all persons within their respective Jurisdictions, below the degree of Heretors, they being always comtable for the Fines of the Heretors to the Commissioners of His Majesties Thesaurry. And in case any Heretor, Life-renter, or proper Wod-setter, shall be so froward and obstinat, as to withdraw from their Parish Churches for the space of one year, notwithstanding of their being fined as aforesaid: It is Ordained, That the Sheriffs and other Judges aforesaid, within their severall Jurisdictions, dilate them to His Majesties Privy Council, who are hereby authorized to call the saids persons before them, and to require them to subscribe the Bond following:

I oblige my self, that I shall not upon any pretext or collour whatsoever, rise in Arms against the King's Majesty, or any having his Authority or Commission; nor shall assist nor countenance any who shall rise in Arms. And if any person so called and required, shall refuse or delay to subscribe the Bond, That the Lords of His Majesties Privy Council secure or banish them, as they shall think fit. And it is hereby declared, that upon such refusal or delay to sign this Bond, the single Escheat, and Life-rent Escheat of the refusers or delayers shall fall and appertain to His Majesty, and is to be intromitted with, and disposed of, for His Majesties use. Likéas, the Lords of His Majesties Privy Council are hereby required to call from time to time for an Account from the Sheriffs, and others foresaids, of their diligence in putting this Act in execution; and if they be found negligent, that they inflict such Censures and Punishments, on them, as they shall judge fit. And it is further declared, that this Act is to endure only for the space of three years, unless His Majesty shall think fit it continue longer. And it is further hereby provided, that this Act is to be without prejudice of the Censures of the Church, to be used against such who shall be absent from the Publick Meetings for Gods Worship, conform to the former Acts and Practices of the Church thereanent.

VIII

ACT ratifying the Priviledges of the Ordinary Lords of Session.

Edinburgh, 22. of August, 1670.

FOrasmuch as at the first Institution of the Colledge of Justice, the Kings Majesty and Estates of Parliament, considering that the Lords of Session did represent His Majesties Person and Authority, in doing Justice to the Subjects; And in regard thereof and their daily attendance, did by an express Act of Parliament, exeem them, and every one of them, from payment of all Taxes, Contributions, and other extraordinary charges in all time thereafter; which Priviledge and Immunity hath been fully ratified and approven in all succeeding Parliaments. Therefore, and in consideration that the pains and travels of the saids Lords have been since rather increased then diminished, His Majesty being willing, for their greater encouragement in the discharge of their Trust and Employment, their Priviledges be preserved entire, with advice and consent of the Estates of Parliament, Doth Ratifie and Approve their whole Priviledges and Immunities foresaids, granted by their first Institution, or any other subsequent Act of Parliament. And for their farther security, His Majesty, with consent foresaid, Statutes and Ordains, That the saids Ordinary Lords of Session shall bruik and enjoy their saids Priviledges and Immunities, from all burdens imposed, or to be imposed by this or any other Parliament in time coming, als fully as if they were particularly excepted out of the saids Acts.

IX

ACT concerning High-ways.

Edinburgh, 22. of August, 1670.

OUR Sovereign Lord considering, that in the sixteenth Act of the last Session of Parliament, anent High-ways, the time appointed for working thereat is limited betwixt Seed-time and Harvest, whereas it will be much more convenient working at, and repairing several of the High-ways at other Seasons of the Year: Therefore His Majesty, with advice and consent of the Estates of Parliament, doth declare, that the respective Sheriffs and Justices to whom the Execution of the said Act is committed, may require all persons liable to work and repair the said High-ways, Bridges, and Ferries, to convene, the number of dayes they are liable, at any time or season they shall judge most convenient, Seed-time and Harvest being always excepted. And sicklike, where the Wayes ly at great distance from those who are liable to repair the same, that it shall be leifome to the saids Justices and Over-seers to dispence with those persons who live at such a distance, they paying six shillings yearly for ilk Man, and twelve shillings for ilk Horse which ought to have been employed in the said Work; which sums of money so to be payed in, shall be expended at sight of the said Sheriff and Justices, on Work-men to work in place of those who live at such distances, in manner foresaid.

X.

ACT Salvo jure cujuslibet.

Edinburgh, 22. of August, 1670.

OUR Sovereign Lord taking to consideration, that there be many Acts of Ratifications and others, past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned and prejudged: Therefore, His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all such particular Acts and Acts of Ratification past in manner foresaid, shall not prejudice any third party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the said particular Acts and Acts of Ratifications; And that the Lords of Session and all other Judges within this Kingdom, shall be obliged to judge betwixt Parties, according to their several Rights standing in their persons before the making of the saids Acts: All which are hereby expounded, and Declared to have been made, *Salvo jure cujuslibet.*

XI.

ACT of Adjournment.

Edinburgh, 22. of August, 1670.

THE King's Majesty Declares this Parliament current, and Adjourns the same to the eleventh of May next to come; Ordaining all the Members of Parliament to attend that day, And that there be no new Election of Commissioners from Shires or Burroughs, except upon the death of some of the present Commissioners.

F I N I S.

A T A B L E of the Printed A C T S.

1. *ACT authorizing certain Commissioners of the Kingdom of Scotland, to Treat with the Commissioners of England, for the weel of both Kingdoms.*
2. *Act against such who shall refuse to depone against Delinquents.*
3. *Act for the raising a Supply of three hundred and sixty thousand pounds offered to His Majesty.*
4. *Act against invaders of Ministers.*
5. *Act against Conventicles.*
6. *Act against disorderly Baptisms.*
7. *Act against Separation and withdrawing from the Publick Meetings of Divine Worship.*
8. *Act ratifying the Privileges of the Ordinary Lords of Session.*
9. *Act concerning High-ways.*
10. *Act Salvo jure cujuslibet.*
11. *Act of Adjournment.*

F I N I S.

A L I S T

Of the Acts and Ratifications past in this second Session of His Majesties second Parliament, and which are not here printed.

A C T concerning Legal Executions to be used at the Towns of *Lander* and *Dunee*.
 Act in favours of the Duke and Dutcheſs of *Hamiltoun*.
 Act in favours of the Earl of *Errol* and his Cautioners, &c.
 Act in favours of the Counteſs of *Bramford* and Lady *Forreſter*.
 Act in favours of the Earls of *Roxburg* and *Weymes*.
 Act in favours of the Town of *Anſtruther*.
 Act uniting the Kirks of *Incheſture* and *Rosſie*.
 Act for an Impoſition for upholding the Bridge of *Dalkeith*.
 Act in favours of the Laird of *Ardroſs*.
 Acts for ſome new Fairs and Mercats.
 Act for repairing the Kirks of *Dreghorn* and *Kilmars*.
 Act Ratifying the Taxt Roll of the Burroughs.
 Act in favours of *Thomas Rocheid* and *Thomas Rutherford*.
 Act for rectifying ſome Valuations.
 Act in favours of the Earl of *Caithneſs*.
 Proteſtation in favours of the Advocats and Writers, &c.
 Ratification of a Decreet Arbitral concerning the Stipend of the ſecond Miniſter of *South-Leith*.
 Proteſtation be the Lord *Balmerinock* and Paroch of *South-Leith* againſt the ſame.
 Ratification in favours of *Robert Baird* of *Sauchtoun-hall*.
 Proteſtation the Wrights and Cowpers of the *Cannongate*.
 Ratification of the Right of the Colledge of *Old-Aberdeen*.
 Proteſtation the Lord *Goffſford* and others againſt the Ratification to Sir *Andrew Fletcher*.
 Ratification to the City of *Edinburgh* of the late Impoſition upon the Wine and Ale, &c.
 Ratification in favours of *John Wedderburn*, Fiar of *Blackneſs*.
 Ratification in favours of Sir *James Mercer*.
 Ratification in favours of *Patrick Leſly* of *Balquhine*.
 Ratification in favours of the Earl of *Wintoun*.
 Ratification in favours of General *Dabyl*.
 Ratification in favours of the Lord *Goffſford*.
 Ratification in favours of *Alexander Monro*.
 Ratification in favours of the Lord *Saltoun*.
 Ratification in favours of the Town of *Kirkcwall*.
 Ratification in favours of the Earl of *Eglintoun*.
 Ratification in favours of *John Cunninghame* of *Caldwel*.
 Ratification in favours of *James Cockburn* of that ilk.
 Ratification in favours of Sir *George Ogilvie* of *Barras*.
 Ratification in favours of Sir *Robert Nairn* of *Strathburd*.
 Ratification in favours of Sir *George Monro* of *Colrane*.
 Ratification in favours of the Chirurgions & Apothecaries of *Edinburgh*.
 Ratification in favours of Sir *Robert Sinclair* of *Longtormacus*.
 Ratification in favours of the Lord *Haltoun* and his Son.
 Ratification in favours of the Lord *Haltoun*.
 Ratification in favours of the Members of the Mint-houſe.
 Ratification in favours of *James Borthwick* of *Stow*.
 Ratification in favours of Sir *Colin Campbel* of *Aberurquhil*.
 Ratification in favours of *Henry McDougal* of *Mccairſtoun*.
 Ratification in favours of *Robert Douglas* of *Bridgford*.
 Ratification in favours of *William Blair* of *Kinſauns*.
 Ratification in favours of *Colin Campbel* of *Monzie*.

F I N I S.

T H E
L A W S A N D A C T S

Past in the T H I R D

S E S S I O N

Of the S E C O N D

P A R L I A M E N T,

Of Our Most High and Dread Sovereign,

C H A R L E S
T H E S E C O N D.

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.

Begun at *Edinburgh*, from the 12. of *June*, to the 11. of *September*, 1672.

By his Grace, John Duke of *Lauderdale*, Marquess of *Marche*, Earl of *Lauderdale*,
Viscount Maitland, Lord *Thirlestane*, *Musselburgh* and *Bolton*, &c.

His MAJESTIES Commissioner, &c.

I.

ACT for Settling the Militia.

Edinburgh, the 25. of *June*, 1672.



HE Kings Majesty considering, that the Honour and Security of this His Ancient Kingdom are much concerned in the right ordering and settling of the Militia within the same: Which being a Service and Employment of so great Trust, His Majesty Resolves to take special notice thereof; and as He will give all due encouragements to those who shall be employed therein, so He will expect, and require from them an exact performance of the duties and services incumbent to them in their several stations. And therefore His Majesty, with advice and consent of His Estates of Parliament, Doth hereby Declare, Statute and Enact, That all such persons who shall be enrolled and admitted in this trust of the Militia, shall be entirely reserved for that employment; and during their service in it, shall be freed and exempted from all other Levies whatsoever. And that the persons employed may be suitable to, and qualified for such a trust, It is also hereby Statute and Ordained, That all the Officers in the Militia, be persons well affected to the Religion and Government of the Church, as it is now established by the Laws of this Kingdom: And that all the Officers and Souldiers, to Horse or Foot, shall, at the first Rendezvous of each Regiment or Troup, where they shall be present, Take the Oath of Allegiance, which is hereby Ordained to be administered unto them, by the chief Officer commanding upon the place. And if it shall happen any of them to refuse the same,

That they shall be presently seized on, and sent to the next publick prison, there to be kept, till, by order of His Majesties Privy Council, they be banished the Kingdom: And that those who outreiked them, do forthwith furnish others in their place.

And further, it is hereby Statute and Ordained, that all the Officers of the Militia do punctually attend their several Charges, and that none of them offer to desert or demit the same (but upon a just and reasonable cause, to be first offered to, and allowed by His Majesties Privy Council) under the pains following: *viz.* a Collonel of Foot, and Captain of Horse, two thousand merks; a Lieutenant-Collonel of Foot, and Lieutenant of Horse, one thousand, five hundred merks; a Major, or Captain of Foot, one thousand merks; a Lieutenant, or Ensign of Foot, or Cornet of Horse, five hundred merks. And that all Officers to be hereafter named, shall accept and attend their Charges; and if any of them shall refuse to accept, without a reasonable cause, to be first allowed as said is, they shall be also lyable to the respective Fines aforesaid. And in case any of the Officers already admitted, or who shall hereafter be admitted in this Service, shall neglect the same, and not give due attendance at the several diets of Rendezvous of the Regiments, Troups, and of the Companies, they shall belyable ro, and forfeit the Fynes following; a Major and Captain of Foot, and a Lieutenant and Cornet of Horse, fifty pounds in time of war, and twenty five pounds in time of peace; and the other inferior Officers, twenty four pounds in time of war, and twelve pounds in time of peace. And it is also hereby Declared, that all Fynes formerly imposed by Act of Parliament, for absence from Rendezvous, or deficiency in outreik of Horse or Men, or in cases of insufficiency of Horse or Armes, shall be doubled in time of war.

It is also hereby Ordained, that none be designed Horse-men or Foot-men of the Militia, but such as dwell and reside in the bounds within which they serve; and if any be already otherwise designed, that they be changed, and others accordingly put in their places: And that in time coming, no Leader change any Tennent, Cottar or Servant designed Horse-man or Foot-man in the Militia, so long as he continues on the Leaders ground, or in the bounds for which he serves, or shall be in the Leaders or Tennents service: And that the Tennent, Cottar or Servant listed in the Militia, shall not remove from his Masters ground, nor leave his service, until year and day expire; and then the removal is only to be at the term of Whitsunday, the Leader being alwayes obliged, before his removal, to present to the Captain another sufficient man in his place, who shall continue in the service as aforesaid. And if any man listed in the Militia, shall desert the service, and withdraw to any other place without the bounds for which he serves; the persons who reffer him, upon intimation thereof given by his Master, or the Captain of the Troup or Company, shall be holden to return him back within three dayes thereafter, and the person himself to be punished for his fault, at the discretion of the Captain and any two Commissioners of the Militia: And in case the Resfeter, being required, shall not return him, he is to be Fyned inane hundred merks *Scots* by any two Commissioners of the Militia, if he live within the Shire: and if he live in any other Shire, by the Sheriff, Magistrats of Burgh, or any other ordinar Magistrat on the place.

It is likewise hereby Ordained, that the Leader of every Horse is to furnish and uphold a sufficient Horse with his furniture for the space of seven years from this time; and that after the expyryng of the seven years, those of the Fraction with him shall contribute for another Horse, at the rate of ten pounds *Sterling*, and that the Horse be provided to the value of that summe, and so after the expyryng of each seven years thereafter *successive*: And that the Heretors of every Shire allow yearly forty eight pounds *Scots* to the Trumpetter who serves their Troup, and twelve pounds *Scots* to every Drummer who serveth their companies. And it is further Ordained, that besides the dayes of Rendezvous already appointed, and which are still to be observed in the time of Peace; Yet in the time of War, there are to be two Rendezvous yearly of the Regiments of Foot; at either of which, the Companies are to be kepted together, and exercised for two dayes; as also, four dayes of Rendezvous for the several Companies. But in regard of the distance of the bounds, and other difficulties in drawing together the Regiment which is raised out of *Argyl, Bute and Dumbarton*, they are to have onely one general Rendezvous in the year, and two for the several Companies, who are to stay together two dayes at either of their Rendezvous.

And further, his Majesty, with advice and consent foresaid, Ratifies, Approves and Renewes all former Acts, Orders or Instructions past in Parliament, or by His Majesties Privy Council concerning the Militia; and Ordains them to be put to due execution, except in so far as any of them are innovate or altered by this present Act.

II.

A C T concerning Pupils and Minors, and their Tutors and Curators.

Edinburgh, 28. of June, 1672.

OUR SOVERAIGN LORD, Considering the great prejudice and inconvenience befalling to Pupils and others, who cannot provide for, or defend themselves, That their Tutors or Curators have immediate access to their Charter-chests, Writs, Evidents and Securities of their Lands, sums of money, and others belonging to them, which they may imbesit, suppress, or by collusion, give up to their Debtors or other parties interested, without just satisfaction; Or otherwise, having gotten satisfaction, there is no mean by which a Charge can be made up against the saids Tutors and Curators, but themselves, when they are brought to an account, make both their own Charge and Discharge; and in case of their decease, they who succeed to them, for the most part, can have no Charge made up against them at all. For remeedy whereof, His Majesty, with advice and consent of His Estates of Parliament, Statutes, Ordains and Declares, that no Tutor or Curator of any Pupil, Minor, Idiot or furious person, to be named or designed in any time coming, or who is not actually stated and entered in the said office, shall have power or authority to exercise the said Office of Tutor or Curator, or to meddle with the Writs, Evidents, Means and Estate of the saids Pupils, Minors, Idiots or furious persons, until first an Inventar be made up, in manner after-specified, by the saids Tutors and Curators, with advice and consent of the nearest of kin on the Fathers side, and the nearest of kin on the Mothers side, who shall be Majors, and within the Kingdom for the time: Which Inventar shall be subscribed by the saids Tutors and Curators; and the saids nearest of kin; and one subscribed double thereof kept by the saids Tutors or Curators, another by the nearest of kin on the Fathers side, and the third by the nearest of kin on the Mothers side. All which subscribed Duplicats shall be judicially produced before the Judge ordinar of the place, where the Pupil, Minor, Idiot or furious person their chief residence is, and an Act made upon production thereof, bearing the production of the Inventar, and expressing the names of the persons subscribers thereof, and in whose custody the same were left; and that the Duplicats be also subscribed by the Clerk of Court, that they may not be altered thereafter. And in case the nearest of kin on both sides will not concur in making up the Inventar in manner foresaid, the saids Tutors and Curators shall raise summons at their instance, before the saids Judges ordinar *respective*, for summoning the nearest of kin that are majors, and within the Countrey, upon either side, for decerning them to concur in making up of the said Inventar in manner foresaid: And in case they compare not, or do not concur as said is, With certification, the said Inventar shall be made up by the said Tutor or Curator, with advice and consent of the Judge ordinar, or any whom he shall delegate or appoint, who shall subscribe three Duplicats of the said Inventar with the saids Tutors or Curators, whereupon a Judicial Act shall be made, and the Duplicats subscribed by the Clerk, in the same manner as if the nearest of kin had concurred; and a Duplicate thereof shall be kept by the saids Tutors and Curators, and the other two Duplicats shall remain in the Clerks hands, to be delivered to the nearest of kin on the Father and Mothers side, being closed up and sealed by the saids Tutors or Curators, and the person delegate for making the said Inventar as said is. Which Inventar shall contain the names and designations of the Lands belonging to the Pupils, Minors and others foresaid, and the Bands, Counts and Tickets due to them, and sums therein contained, and their Moveables, aswell Heirship-Moveable as other Moveables: And in case that thereafter any other Lands, Debts, sums of money or other Goods and Gear whatsoever belonging, or that may happen to belong to the saids Pupils, Minors, Idiots, or furious persons, shall come to the knowledge of the saids Tutors or Curators, so that they may attain to the possession thereof; In that case, and within the space of two Months after they attain to the possession of the same, They shall eek the same to the foresaid Inventar, and make a judicial Act thereupon in the hands of the Clerk of Court where the principal Inventar was made, and shall leave two Duplicats of the said Eek or Eeks, one or moe, sealed as said is, in the hands of the said Clerk, for the use of the nearest of kin as said is. And it is hereby further Declared, that the Debtors of the Pupils, Minors, Idiots or furious persons, shall not be obliged to make payment to the Tutors or Curators of the saids persons, of any sums due by them, unless the said Tutor or Curator shew to the saids Debtors, that the Sums or Goods demanded from them, are contained in the saids Inventars or Eeks subscribed by the saids nearest of kin, or by the Clerk of Court in manner *respective* foresaid. And it is hereby further Declared, that if the saids Tutors or Curators shall failzie in making up the saids Inventars and Eeks in manner above-written, They shall be lyable both for intromission and Omission, and shall have no allowance or defalcation of the charges and expenses wared out by them in the affairs of the saids Pupils, Minors, Idiots or furious persons: and shall be removable from their Office as suspect Tutors and Curators, if they fail in making up the Eeks from time to time in manner foresaid. It is alwayes hereby Declared, that this Act shall nor pre-judge Pupils, Minors and other persons aforesaid, to charge their Tutors or Curators with what it can be made appear they have intromitted, or might have intromitted with, over and above what is contained in the Inventar. And further His Majesty, with advice and consent foresaid, Statutes and Ordains, That

all Gifts of Tutorry, that shall be granted hereafter, by His Majesty or His Exchequer, shall proceed upon citation of the Minors nearest of kin on both sides, at the instance of the Cravers of the saids Gifts: That they may be heard, if they have any thing to say against the person to whom the Gift is to be granted; or, upon consent first obtained thereto, under the hands of the said nearest of kin. And Ordains, that the said Gifts shall bear expressly that the nearest of kin were cited, or consented to the passing of the said Gifts: Certifying all who shall procure Gifts of Tutorry or Curatorry fore-said, without citation or consent of the saids nearest of kin, or where the same is not expressly mentioned therein, That these Gifts shall be declared null and void, by way of exception or action, at the instance of any person who shall have obtained a Gift of the saids Tutorry or Curatorry, conform to the Tenor of this present Act.

III.

ACT discharging the importation of Irish Victual.

Edinburgh, 28. of June, 1672.

Forasmuch as the importing of Victual, Horses and Cows from Ireland into this Kingdom, hath been, by divers publick Acts and Statutes, discharged, under great pains; And that, notwithstanding thereof, sundry persons, preferring their own privat interests to their obedience to the Law and good of the Kingdom, have adventured to import diverse quantities of Victual from Ireland, and have vented and sold the same in this Kingdom; whereby the sale of Corns, growing within the Kingdom, hath been stopped, and much money hath been unwarrantably carried out of the Kingdom. And His Majesty being resolved, for the good of this His Ancient Kingdom, to take an effectual course for preventing and restraining such courses for the time to come: Doth therefore, with advice and consent of the Estates of Parliament, Statute and Ordain, that all Heretors, Wod-seuters and Life-renters within the Shire of Lanerk below Glasgow, and in the Shires of Air, Renfrew, Wigton, Dumbarton, Bute, Argyl, and Stewartrie of Kirkcudbright, having Land on the Sea-coasts; and the Magistrates of the Burghs of Glasgow, Dumfries, Kirkcudbright, Renfrew, Dumbarton, Inverness, Air, Stranrawer, Rosfa and Inverary, give Bonds, that they, their Tennents, or any dwelling on their Lands, or Inhabitants within the saids Burghs, shall not import or resell any sort of Victual from Ireland, under the pain of twelve hundred pounds Scots, *toties quoties*. And if any of that Victual shall happen to be Livered within their bounds, by persons not living within the same, That they also detain and seise the Victual, Vessel and persons therein, if they can be apprehended, under the same pain. And if the Importers make any forcible resistance, It is hereby Declared, that the Seisers, and these who shall assist them, shall be free of all skaith or prejudice may fall out thereupon: And that they give timely notice thereof to the Lords of His Majesties Privy Council or Exchequer, who are hereby empowered to punish the Importers, by fynyng or imprisonment, or both, as they shall think fit. And for the Vessels and Goods, whether imported by Natives or Strangers, They are hereby Declared to be confiscat; two parts thereof to His Majesties use, and the third part to the Seiser, whether he be Heretor of the Lands where the Importation happeneth, or not. And in case any Heretors or Magistrates shall suffer any Victual to be imported, and shall not seise and certifie, as said is, and that any other person shall inform thereof, and venise the same; This Informer is to have the third of the Goods, if they shall be apprehended, and also the third of the fine imposed upon the Heritors or Magistrates failzeing as said is. Likas His Majesty, with advice fore-said, doth Authorize the Lords of His Majesties Privy Council to appoint fit persons to receive the Subscriptions of the Heretors, Magistrates & others fore-said, within the bounds above-written, to the Bond hereunto subjoined. And if any of them shall refuse to sign the Bond, they are, for such refusal, Declared to incur the pain and penalty of Two hundred pounds Sterling, and imprisonment during the Councils pleasure: Besides that, they shall be lyable to the same pains as if they had subscribed the Bond. And for the encouragement and relief of such Heretors and Magistrates, as shall give Bond as said is, It is appointed, that if any Victual so imported, shall happen to be resell in any of the saids Shires or Burghs, the Reseller shall be lyable to relieve the Heretor or Burgh in whose bounds the Victual was Livered, of the Fyne they incurred thereby: As also, that their Tennents and Inhabitants shall also subscribe the same. And in case of their refusal, their Tacks of their Rooms, if they have any, are declared void, and they, and all such other Tennents or Inhabitants, as have no Tacks, are to be removed from their Possessions and Dwellings, by sentence of any Judge ordinar, before whom the refusal shall be proven; Besides that, they shall be lyable as if they had subscribed the Bond, and their persons to be imprisoned during the pleasure of his Majesties Privy Council, who are also hereby warranted to give Commissions & allowances to fit persons to seise any of the saids Vessels that shall be Water-born within the Waters, betwixt the Head of Kintyre and Lochryan, or within the Western Isles, or any Port, Loch, Creek or River from Lochryan to Dumfries: As also, to allow importation of Victual for such time as they shall think fit, the price of Victual, within the Kingdom for the time, being at eight pounds the Boll of Beir and Meil, and ten pounds Wheat, or above. And last, His Majesty Ratifies and Renews all former Laws, and Acts, and Proclamations of Council made against importing of Victual as said is: And Ordains them to be put to Execution, except in so far as they are altered by this Act; And Ordains Letters of Horning to passe hereupon, in form as effeirs.

The Tenor of the Bond above-mentioned.

In obedience of, and conform to, the Act of Parliament against Importation of Victual from Ireland, Do hereby bind and oblige me, that I, nor my Tements, nor any other Person dwelling upon any Lands belonging to me, shall not import nor resset any Victual from Ireland. And if any Victual, so imported, shall be Livered in any Bounds belonging to me, by any Person not living within my bounds, I oblige me to seise and detain the Victual, Goods, Vessels and Persons therein, if they can be apprehended: And to give speedy notice thereof to His Majesties Council or Exchequer, under the pain of Twelve hundred pounds, as oft as I or they shall failzie in any of the premises; To be payed to And for the more security, &c.

The like Bond to be given by the Magistrates of the Burrows above-mentioned for their Inhabitants.

I V.

ACT for raising of a New Supply of Eight Hundred and Sixty Four Thousand Pounds Scots, Offered to His Majesty.

Edinburgh, 5. of July, 1672.

THE Estates of Parliament being sensible of the great Obligations lying on them to imbrace every Occasion whereby they may renew the Expressions of their Duty, Loyalty and Gratitude to His Majesty, for the many and constant Proofs they have had of His Affection to, and Care of, the Concerns of this His Ancient Kingdom; And considering that His Majesty is now engaged in a most Just and Necessary War against the States General of the United Provinces, They conceive themselves obliged to take such courses, and provide such remedies, as may evidence the sense and resentments this Kingdom hath of His Majesties Honour and Interests, as well as what may concern their own security, against all Accidents which either from without or within the Kingdom may fall out upon this occasion: And therefore They do hereby Declare, that, as the Kingdom of Scotland will cheerfully hazard their lives and fortunes in this or any other cause wherein His Majesties Safety, Honour or Interests may be concern'd; So, in order thereunto, They have so fortified the Militia, as the Forces of the Kingdom may be in readines, when ever His Majesty shall be pleased for those ends to make use of them. And conceiving it necessary, for the rendering of this Humble Tender of their Duty the more effectual for His Majesties Service, That His Majesty be provided with a stock of money toward the encouragement and maintenance of the Forces of the Kingdom, and such other necessary occasions as concern His Majesties Honour, or the publick Peace: They do therefore, with all humble Duty and Cheerfulness, for Themselves, and in name of this Kingdome which They represent, Make offer to His Majesty of a new Supply of Eight hundred, sixty four thousand pounds Scots, to be payed and raised out of the Land-rent of the Kingdom, according to the present Valuations, in the same manner, and conform to the proportions contained in the Act of the Convention of Estates, for raising of the Supply granted to His Majesty in the Year, One thousand, six hundred, sixty seven, and to be payed in four parts at the Terms following, each fourth part answering to three Moneths Cefs; viz. Two hundred, and sixteen thousand pounds, as being one fourth part thereof, and answering to three Moneths Cefs, to be payed at the Term of *Lambas* next to come in this present Year, One thousand, six hundred, seventy two: Another Two hundred, and sixteen thousand pounds, at the Term of *Candlemas*, One thousand, six hundred, seventy three; And the third Two hundred, and sixteen thousand pounds, at the Term of *Lambas*, One thousand, six hundred, seventy three; And the fourth and last Two hundred, and sixteen thousand pounds, to be payed at the Term of *Candlemas*, One thousand, six hundred, seventy four. Likeas the Kings Majesty, with advice and consent of His Estates of Parliament, Doth hereby Ordain the foresaid summe of Eight hundred, sixty four thousand pounds Scots to be raised and payed at the Terms of payment particularly above-mentioned: And that the Commissioners for the Valuations take care, and be answerable, that the same be accordingly raised and payed in to such as shall be warranted by His Majesty to receive the same; And that all manner of diligence and execution contained in the foresaid Act of Convention, One thousand, six hundred, sixty seven, be made use of for raising of this Supply above-mentioned, at the several Terms of payment thereof, as fully as if the same were expressly repeated in this Act. And as His Majesty with Advice foresaid, Ordains that exactness, diligence and execution be used for the speedy bringing in of this Supply as aforesaid; So, for the encouragement of such as shall make due payment, as aforesaid is, It is also hereby Declared, That no person liable in any part of this Supply, shall be holden to produce their Discharges or Receipts of the same after the second of *February*, in the Year One thousand, six hundred, and eighty one. And farther, the Kings Majesty, considering that the whole burden of this Supply lieth upon the Land-rent; And conceiving it

just, that the personal estates of money should bear some proportion of the Burden, toward the relief of the Land-rent: Doth therefore, with Advice and Consent foresaid, Statute and Ordain, That every Debitor owing money within this Kingdom, shall, for the space of one year, from the Term of Martinmes, One thousand, six hundred, seventy two, to the term of Martinmes, One thousand, six hundred, seventy three, in the payment of their Annual-rents for that Year, have retention in their own hands of one sixth part thereof, at the payment of the other five parts of the saids Annual-rents due for that Year as said is.

V.

A C T concerning the Priviledges of Burghs Royal.

Edinburgh, 10. of July, 1672.

OUR SOVERAIGN LORD, taking into His serious Consideration, how necessar it is, for the Wealrh and Welfare of this His ancient Kingdom, that Trade & Commerce be encouraged, both for the Export of the growth and Manufacturie of the Kingdom, and for the Import of Foreign Commodities, requisite for the use and satisfaction of His People; And for that effect, that the Priviledges of the Royal Burrows granted by His Majesty and His Royal Predecessors, may be established, and cleared from the many Controversies and Debates that have been thereanent, to the great disquiet and expences; both of the Royal Burrows themselves, and other Incorporations and People of the Kingdom: Which Controversies have arisen concerning the extent of the Priviledges of the Royal Burrows; and how far the Ratifications thereof granted by His Majesty and His Royal Predecessors; and the Estates of Parliameut, have been derogate and abrogate by contrair Custom, Or by Infements and Priviledges granted by His Majesty, and His Royal Progenitors; and specially the 24. Act of the Parliament, holden by His Majesties Royal Father, of happy Memory, in the Year of God, 1633. entituled, *Ratification of the Priviledges of the Royal Burrows*, whereby all exportation of any Merchandice is prohibited to any persons bur the Burgeses of Royal Burrows, their Factors or Servants; and all Persons, dwelling out of Burrows, are prohibited to use any Merchandice, or to buy Wine, Wax, Silks, Spicery, Wald or sicklike Stuffs; nor that none Pack nor Peil without the Kings Burrows, under pain of Escheat of the Goods that should be topped, fold, packed or peiled contrair to that Statute: And giving power to the saids Royal Burrows, or their Commissioners, to search unfree-mens Goods, intromet therewith as Escheat, either within the Countrey or any other part. Which Priviledges so extended, were never in use, and are higly prejudicial to the common interest and good of the Kingdom, and are by the said Statute, extended far beyond the ancient Priviledges of Burrows, repeated and confirmed therein; applying the priviledges granted to Burrows generally to Royal Burrows only, to the prejudice of the Burghs of Regalities and Barony, and extending of the sale of Imported Commodities which could only be understood of whole sale, to the topping and retailing of the saids Commodities. And on the other part, the just priviledges of the Royal Burrows have been encroached upon by others, not only by exporting, but by importing of Staple-Commodities, without bearing burden with the saids Royal Burrows in the publick Taxations and Aids granted to His Majesty. For remeed whereof, His Majesty, with advice and consent of His Estates of Parliament, Statutes and Ordains, that it is, and shall be the priviledge of Free-men of Royal Burrows, and no other Incorporation or person within this Kingdom, to buy or sell, in great or whole sale, Wine, Wax, Silks, Spiceries, Wald, and other Materials for Dying; And that no other Incorporation or person within this Kingdom, shall have power to import or export the same, or to import any other Commodities, except such as are allowed to them by this present Act: But prejudice to Noble-men, Prelates, Barones and others, of their priviledge of importing any of the saids Goods, for the proper use of themselves and thcir families allanerly. Likeas, His Majesty, with consent foresaid, Doth hereby Enact and Declare, that it shall be leifom to any of His Majesties good Subjects, or any person that shall buy from them, to export forth of this Kingdom, by Sear or Land, all manner of Corns that are of the Growth of the Kingdom, all manner of Cattel, Nolt, Sheep, Horfe, Coal, Salt, and Wool, Skins, Hydcs, and all other Native Commodities of the Kingdom: And that it shall be leifom to the Burghs of Regality and Barony, by any of their Burgeses or Members of Society, to export all their own proper Manufacturie, or such Goods as shall be bought by them in Fairs or Markets. And that it shall be leifom to the saids Burghs of Regality or Barony, or Societies erected or to be erected for Manufacturies, and all others exporting the Native Growth of the Kingdom as aforesaid, to import, in return of the saids Goods expotted, or of the Fraught and Hire of the Ships, the Goods and Commodities following; *viz.* Timber, Iron, Tar, Soap, Lint, Lint-seed, Hemp, Onions, or other necessars, for Tillage or building, or for the use of their foresaid Manufacturie: And als, to top and retail all Commodities whatsoever. Likeas, His Majesty, with consent of the said Estates, Statutes and Ordains, That, if any man, not being free-man in the Royal Burrows, shall be found to have in His possession any Goods or Commodities to be bought or sold, exported or imported by him, contrait to this present Statute,

Statute, and the Privilege of the Royal Burrows granted thereby; The said whole Goods shall be escheat, the one half to His Majesty, and the other half to the Burgh-apprehender: And that, if the said Goods be apprehended within any of the saids Royal Burrows, or the Sub-urbs or Appendices belonging to them, or within their Ports or Harbors; The same may be summarily seized and secured, as Goods escheat in manner foresaid. But if the saids Goods, competent only to Free-men of Royal Burrows, shall be found, or alleadged to be found, elsewhere; They shall only be arrested and pursued to be declared Escheat, to be divided in manner above-written, before any competent Judicator, as accords of the Law: And that, upon pretence thereof, the Magistrates of Burghs, or others by Commission from them, or any of their Inhabitants, shall not search or seize upon any Goods, or any way trouble or molest His Majesties good Subjects, living without the bounds of their saids Burghs or Sub-urbs, summarily and by way of fact, but only by Legal Process according to Law, upon the pretence of any Privilege, Custom or Usage whatsoever, unless the Persons be deprehended in the present and actual transgression of the Privileges of the Royal Burrows above-written, and that within the bounds of the saids Burghs, Sub-urbs and Ports thereof; Under the pain of being proceeded against as Committers of Ryot, and Disturbers of His Majesties Peace. Likeas, His Majesty, with consent foresaid, Casis, Annuls and Rescinds all Acts of Parliament and Ratifications, in so far as they are contrair to this present Statute: And Ordains Letters of Horning to be Direct summarily at the instance of all Royal Burrows, against all and whatsoever Persons who have transgressed, or shall transgress the foresaid Privileges; as the same are Established and Declared by this present Act.

V I.

ACT discharging second Summonds, &c.

Edinburgh, 10. of July, 1672.

Forasmuch as the former Practice and Custome, that Process and Summonds before the Lords of Session, for the most part, should be continued, has been the occasion of delay of Justice, and of great trouble and charges to His Majesties Leiges: By reason, that when the Parties, at least the Defenders, did live at a great distance from the said Judicatory, after the Pursuer had raised the first Summonds, and had sent, and caused execute the same in remote places of the Kingdom: They were forced to return the same to be continued, and, upon an Act of continuation, to raise other Summonds, and to send the same again to the Counreyy, and to cause execute the same in remote places of the Kingdom, for the most part by Messengers employed and sent there of purpose; And to return the same before there could be any Process in the Cause foresaid. And even when Parties had their residence near the said Judicatory, and the Pursuers were concerned, and desirous, to insist with all possible diligence; and to that purpose had raised Summonds; Yet, if the Vacation-time did intervene, (during which their Summonds could not be continued) their Processes could not be in readines against the next ensuing Session; so that they were postponed by the space of diverse moneths, to their great prejudice. And Our Sovereign Lord, being tender, and equally carefull of the Interest of His Subjects, both Pursuers and Defenders; And that a remedy may be provided for preventing the said inconvenients and prejudice to the Pursuers: and yet such a one, as the Defenders be not prejudged: Therefore, His Majesty, with advice and consent of His Estates of Parliament, Doth Statute and Ordain, that, in all Causes and Processes that shall be intended hereafter before the Lords of Session, of whatsoever nature the same be; and albeit formerly the Summonds were in use, and ought to have been continued: Yet, the Pursuer shall not be obliged to cause continue their Summonds, and to take out Acts of Continuation, and to cause raise and execute Letters and second Summonds thereupon, any Law, Custome, Statute or Act of *Sederunt* to the contrary notwithstanding, which is hereby Repealed. And because by the Law and Custome formerly observed in the Causes foresaid, being oft-times of great importance, a Decree could not be obtained summarily upon a single Citation; which may be, and sometimes was industriously, and of purpose, so conveyed and concealed, that it could not come to the Defenders knowledge: And upon the considerations foresaid, after that the Defenders were cited by the first Summonds, they behaved again to be cited, and in some cases, nor by Sheriffs in that part; but by Messengers at Arms, and with, and under other and higher certifications then were contained in the first Summonds. And seeing it is just, and it is His Majesties intention that they should not be prejudged of the benefit and means foresaid, whereby they may be the better certiorate, and have time, to deliberate, and prepare themselves for their defence: It is therefore Ordained by His Majesty, with consent foresaid, That all Summonds before the Lords of Session, which before were in use, and ought to have been continued, shall contain two several Warrants for citing the Defenders at two several times, and to two distinct diets and dayes of Compearance; And that the saids Summonds be directed to Sheriffs in that part, and Messengers *respective*; and that, by the first Warrant to be insert in the said Summonds, such persons, as might, and were in use, to have executed the first Summonds, be warranted to give the first citation upon the same time, and with the same certifications as formerly were

were and ought to have been in citations upon the first Summonds: And by the second Warrant, Messengers at Arms, or such other persons as formerly were and ought to have been employed to execute Letters or second summonds, when they were apart, and upon Acts of Continuation; shall be warranted, and commanded to give the second Citation, after the passing and elapsing of all the time contained in the Warrant for the first Citation: And the said second Citation shall be upon the same time, and with the same certifications that were usual in second Summonds, and in the Acts wherupon the same proceeded, according to the several styles, conception and nature thereof *respective*. And it is Declared, That upon all Summonds against Parties, either within or without the Countrey, containing the said Warrant for two Citations, being executed as said is, and no otherwise; Process shall be granted in all causes which before did abide Continuation, in the same manner, and with the same effects, to all intents and purposes, as were granted upon Summonds, Acts of Continuation and Letters: And in all other Processes and causes, which did not require Continuation, it is Declared, that the Summonds shall be libelled, and Process shall be granted thereupon as before, and in the same manner, without any change or alteration. And it is further Statute and Ordained, that, in time coming, all Executions of Summonds shall bear expressly the names and designations of the Parties pursuers and Defenders: And that it shall not be sufficient that the same do relate generally to the Summonds, otherwise the Execution shall not be sustained.

VII.

A C T concerning Writs passing the Great and Privy Seals.

Edinburgh, 12. of July, 1672.

THE Kings Majesty, considering how much His own Service and the Interests of His Subjects is prejudged, by the neglect of Registrating these Charters, Infeftments, Gifts, Commissions and other Writs, which do pass, and are written to, the Great and Privy Seals; Doth, for remedying and preventing of this evil for the time to come, with advice of His Estates of Parliament, Statute and Ordain, that all Charters, Infeftments, Commissions, Gifts and other Writs which hereafter shall pass under the Great and Privy Seals, shall be registrat in the Registers of the great and privy Seals, *respective*, before the Seall be appended to them: And the Writers to these Seals, who keep the Registers thereof, are hereby Ordained to Registrat every Writ passing their Office, and, by their subscription, to mark the same on the back thereof, to be written and Registrat by them, before they give them out to be sealed; and that they make and keep a perfect Minut-book, containing the Names, Surnames and Designations of the persons in whose favours the Charters and other Writs are granted, with the Names of the Lands and special matters therein contained: And the keepers of these Seals are hereby Discharged to append the Seals to any writs which are not so marked and attested to be Registrat, as they will be answerable. And his Majesty further considering, that the Writing of Precepts of Seasing, to pass under the Quarter Seal, is a great and unnecessary trouble to His Subjects, and may be aswell, and with less trouble supplied, if the Precept of Seasing were insert in the Charter; Doth therefore, with advice foresaid, Suppress, and for ever Discharge, the passing or writing of any precepts of Seasing to, or under the Quarter Seal: And Ordains, that, in lieu thereof, every Charter shall, towards the end, contain a Precept of Seasing of all the Lands and others contained therein; which shall be als sufficient for taking of Seasings, as if the same were past under the Quarter Seal as said is. Likeas, His Majesty, understanding the great trouble and inconveniencies occasioned by the Writing of long Chartets and other Writs, which pass the Seals aforesaid, in one broad parchment, of so great length and largeness, that they can hardly be read: Doth, for remeid thereof, with advice foresaid, Statute and Ordain, that it shall be free to any person, who hath any Charter or Writ to be written for the Great or Privy Seals, to choise whether to have the same written in a broad skin of parchment as formerly, or to have them written by way of a book in leaves of parchment, about the breadth of an ordinary sheet of paper; and accordingly, the Writters to the Great and Privy Seals, are hereby Ordained to write and exped the same: And, if they shall be written in the way of a book, that each page be signed and marked by them as said is. Which being done, the respective Seals are to be appended thereto in manner following, *viz.* To such as shall be written on a skin of parchment in the ordinary way, That the Seals be appended as formerly: And to these which shall be written in the book-way, that the Seals shall be appended upon a Tye or Band, which is to go thorow all the leaves in the Margine. And that for doing hereof, this shall be a sufficient warrand to all persons concerned.

VIII.

A C T concerning Arrestments used within Burghs.

Edinburgh, 12. of July, 1672.

OUR SOVERAIGN LORD considering, that the Burrows Royal have been in use to arrest Strangers, who live without their respective Burghs, for all Debts due by them to any of the Inhabitants Burgesies of the said Royal Burrows, any manner of way, without distinction; Do daily force them to find Caution to compare before the Town-Courts, or otherwise go to Prison, to the great hurt and prejudice of the Leiges, who being Strangers, and not able to find Caution within Burgh, are oftentimes summarily incarcerated, without any just cause, to their great damage, expences, and disgrace. For remeid whereof, His Majesty, with advice and consent of His Estates of Parliament, Statutes and Ordains, that, in time coming, no Burgesie nor other Inhabitant of any Royal Burgh shall have power, or be permitted, to arrest any of His Majesties Subjects of this Kingdom, who live ourwith the Burgh, or force them to find Caution, or imprison them as said is, for any debt whatsoever; Except allanerly for Horse-meat or Mans-meat, Abuilzements or other Merchandice due by Strangers to Burgesies: For which they have no other security but their own Compt-books; and for which the said privilege of Arrestment shall only be competent to the Merchant, Inn-keeper or Stabler *respective* from whom the samin was gotten, and to whom it was originally addebted: So that, in case the samin be assigned to any other Burges, the Assignee shall not have the benefit of that Privilege. And siklike, if Strangers have given Band or other security, for the Mans meat, Horse-meat, Abuilzements or other Merchandice, the Merchant, Inn-keeper or Stabler *respective* shall not have the benefit of the foresaid Privilege; but shall be left to pursue for their respective Debts before the Judge Ordinar as accords. And in regard that Burghs of Regality and Barrony do assume the same Privileges; Therefore His Majesty, with advice foresaid, Inhibits & Discharges the Magistrates of these Burghs to Arrest or Incarcerat any persons who are not Burgesies Inhabitants in their Burgh, for any manner of Debt: And it is hereby Declared, That, if any Magistrate of any Burgh shall presume to do in the contrair hereof. They shall be punished for wrongous Imprisonment of His Majesties Leiges.

IX.

A C T against Unlawful Ordinations.

Edinburgh, 24. of July, 1672.

OUR SOVERAIGN LORD considering, that the true and regular way of Ordination to the holy Calling and Employment of the Ministry is of great and necessary importance, to the Constitution, Peace and Unity of this Church, and for preserving the Reverence and Interest of the Reformed Religion professed in it; and for the preventing of the growth of scandalous Schism and Confusion arising from various and different Ordinations: Doth therefore, with advice and consent of His Estates of Parliament, Statute and Ordain, that no person or persons whatsoever presume to appoint or Ordain any person to the Office and Work of the Ministry, except these who have Authority approved by the Laws of the Kingdom for that effect; and that no person take Ordination from any, but such as are thus Lawfully Authorized to give the same: Declaring hereby, all pretended Ordinations of any persons, since the Year, 1661. which have not been, or hereafter shall not be, according to the Appointment of the Law, to be null and invalid; And all persons who, since the said Year, have received pretended Ordination, or shall receive the same any other manner of way then as is settled by Law, to be no Ministers. And His Majesty, with advice foresaid, Statutes and Ordains, that both the pretended Ordainers, and these who shall pretend to have received Ordination, be seised upon by the Sheriff or other ordinar Magistrat of the place, and committed to Prison, until they be dilated to the Lords of the Privy Council; who are hereby Authorized and Ordained after tryal, and finding the saids persons guilty, to sentence them by Confiscation of all their moveable Goods, and banishing them, and to cause them find Caution not to returne to His Majesties Dominions. And in case they shall refuse to find Caution, or being banished, shall afterwards return to this Kingdom, that they shall suffer perpetual imprisonment, and not to be released, except by a Warrant under His Majesties own hand. And farther, it is hereby Statute & Declared, that whosoever shall be married within this Kingdom by the foresaid persons, or by any other person not lawfully Authorized, They shall amit and lose any right or interest they may have by that Marriage, *jure Mariti vel jure Relictæ*, and that by and attour the pains and penalties provided by the Act of Parliament in Anno 1661. against disorderly and clandestine Marriages: Which Act is hereby Ratified and Renewed.

X.

*A C T. concerning Apparel.**Edinburgh, 26. of July, 1672.*

OUR SOVERAIGN LORD considering the great prejudice, which this Kingdom doth sustain by the sumptuousness and prodigality which all sorts of persons use in their Apparel, without regard to, or distinction of, their several degrees and qualities; considerable summes of money being, upon that occasion, unnecessarily exported out of the Kingdom, and the Native Commodities and Manufactories thereof being thereby neglected, and not improved for the use and advantage of the Inhabitants: For remeid whereof, His Majesty, with advice and consent of His Estates of Parliament, Statutes and Ordains, that none of His Majesties Subjects of this Kingdom, of whatsoever degree, condition or quality, shall, after the first day of June, one thousand, six hundred, threecore thirteen Years, wear any Cloths or Apparel wherein there is any Gold or Silver; or wear any Gold or Silver Laces of whatsoever kind, Buttons, Ribbands, Tracings, Fringes, or Louping made of Gold or Silver; or have any Imbroidering of Gold or Silver upon their Apparel, Sword-belts or any other manner of way: Excepting alwayes Butrons, Buckles and Hilts of Swords of Gold-smith-work, which the Priviledged Persons after-exprest are allowed to wear, and no others: And that none wear any Flowred Stuffs, Stripped stuffs, or Brocado's of Silk, or have any Silk-lace, Gimp lace, or any other kind of Lace or Imbroidering of Silk upon their wearing Cloathes: And that no person presume to import into this Kingdom, or make, or sell therein any of the Commodities above-exprest after the date hereof; Certifying such as shall contravene, that they shall be lyaible in the pains following, *viz.* The Importer, Maker and Seller, shall be fyned in One thousand pounds *Scots*, by and attour the Confiscation of the Goods so imported, made or sold: And the Wearer thereof in five hundred merks *Scots*, *toties quoties*, by and attour the Confiscation of the Cloathes. And it is hereby Declared, that the Importer of such prohibited Goods shall not have Action, for the price thereof, against the Merchant, for whose use the same were imported; Nor the seller thereof against the Buyer, albeit Bands be given for the same, if it can be made appear that the Bands were given for that cause: Excepting alwayes from this present Act, Comedians, as to the Cloathes which they make use of upon the Stage; Heraulds, as to their Coats, and His Majesties Trumpeters; And also excepting Pages and Lacqueys of the Priviledged Persons after-named, as to silk-laces and Pasmments allannerly, which they are hereby allowed to wear upon their Livery-cloathes. And His Majesty, with advice foresaid, Doth Statute and Ordaine, that none of His Subjects shall, after the first of June next, wear any Cloathing or Apparel of Velvet, Sattin or other stuffs of Silk, or wear any Beaver-hats, under the pain of five hundred merks, to be payed by the contraveener, *toties quoties*: Except Noble men, Prelates, His Majesties Counsellors, Lords of Session, and such Barrons, Knights, or Gentle-men, who have of yearly valued Rent Two thousand pounds *Scots* money; And the Provosts of the principal Burrows within this Kingdom; Or these that have been Provosts, and such also as shall be for the time, or have been Provosts, Baillies, Dean of Gild or Theasurer within the Town of *Edinburgh*: Excepting also Rectors of Universities, and the Wives of the saids Priviledged Persons, their eldest Sons, and eldest Daughters unmarried, and all the Children of Noble-men; And that none wear any Ribbands or Louping of Silk upon their Apparel, or any white Lace, or Point made of Threed, under the pain of Five hundred merks *Scots* *toties quoties*; Excepting the Priviledged Persons aforesaid, who are hereby allowed to wear plain Taffety-ribbands upon their Apparel, and to wear white Lace or Point made of Threed upon their Linnings only. And all persons whatsoever are hereby prohibited to wear Feathers, except Souldiers, under the pain aforesaid: But prejudice alwayes to all ranks of persons (except those of the Yeomanry) to wear plain Taffety-ribbands upon such parts of their Apparel where they may have occasion of the same for Tyes; and to Women to wear Hoods and Skarfs of Taffety: And but prejudice to domestick servants to wear their Masters or Mistresses old Cloathes, allowed to them by this Act. And for the better effectuating hereof, His Majesty, with advice foresaid, Ordains all Collectors of Assessment and Excise, and their Sub-Collectors, Farmors and Collectors of Customes, and Waiters in Burgh or Land, at every Term to give up, upon Oath, to the Commissioners of Excise in the several Shires and Burghs, and to the General Collectors of the Customes and Excise, Lists of all those whom they have seen and observed to transgress this Act: And it is hereby Declared, that the one half of the penalties aforesaid shall belong to themselves, and the other half shall be collected by them for His Majesties use; Tryal being first taken, and the persons found guilty, by the Commissioners of Assessment or Excise, Justices of Peace, or other ordinary Magistrate of the place: And such Contraveeners as they shall not give information of, that the one half of their Fynes shall belong to any other person who shall discover them. And in case the said Collectors of Assessment and Excise, Farmors and Collectors of Customes, or Waiters, shall failzie to give up the said Lists as aforesaid, They shall thereby lose their places, and be incapable of that Service for ever. It is alwayes provided, that no persons contraveining this Act, shall be liable to the saids penalties, unless their names be given up within the space of three months after their incurring thereof: But prejudice alwayes to any other person, who shall discover the Contraveeners in manner foresaid,

foresaid, of the one half of the penalties, whensoever they shall discover them. Likeas, the Commissioners of His Majesties Justiciary are hereby required to give Order, at their Circuit Courts, to take up Dittays against the Transgressors of this Act; and to proceed against them, by fyning them in the summes above-mentioned, and to exact the same. Likeas, His Majesty, with advice foresaid, Doth hereby Authorize and Impower the Lords of His Privy Council to take such further courses, for making this Act effectual, as They shall think fit.

X I.

ACT against such who do not Baptize their Children.

Edinburgh, 16. of August, 1672.

THe Kings Majesty, considering that diverse disaffected persons in this Kingdom, being unwilling to have their Children Baptized in an orderly way, do either delay to Baptize them, or pretend that they are not Baptized; thinking thereby to escape the punishment, which by former Acts of Parliament, is appointed to be inflicted upon such as are guilty of disorderly Baptizing: Doth therefore, with advice and consent of His Estates in Parliament, Statute and Declare, that such Parents, who shall hereafter keep their Children un-baptized for the space of thirty dayes together, or shall not produce a Testificat under the hand of the Minister of the Parish, bearing that the Children were Baptized within the said space, shall incur, and be lyaible to, the pains and penalties following; *viz.* Every Herctor, Life-renter, or proper Wod-fetter, shall be fyned in a fourth part of his valued yearly Rent; Every person, above the degree of a Tennent, having a personal, but no Real Estate, in One hundred pounds *Scots*; Every considerable Merchant, in an hundred pounds; Every inferior Merchant, or considerable Tradesman, and every Tennent labouring Land, in fifty pounds; Every meaner Burgeis, Tradesman, Inhabitant within Burgh, and every Cottar, in twenty pounds *Scots*; and every Servant in half a years Fee. And it is hereby Declared, that, where Kirks are Vacant, the Parents shall, within the said space of thirty dayes, be obliged to go to the next adjacent Parish Kirk which is Planted, and obtain their Children Baptized there, under the foresaid penalties. And His Majesty, with advice foresaid, Requires the Sheriffs, Stewarts, Lords of Regalities, and their Deputs, and Magistrates of Burghs Royal, within their respective bounds, to put this Act in execution, by calling before them, and judging the Contraveeners, and uplifting the Fynes above-mentioned: And for their encouragement, They are hereby allowed to retain the Fynes of all the said persons for their own use; except these of Heritors, for which they are to be comptable to the Commissioners of His Majesties Thesaurary.

X; I I.

ACT for an Anniversary Thanksgiving.

Edinburgh, 21. of August, 1672.

THe Estates of Parliament, considering the great Blessing of Almighty GOD, in restoring His Majesty to the Throne of His Royal Ancestors; and thereby liberating these Kingdoms from the thraldom and bondage under which they did so long groan; In acknowledgment of Their Thankfulness to GOD, and of Their Duty and Loyalty to His Majesty, and that the memory of so great a Mercy may never fall in oblivion or neglect: Do humbly offer to His Majesty, that the Anniversary Solemnity be yearly and perpetually kept by all the People of this Kingdom, upon the 29. of *May*, being the Day of His Majesties Birth and Restauration. Therefore His Majesty, with consent of the Estates of Parliament, Statutes and Ordains, that the Anniversary Solemnity, for His Majesties happy Birth and Restauration, shall, in all time coming, be kept upon the 29. day of *May* yearly; and that ringing of Bells, throughout the whole Kingdom, and other Evidences of Joy, be observed the said whole Day, with Bonfires at night; And that all Ministers within the Kingdom shall Preach yearly upon the said 29. of *May*, that they, with the People, may give thanks to GOD Almighty, for His so signal Goodness to these Kingdoms. Certifying, that whosoever shall fail in observing this present Act, they shall be fyned, and otherwise punished, by His Majesties Privy Council, and other Judges ordinar, according to their coudition and estate. And His Majesty, with advice foresaid, Declares, that this present Act shall be the Rule and Warrant for the said Anniversary, in all time coming.

ACT

XIII.

ACT for the Ann due to the Executors of Bishops and Ministers.

Edinburgh, 23. of August, 1672.

THe Kings Majesty, judging it necessary, for the good of the Church, that such a stated and equal course be taken for clearing and securing the Ann due to the Executors of deceased Bishops, Beneficed persons and Stipendiary Ministers, as may be suitable to the Interest of the Executors, and no discouragement or hinderance to the planting of the Vacant Benefices: Doth therefore, with advice and consent of His Estates of Parliament, Statute and Ordain, that, in all such cases hereafter, the Ann shall be an half years Rent of the Benefice or Stipend over and above what is due to the Defunct for his Incumbency; which is now sciled to be thus, *viz.* If the Incumbent survive *Whitfunday*, their shall belong to them for their Incumbency, the half of that years Stipend or Benefice, and for the Ann the other half: And if the Incumbent survive *Michaelmas*, he shall have right to that whole Years Rent for his Incumbency; and for his Ann, shall have the half years Rent of the following year: And that the Executors shall have right hereto, without necessity or expences of a Confirmation.

XIV.

ACT for the Retouring of Tax-Marriages

Edinburgh, 23. of August, 1672.

THe Kings Majesty and the Estates of Parliament, taking to their consideration the great prejudice His Majesty sustains by the several Services of Heirs, holding Land of His Majesty, Waird, Tax or Few with the Marriage; And the Retour making no mention of the Tax of the Marriage, His Majesty is oft-times frustrate of His Casualty of the Marriage: For preventing whereof, It is Statute and Ordained, that the Inquest upon each service of Heirs, holding Lands Waird, Tax or Few with the Marriage, shall hereafter take tryal what is the Tax for the Marriage, and of the Few *cum Maritagio*, if it be Tax; and return the same to the Chancery, to be insert in the Precept.

XV.

Commission for Plantation of Kirks, and Valuation of Teinds.

Edinburgh, 28. of August, 1672.

FOrasmuch as His Majesties Father, of ever blessed Memory, out of His Royal Care and Zeal for the Reformed Religion within this Kingdom, and the maintenance and provision of the Ministry and Churches thereof, and the Peace of the Kingdom, and for preventing, and settling all Questions and Differences that did, or might arise betwixt Titulars and others having right to Teinds, and Heretors, concerning the leading and drawing of their Teinds; Did, immediately after His attaining and succeeding to the Crown, Give forth and emit His Royal Declaration anent the premises, and the other particulars therein mentioned. And in pursuance of the ends foresaid, diverse Laws and Acts of Parliament were made in the year of our Lord, 1633. His said Majesty being present in His Royal Person; and since, diverse Acts of Parliament and Commissions have been, from time to time, Made, Given and Renewed to that purpose: And yet, by reason of the unhappy Troubles and Distractions of the late Times, that good and necessary Work neither is, nor could be thoroughly and fully accomplished. And, His Majesty being resolved, and desirous to prosecute so good a Work, for the universal Good of His Subjects, and specially for the encouragement of the Ministers of the Gospel: Therefore His Majesty, with advice and consent foresaid, Gives full power and Commission to His Majesties Officers of Estate for the time being; And to the Arch-Bishop of *St. Andrews*, the Arch-Bishop of *Glasgow*, the Bishop of *Edinburgh*, the Bishop of *Dunkeldin*, the Bishop of *Galloway*, the Bishop of the *Isles*, the Bishop of *Brechin*, the Bishop of *Dumblaine*, and the Bishop of *Aberdene*, for the Clergy; The Duke of *Hamilton*, the Earl of *Argyll*, the Earl of *Arbol*, the Earl of *Linlithgow*, the Earl of *Queensberry*, the Earl of *Tweeddale*, the Earl of *Kincardin*, the Earl of *Dundonald*, and the Lord *Elphinstoun*, for the Nobility; The President of the Session, the Lord *Colington*, the Lord *Gosford*, the Lord *Craigie*, the Laird of *Niddrie*, the Laird of *Nickolson*, the Laird of *Balcaskie*, Sir *Charles Erskin* of *Cambo*, and Sir *William Lockhart*, for the Barons; Sir *Andrew Ramsay*, Sir *William Thomson*, Sir *William Sharp*, Sir *Alexander Bruce*, *John Murray*, Tutor of *Stormonth*, Robert *Milne*, *Thomas Calderwood*, *William Binning*, and *John Johnston* of *Poltown*, for the Burgesses; Or any eleven of them, whereof two of the Clergy, two of the Nobility, two Officers of Estate, and two Commissioners of Shires, and two of Burghs; Of which number, the Arch-Bishop of *St. Andrews*, or the Lord Chancellor,

or one

or one of the Commissioners of the Thesaurary, or the Arch-Bishop of *Glasgow*, or the Lord Privy Seal, or the Lord Secretary, or the Duke of *Hamilton*, or the Earl of *Tweeddale*, being alwayes one, To meet and convene at *Edinburgh*, the day of Years; And at such other place or places, times or diets as They shall appoint, To Value, and cause be valued, whatsoever Teinds great or small, Parsonage or Vicarage, within this Kingdom, which are yet unvalued: Declaring, that where the Vicarage of any Parish is a several Benefice and Title from the Parsonage, the same shall be severally valued, to the effect the Titulars, or Ministers serving the Cure, having right to the said Vicarage, be not frustrated of the true worth thereof. With power to the saids Commissioners, or *Quorum* foresaid, to appoint Committees, or Sub-committees of their own number, and to grant Sub-commissions, and to receive reports from them, and to approve or disapprove the same, as they shall find just; and to rectifie whatsoever Valuations led or to be led, to the enorm prejudice of the Titulars, or the hurt and detriment of the Kirk, and prejudice of the Ministers maintenance and provisions. Provided alwayes, Likeas it is hereby expressly provided, that, where Valuations are lawfully led against all parties having interest, and allowed by former Commissions; The same shall not be drawn in question, nor rectified, upon pretence of enorm lesion, at the instance of the Minister (not being Titular) or at the instance of His Majesties Advocate, in respect of His Majesties Annuity; Except it can be proven, that collusion was used betwixt the Titulars and Heretors, or betwixt the Procurator Fiscal and Heritors and Titulars: Which collusion is declared to be, when the Valuations are led with the diminution of the third part of the just Rent: which diminution shall be proven by the parties oath: And with power to the saids Commissioners, or *Quorum* foresaid, where Ministers are not already sufficiently provided, or have not Localities assigned to them for their Stipends, out of the Teinds within the Parish where they serve the Cure, in so far as the same will amount to, according to the quantities, proportions and rules contained in the nineteenth Act of the Parliament in *Anno*, 1633. To modifie, settle and appoint constant local Stipends to ilk Minister, out of the Teinds of the Parish where they serve the Cure. With power also, to grant recompence, by prorogation of Tacks to parties, for the augmentation of Stipends, which shall be imposed suitable to the said augmentation, as the saids Commissioners shall think just. And sicklike, with power to disjoin too large and spacious Parishes, to cause erect and build new Churches, to dismember and annex Kirks, as they shall think convenient. And to take order, that every Heritor and Life-renter shall have the leading and buying of their own Teinds, if they be willing, according to the rules prescribed by the nineteenth Act and Commission granted by His Majesty, with consent of the Estates of Parliament in *Anno*, 1633. and the Acts of Parliament therein mentioned. With power to determine all Questions concerning the prices of Teinds betwixt Titulars and others having right thereto, and the Heritors: and to appoint such securities, in favours of the Titulars and others having right to the Teinds, for the prices to be granted to the Heritors or others lyable in payment of the valued Duties, or Buyers of the saids Teinds; and in favours of the Ministers, as to their maintenance, as the saids Commissioners shall think fitting, according to the Rules set down in the said Act in *Anno*, 1633. And the Heritors to have liberty to buy the Teinds of their Lands which are not valued, within the space of three years after the date of this Act: With this Declaration alwayes, that, in case the impediment, during the time foresaid, flow from the Titular, by reason of his minority or other inability; in that case the Heritor, who offered to buy his own Teind within the space foresaid, shall have place, so soon as the impediment is removed, to buy his Teinds, notwithstanding of the expyryng of the years and space above-express. And it is Declared, that, if the Heritor be Minor, and his Tutors neglect the buying of his Teinds within the foresaid space; The Minor shall have action for two years after his minority, to compel the Titular to sell his saids Teinds: And generally with power to the saids Commissioners to decide and determine in all other points which may concern the leading and drawing the Teinds, the selling or buying of the same, or payment of the rates thereof, contained in the former Acts of Parliament, or set down in the general determination given out by His Majesties Royal Father, of blessed Memory. And if any person or persons shall find themselves grieved, and complain of the injustice or exorbitancy of any Decrees and Sentences given in any of the Commissions during the late Troubles; with power to the saids Commissioners to take the same to their consideration, and to alter, annul or allow the saids Decrees and Sentences, as they shall find just. And it is alwayes Provided and Declared, that Arch-Bishops and Bishops, and other Beneficed Persons, being Ministers, and their Successors, shall not be prejudged of the Rents whereof their Predecessors were in Actual and Reall possession; and which, by the Laws of the Kingdom, were due to them in *Anno*, 1637. And that they shall be no farther bound, but according to the provisions and conditions express in the Submissions made by the Bishops to His Majesties Royal Father, of blessed Memory; which is of the date the day of 1628. Years, and Registrate in the Books of Commission for Surrenders and Teinds, upon the 15. day of *July*, 1631. And whereas it may fall out, that some of the saids Commissioners may be unable to attend the Service, through death, sickness or other known impediment: Therefore His Majesty Declares, that He shall be careful to fill their places with other Persons qualified, whose Oaths, for faithful discharge of the same, shall be taken by the Chancellor, or, in his absence, by the President of the Commission for the time; And Ordains this present Commission to endure ay and while the same be discharged by His Majesty, and the Acts, Decrees and Sentences thereof to have the force, strength and effect of a Decree and Sentence of Parliament;

liament; and the Lords of Session to grant Letters of Horning, Poinding and others requisite in manner contained in the forefaids Commissions. And His Majesty, with consent forefaid, hereby Discharges all former Commissions, Declaring the same to be expyred.

X V I.

A C T concerning the Regulation of the Indicatories.

Edinburgh, 30. of August, 1672.

THE Kings Majesty being desirous, that the publick Indicatories of this Kingdom might be so regular, that all abuses which had, or might probably creep into the same, be redressed and prevented; and that the best, most summar and equal way, of bringing and calling of Processees for dispensing of Justice, should be settled, as his Subjects might be relieved and secured against oppression and exactions, and that Justice might be administrat to them with expedition, and as little trouble and charge as may be: Did, by a Commission under the Great Seal, of the 21. of September, 1669. Authorize some Noblemen and others of his Privy Council and Session, to consult, settle and set down such Rules and Orders as they should judge necessary for these ends, and to return an account of their proceedings to His Majesty, that He might take such course therein, as in His Royal Wisdom He should think fit. In obedience whereunto, the Commissioners having had several meetings, and consulted on the best and readiest wayes, for the prosecution of His Majesties Royal Intention, for the good and ease of His Subjects, and finding the same to be of such importance, as required a longer time to make a full settlement therein; Yet, in the moneth of March, 1670. they agreed unto, condescended upon, and did return to His Majesty, certain Rules and Articles of Regulation, without prejudice of what, upon furdur consideration, they should thereafter offer for a full settlement. And His Majesty having considered these Rules and Articles, did, by His Royal Allowance of the fourth of June, 1670. Ratifie and Approve the same, and did Ordain them to be duly observed in all time coming. And the Commissioners having since that time, kept several Meerings, and taken that Affair into their furdur consideration, have resolved upon some other Articles, Rules and Amendments; which being joyned with the former, and again offered to His Majesties consideration, His Majesty doth, with Advice and Consent of His Estates of Parliament, Ratifie and Approve the same, and Ordains them to be recorded in the Books of Parliament, and duly observed by all His Majesties Subjects. Of the which Articles, the Tenor follows.

Concerning the S E S S I O N.

1. **S**Eeing a great part of the trouble and expences of the Lieges, in obtaining of Justice in their Causes, is occasioned through the uncertainty of their attendance, upon Processees depending before the Lords of Session; whereby not knowing any certain time, at or about which their Processees will be called, they are necessitat to wait on the most part of the time of the Session, during the dependence of their Processees, or otherwayes to be absent when the same are discussed. That therefore, all Processees shall be discussed and determined as the Parties are in readines, and do call for Justice after the same have been seen by the Defenders Advocats, and are returned by them; And that according to the date of the Returns which are set down, and signed by the Defenders Advocat upon the Process it self, that no Parties be preferred in obtaining Justice to any other who was ready, and calling for it before. And that Books of Enrollment be made for entolling the said Processees, according to the dates of the Returns; that thereby notice may be timeously given to all Parties having Interest in the Process, how far the Lords of Session are advanced, in discussing and determining Processees according to the saids Rolls, that the Parties may be present when their Processees will fall in to be discuss'd and determined, in their course as they stand in the Rolls; and may in the mean time rest quiet and secure, that their Rights and Interests will not be decided when they cannot know to be present, which cannot be attained, unlesse all privileges whereby any Cause can be called, otherwife then according to its due course in the saids Rolls, be laid aside; Excepting only the Causes belonging properly to the Kings Majesty (and not to Donators or others) which may be called at any time when His Majesties Advocat please, upon either of the two next *Sederunt*-dayes after the Processe is returned; or if the same be not called on either of the saids two dayes, at any time thereafter, upon fifteen dayes advertisement to the Delenders Advocats, that they may acquaint their Clients to be present.

2. That the Books of Enrollment for the Outer-houfe be kept and made up by the person appointed, or to be appointed by the Lords of Session, who shall attend at the Session-houfe each Sarurday in Session-time, from two a clock in the afternoon, till four, and shall take up a Note of all Processees shown to him, containing the names and designations of the Pursuers and Defenders, and the name of the Cause, whether it be Advocation, Suspension, Declarator, Reduction, or any other having a special name; or otherwife under the name of Lybell'd Summonds, and contain the date of the return, signed by the Defenders Advocats upon the Process; and by the said Note, shall insert in the Books all that is produced that day, in manner following, *viz.*
in one

in one Book Suspensions, Advocations, Removings, Ejections and Recent-spulzies: And in the other Book, all other Causes, according to the dates of the Returns; expressing in the Books, the day of the month of the uptaking, before the Causes taken up that day, and also expressing the day of the month of the return, before the Causes returned each day, and shall interline nor infer no Cause in the said Books, but set them down in order as they were presented, according to the date of their returns; and shall receive for inserting of the said Causes in the Books; and for affixing Rolls upon the Wall conform to the said Books, for every Process four shillings *Scots*, and no more, although the said Process should continue to be Enrolled several weeks, until the Ordinary have called and heard the same; which Books of Enrollment shall always remain in the Session-house, and be patent to the Lieges, that thence Advertisements may be given to all parties having interest; and for shewing whereof, the Keeper of the Books shall exact or take no money or gratification.

3. That the Keeper of the Books of Enrollment for the Outer-house, take out of these Books, and affix each Monday upon the ordinary place of the Wall of the Outer-house, two Rolls, one containing Suspensions, Advocations, Removings, Ejections and Recent-spulzies, to be called upon Tuesday and Wednesday; And the other Roll containing the Causes insert in the other Book of Enrollment, to be called upon the rest of the dayes of the week; which Rolls are to be taken up in all things conform to the said Books of Enrollment, expressing the day of up-taking; and that the day of the month of the several Returns, be set before the Processes insert each day, and each subsequent weeks Roll shall, in the first place, contain what remained undiscuss'd by an Act, Decree, or Protestation, or not delet by the Ordinary, upon the Pursuers not insisting. And where Processes are delayed to a day, till the Parties see, or something be produced or done, which requires not an extracted Act, the same shall remain in all subsequent Rolls, in the same day that it was in the first Roll, that after the day to which it was delayed, it may be called by the Ordinary till it be discuss'd or delet: And for that effect, the Ordinary shall on the Margent of the Roll, mark at that Process, to what day it is delayed; which shall remain so marked in the subsequent Rolls, till the Cause be discuss'd. And in case the Ordinary shall discuss the Roll of the Causes above-exprest, appointed to be called upon Tuesday or Wednesday before these two dayes expire; he is to proceed to the discussing of the Causes in the other Roll.

4. That the Keeper of the said Books of Enrollment for the Outer-house, do exactly and punctually observe the Rules and Orders aforesaid, and that the person who shall hereafter be appointed Keeper of the saids Books, give his oath for that effect, (the present Keeper of these Books having already made faith to that purpose) and if he transgress the saids Rules, the Lords shall deprive him of his Office, and otherwayes punish him as they see cause, and appoint another in his place, who, and his Successors; shall always be lyable for observing the ptemisses.

5. That in like manner there be a Book of Enrollment of Processes to be discuss'd in the Inner-house, containing Causes proper for the Inner-house; as the discussing of reasons of Reduction of Heretable Rights of Lands, or Annual-rents, Declarators of Rights thereof, Probations of Tenors of Writs destroyed or lost, *Cessiones bonorum*, which Book shall be kept by a person appointed, or to be appointed by the Lord Chancellor, who shall insert the saids Processes as they are in readines to be discuss'd in the Inner-house, *viz.* Reductions after the Production is closed, and Declarators; Tenors and *Cessiones bonorum*, after the Dilators are discuss'd in the Outer-house, and a great *avisandum* made by the Ordinary in the Outer-house, who is to proceed no further therein; and that according to the date of that great *avisandum*, as it stands written upon the Process by the Clerk of the Process: And where the Lords, upon report of Dispute from the Outer-house made by the Ordinary, shall for the importance, intricacy, or preparative of the points reported, ordain the Cause to be heard in presence of the whole Lords, the said Process shall be insert in the Roll of the Inner-house; according to the date of the Lords deliverance, appointing it to be heard in their presence:

6. That there be a Book of Enrollment of concluded Causes, whereof the probation is to be advised by the Lords, to be insert according to the date of the conclusion of the Cause, as the same shall be presented by the Clerks of the Process, to be kept by the Keeper of the said Book of Enrollment for the Inner-house.

7. That the Keeper of the saids Books of Enrollment for the Inner-house, shall attend in the Session-house each Saturday from two to three a clock in the afternoon, and shall receive and insert all Processes which shall be offered to him in either of the saids Books, according to the order foresaid; and shall receive thirty shillings *Scots* for each Process to be insert in the Book of Causes to be discuss'd, and twelve shillings for each Cause to be insert in the Book of concluded Causes, and shall exact or take no more for himself or his servants; and shall make the saids Books patent to all the Lieges freely, and shall affix a Roll both of Processes to be discuss'd in the Inner-house, and of concluded Causes, in all things conform to the Books, upon Monday, als oft as need beis; and shall add to the Causes in the said Roll for subsequent weeks, in the same manner as is appointed for the Rolls of the Outer-house, and both in the Books and Rolls shall express the day of up-taking the Process, and the day of the great *avisandum* or Ordinance of the Lords for hearing the Cause in their presence, subjoyning thereto the Causes each day, both in the Books and Rolls of Causes to be discuss'd, and the like for the Book and Roll of concluded Causes; according to the date of the conclusion of the Cause.

8. That the keeper of the saids Books of Enrolment for the Inner-house observe the premisses punctually, under the pain of deprivation, and being further censured by the Lords, as they shall see cause: And that his Successors shall make faith to observe the premisses in all points; the present Keeper of these Books having already given his oath to that effect.

9. That the Lords both in the Inner-house and Outer-house shall proceed to the discussing of Processes, in order as they stand in the said Rolls *respectively*, without passing over, or anticipating any Cause; and that each Process shall be still called in its order, untill it be brought to an Act, Protestation, or Decree; and if it be delayed till something be produced or done which requires not an Act extracted, that after the day to which it is delayed, the same shall be call'd till it be discuss'd.

10. And where at the calling of any Cause in the Inner or Outer-house, the Pursuer insists not, the Process shall be delet out of the Roll, and Protestation shall be granted to the Defender, without any other solemnity, but the demanding thereof at the calling of the Cause, whereby the Defender shall not be obliged to answer untill he be summoned of new, and the Protestation money paid, that he be not obliged to an uncertain attendance at the Pursuers pleasure. And in case at the calling of any Process in the Outer-house, any Parties Advocate be in the Inner-house, the Ordinary shall call the Cause the next day thereafter, if he be desired upon a Ticket to be given to him before he go to the Bench; but that no Advocate make interruption by calling otherways over the Bar.

11. That the Lords by no importunity alter the order of the saids Rolls by any Deliverance or Warrant, except it be for discussing reasons of Reduction of small difficulty and importance in the Outer-house, before they be Enrolled in the Inner-house, which shall be Enrolled in the Roll of the Outer-house, according as they shall be presented to the Keeper of the Roll, in the same manner as other Processes.

12. That if any Cause be called by anticipation, out of its due place, the Pursuers Advocate may refuse to insist, or the Defenders Advocate to answer, and it shall be a sufficient defence that he is not obliged to answer before its due course in the Roll: And although neither parties Advocate should object, seeing others who were anterior in the Roll are prejudged, the Clerks are prohibit to write on any such Process called out of its own course, or to extract any Act or Decree thereupon.

13. That the Lords of Session every Session, go near the discussing of all Causes enrolled that Session; and that as they see their work by the Books of Enrollment, they meet the sooner in the morning, and also meet in the afternoon for taking in Reports from the Outer-house, which requires not the attendance of Advocats, and which consumes much of the time both in the Inner and Outer-house in the forenoon; and also for advising of concluded Causes, which of all other should be least delayed.

14. That if any Act, Decree or Protestation be stopped, either by the Ordinary or by the whole Lords, the same shall be called and heard upon the Bench in the Outer-house, by the Ordinar who formerly heard the Cause, either the next day, or upon Tuesday in the ensuing week, or any other morning thereafter, before the Ordinary in the Outer-house come out; and that he proceed in the Processes untill the same be discuss'd, delet, or Protestation ganted in manner foresaid, and that the same shall not be again brought into the Roll.

15. That no Bill be presented to the Lords for stopping or rectifying any Act or Decree past in the Outer-house, untill the party first make application to the Ordinary who heard and pronounced the same; and if he refuse to hear the Party upon any new matter condescended on, or in case of doubtfulness, to report at least upon consignation of an Amaund: In that case, the Party may give in a Bill to the Lords, expressing his application to the Ordinar, and his refusal to hear or report, as said is, and expressing the special matter which he desireth in the Process, and no otherways.

16. To the effect, the Lords of Session may be in better capacity to discuss the Processes which come before them, not being overburdened with small and inconsiderable Causes, That all Causes, not exceeding the value of two hundred Marks *Scots*, be in the first instance carried on before the inferior Judges; And that no Summons be raised upon Bill, or otherways for Causes of less importance, for which the Clerk of the Bills and Writers to the Signet are to be answerable at their peril; except there be such reasons condescended on in the Bill, as would be sufficient to procure an Advocation of the Cause from the inferior Judge, in behalf of a Defender, and competent Instructions thereof; And that such Bills do not pass of course, but be specially presented and read to the Ordinary, and that the deliverance on the back thereof bear, *Because the Lords have found sufficient ground, for which the Cause ought not in the first instance to be pursued before the inferior Judge Ordinar, but before the Lords*: Excepting also, the Causes belonging to the Members of the Colledge of Justice, and except Sums due to Merchants, Cooks, Vintners and others in Burgh, for Furniture taken off from them, by such as dwell not within the Shire where the Furniture was taken off.

17. That where Causes are begun before inferior Courts, no Advocation thereof shall be past, being of no greater importance then as aforesaid, otherways then is provided by the Act of Parliament; And that the Clerk of the Bills be answerable therefore, not to present, pass or write on any such Bill at his peril.

18. That where Decrees are past before inferior Courts, and craved to be suspended; if the reasons proceed not on iniquity, but upon alledgeance, that the Decree was in absence, so that the craver of the Suspension hath never appeared, or hath not continued to defend while there was no in-justice done: Then and

and in that case, he shall be obliged at the passing of the Bill of Suspension, to consign in the hands of the Clerk of the Bills, such sums for the expences of the party, as the passer of the Bill shall appoint, according to the importance of the Cause and the distance of the party, which shall be given up to the Charger, if the Suspenders hath not compared, or continued to defend before the inferior Court, as said is; and that immediately at the calling of the Cause to be discuss'd, when the compearance in the Decreet may appear, unless the Suspenders improve the Executions of the Summons whereupon the Decreet did proceed.

19. That Decreets, *in foro contradictorio*, before the Lords of Session be not again suspended, upon reasons competent to have been proponed, or which were repelled in the former Decreet. And to the effect it may be known, with the least expence, what Decreets are *in foro*, That the Keeper of the Minute-book make up a Book of the Decreets *in foro*, according as the same shall each day be given in to him by the Clerks, expressing the names of all the Defenders for whom there is compearance; And that the Clerk of the Bills from time to time, call for and receive a double of the said Minute-book of Decreets *in foro*; And when any Bill of Suspension is to be presented by him, that at his peril he write on no Suspension of any Decreet *in foro*, contained in the said Book, untill it be presented to the whole Lords in time of Session, and to three met together in time of Vacance, the deliverance bearing, that they were met together: And where there is once compearance for any Party, and Defences proponed, the Decreet shall be holden as done *in foro*, and all the Dispute proponed by the Advocats shall be insert therein, albeit the Advocat thereafter past from his compearance; And that the first Protestation shall not be suspended, but upon consignment of thirty pounds, and the Suspension thereof shall bear that it is the second Suspension; and so forth, all the Suspensions that shall be obtained thereafter, shall bear that the same is the third or fourth Suspension; and that no Suspension shall pass of the second protestation, but in presence of the whole Lords in time of Session, and by three of the Lords met together in time of Vacance, the deliverance bearing as aforesaid: And that the Clerk of the Bills write upon no Bill of Suspension otherways, as he will be answerable at his peril, and that the second and posterior Protestations shall be insert in the said Book, with the saids Decreets *in foro*.

20. That where Processess are kept up unreturned by the Defenders Advocat longer then six dayes after the out-giving thereof, which is the time allowed for seeing of Processess; that upon complaint given unto the Lords thereanent, the Ordinary upon the Bills call the Advocat who keeps up the Processess, and fine him in three pounds *Scots* for ilk day he hath kept the same, from the time that the Processess was required from the Advocat, or his principal servant, personally at the Advocats Chamber, by way of Instrument under a Nottars hand, unto the day that the complaint was given in, and six pounds for every day that the Processess shall be detained by him, after in-giving of the complaint: And that one of the Maceers be ordered to exact the fine, under the pain of deprivation; And to that effect, that he be warrantred to exclude the Advocat out of the House, and not to suffer him to enter the Outer-bar, untill he make payment, and that he return the money so exacted, to the Ordinary upon the Bills, whereof the one half is to be put in the povers Box, and the other half to be payed to the party Pursuer, if he desire the same, otherwise that the whole be put in the Box.

21. But when there are moe Defenders then one called in a Processess, and severall Advocats compearing for them, that the Advocat who taketh up the Processess to see for the party principally concerned, in whose house the same is appointed to be seen, shall be allowed only four dayes for seeing the Processess; and in case he do not return the same within that time, that he incur the penalties contained in the former Article: And that after the Processess shall be returned, the same shall remain in the Clerks hands six dayes before it be called, during which time, any Advocat compearing for any other of the Defenders, may see the Processess in the Clerks hands, and write thereupon for whom he compears, and subscribe the same, and may also borrow the same up from the Clerk, for the space of twenty four hours, upon his receipt and consignment of an Amaund, according to the importance of the Cause; and in case he do not reproduce the Processess within the said space of twenty four hours, upon complaint made thereof, he is to lose the Amaund, and pay six pounds for ilk day he keeps the Processess after the said space of twenty four hours, and the like execution to be used therefore, as in the former case of the Defenders Advocats not returning Processess, given out to them by the Pursuers Advocats. And Likewise, if any Advocat during the said space of six dayes, be desirous to see the Processess for any other party having interest, who was not called in the Processess, that upon production of the parties interest in the Clerks hands, he be allowed to see in manner aforesaid, he alwayes consigning and subscribing for whom he compears: And in case of failzie to reproduce, being lyeable as said is, and that the Advocat shall not be heard when the Cause is called, if he hath neglected to see in manner aforesaid, whither he be compearing for any party called in the Processess, or compearing for his interest.

22. In respect it is a great obstruction to the dispatch of Processess, that when Causes are called, Defences sometimes are proponed upon Writs, which being neither produced nor seen by the pursuers Advocats, all that is ordinarily done, is to ordain the Writs to be produced; therefore, where ever the Defenders Advocat is to found any Defence upon Writs, that at the returning of the Processess, he also produce therewith the Writs, whereupon he intends to found any alledgeance, and give in the Defence which he founds upon these Writs, and mark the particular clauses of the Writ whereupon he founds, otherwise no respect is to be had to the al-

ledgeant to be founded on these Writs, which were in any of the Defenders Advocats hands, or which, or any copy thereof were seen by the saids Advocats, which the pursuers Advocats shall be obliged to return within four dayes after they receive the same; otherwise, complaint may be made against them, as against Defenders Advocats for keeping up of Proceses. And in case any other Writs come to their hands, after the returning of the Proces upon which they will found, that in like manner they produce the same to the Pursuers Advocats, before calling of the Cause, under the same certification.

23. That the Suspender at the out-giving of the Suspension, produce therewith all his Verifications, and that at the calling of the Cause, if he have kept up the Verifications, and offer then to produce the same, that the Ordinary shall give Decreet, because the reasons are not verified conditionally; That if with the Verifications, the Suspender produce in the Clerks hands twelve pounds *Scots*, two parts thereof to be payed to the Charger, and the third part to the Poor, the same shall be received, and the parties heard thereupon, without enrolling of new; and therefore the Ordinary shall mark upon the Cause, *Decreet conditional*, to such a day: and if betwixt and the said day, obedience be not given, the Decreet is to be extracted.

24. That the Suspenders Advocat be not allowed to propone any new reasons of Suspension at the Bar, which was neither lybelled nor contained in the eiked Reasons of Suspension given out to, and seen by, the Chargers Advocats, unlesse therewith they consign in manner foresaid.

25. That because Proceses are very much lengthned, by the long running of ordinary and incident diligence and terms for production in Reductions and Improbations; For remeid whereof in time coming, there shall only be two diligences against Witnesses, one by Horning, and another by Caption; and there shall be no incident Diligence sustained upon Acts, but where the same is craved and allowed at the pronouncing of the Act, and expressed therein, which shall proceed against the alledged havers of the Writs, first by Horning, charging them to compare and produce upon oath, and next by Caption, in case they do not compare and depone; and that there be only one term for production in single Reductions, and two in Improbations: And that the Clerks insert no Reservations in Acts for Production, but that all exceptions competent before production, be discussed before assigning of terms.

26. That no more Advocats be employed or marked in any Cause for a Party, but only three in the Inner-house, and three in the Outer-house at most; and that only two be allowed in the Inner-house, to speak one after another upon one side, before the other Party make an answer; And that the Lord Chancellor or President keep the Advocats close to the point, and that no Advocat be allowed to speak above half an hour together at most, at one time.

27. That the Allowance of Advocats in time coming, be regulate according to the quality of the persons who employes them, in manner following, *viz.* that for every Consultation, Pleading thereupon, and drawing Bills upon any Interloquitor thereanent altogether, there be given at most to any Advocat, by Noble-men eighteen pounds, by Knights and Barrons fifteen pounds, by Gentle-men and chief Burgeses twelve pounds, and by all the rest of the people nine pounds: And that nothing be allowed for drawing Informations to be given to the Lords after Dispute, but to one Advocat only, and that the Allowance therefore be only the half of what is allowed for the Consultation.

28. That the parties Pursuer and Defender do give in with the Proces, a Declaration under their hands, bearing, That as they shall answer to God, they have not given, nor shall give any more to any Advocat employed by them in that Proces, for every Consultation comprehending as aforesaid: then the foresaid Allowance; which Declaration is to be given in by the Defender at the return of the Proces, and by the Pursuer before the Proces be called. And in case of the Clients Minority, his Tutors or Curators, and in case of his absence, or that he hath employed another to disburse the money for him, the person so employed shall give in the foresaid Declaration upon Oath, which shall bear, That he being the only person employed to disburse money to Advocats in that Proces, he hath not given, nor shall give any more then as aforesaid. And in regard these who are already admitted Advocats have given their oaths, that they shall always observe the saids Rates, that no Advocat be admitted hereafter till they give that Oath.

29. And because by the Act of Parliament, one thousand, six hundred and twenty one, the rates of Writs are ordered conform to an Act of the Lords of Privy Council and Lords of Session, in *anno*, one thousand, six hundred, and six, the effect whereof hath been frustrate, because nothing thereby is provided to Clerks Servants: And in respect the rates of all things are much encreased since that time; Therefore, that the rates of the Clerks of Session be as followeth, *viz.* For Acts, Decreets, Protestations and Diligences, there shall be only payed to the Clerk and his Servants, three pounds *Scots* for each sheet, written in the same manner as they are now accustomed, conforme to a Pattern signed by this Commission, and kept by the Lords of Session, excepting Decreets of Transumpt, Transferring, and of Registration by way of Action, and Commissions wherein there is no dispute, for which there shall be payed three pounds *Scots* only for the first sheet, and twenty shillings *Scots* for ilk one of the rest of the sheets. And as to other Writs passing that Office, the same rates be observed which are contained in the said Act of Parliament; And that the Clerks or their Servants take no money for production of Writs, or giving up of the same again, minuting of Disputes, or booking of Acts and Decreets, all which shall be payed by the saids Extracts, but that there be allowed to them two merks for taking a Parties Oath; and one merk for every Witnesses deposition, and

thirty shillings *Scots* for calling of every Act in presence of the Ordinary. And that the Clerks or their Servants do not mark upon any Process, Calling, or Compareance, or the calling of any Act, but what was publicly done by a Macer, that the Advocats may have timous notice to falsifie the conclusion of Acts. And that no Decretes be pronounced conditionally, but simply, according to the Act to be extracted twenty four hours after the same is read in the Minute-book; and that every *Sederunt* day, the Minute-book be read out fully, that the Lieges be not delayed or necessitate to attend. And that the Clients shall in the same manner, as in relation to Advocats allowance, give their Oaths that they have kepted, and shall keep the saids Rates, which shall be contained in a Paper, with their Declaration in relation to Advocats. And seeing the present Clerks and their Servants have given their Oaths, that they shall alwayes observe the saids Rules and Rates, that no Clerk be admitted hereafter, till he give that Oath; excepting Acts and Decretes of contentions dispute in presence of the Lords, which are to be at the discretion of the Party, conform to the Act of Parliament. And in regard diverse Processes after dispute and Interloquitors pronounced therein, either in *presentia*, or in the Outer-house, are transacted and settled by the Parties, so that the Processes come not the length of a Decreet, or if Decreet be pronounced, the same is not extracted: And it being just and reasonable, that the Clerks should have allowance for the pains taken by them in these Processess; therefore, that the Clerks in these cases be allowed to take from their Clients, satisfaction as if Decretes were extracted, according to the sheets of the Act of *Litis contestation*, or other Act in the Process; or if their be no Act, according to the sheets of the Summons, Suspension or Advocation; and if the Cause was dispute in the Inner-house, according to the sheets the Minutes of the Processess would amount to, if the same were extended into an Act or Decreet.

30. And anent the Clerks of the Bills and his Servants, that the Rates in the said Act of Parliament, one thousand, six hundred, and twenty one, be in all points observed, with this alteration, That whereas that which is allowed by the said Act for the Acts of Caution, with the relief which comprehends the Bills of Suspension, is too low for the Clerk and his Servants, That there be allowed to the said Clerk and his Servants therefore, three pounds and a merk *Scots* and no more; And seeing the present Clerk of the Bills and his Servants, have made faith that they shall observe the saids Rates, that any Clerk of the Bills who shall be admitted hereafter, shall at his admission give that Oath, and likewise his Servants: And in case there be moe persons contained in the saids Bills of Suspension then one, that every such person, except the chief person, shall pay six shillings eight pennies, untill they come the length of ten persons, and no allowance is to be granted to any exceeding that number, nor for a Community more then the said number of ten: And for Relaxationes, six shillings eight pennies for every person more then one, untill they come to the number of ten persons, and no more to be taken for any greater number or Community, which dues shall be payed at the first in-giving of the Bill of Suspension, and shall be retained by the Clerk, whether the Bill be past or not, and no more to be given for that Bill, or for any new Bill which shall be given in, in that matter. And as for the allowance of Comprisings, that the rate thereof be fourty shillings *Scots*, where the sums contained in the Comprisings (by and attour the Sheriff-fee) do not exceed two thousand pounds *Scots*; And if the sums comprised for be above two thousand pounds, that there be payed four pounds *Scots*; and that this be in satisfaction of all that is to be given in that Office, both for Master and Servants.

31. In respect several persons, being neither Advocats, nor Advocats Servants, do take upon them, under the name of Agents, to meddle and negotiate in Processess, who are found to be of no use, but burdensome to the Lieges; That hereafter all the Agents be debated the House, and not permitted to negotiate, or mannage Processess; and recommends to the Lords of Session to see the same punctually observed.

32. That the Keepers of the General Registers of Hornings and Inhibitions, and of Seafings and Reversions; As also, the Keepers of these Registers in the several Shires, in time coming, be careful to book all Hornings, Inhibitions, Interdictions, Seafings, Reversions, and others registrat by them; And that they make exact Minute-books relating to these Registers, these of Hornings, Inhibitions, and Interdictions; containing the names, Surnames and Designations of the Parties, Principal and Cautioners; And these of Seafings, Reversions and others appointed by the Act of Parliament to be Registrat in that Register, containing the Names and Designations of the Parties, and the common Designation of the Lordship, Barrony or Tennendry of the several Lands mentioned in the Writ; And that the Clerk of Register, or any whom he shall appoint, every quarter of the year, compare the Minute-book with the general Registers, and subscribe the Minute-books at the collationing of the same; And in the several Shires, that the Sheriff, Bailiff of the Regality or Royalty, or their Deputies (with whom, any two of the Justices of Peace to be nominate by the whole Meeting, are allowed to be present) be appointed quarterly, *viz.* upon the first Tuesdays of *February, May, August* and *November*, to call for, and take inspection of, the saids Registers, and of the Minute-books relating thereto; and after collationing of the same, that they with the saids two Justices of Peace, if they be present, subscribe the Minute-book: Certifying the saids Sheriffs and Bailiffs, if they do not meet and compare the saids Registers at the several times above-specified, They shall be lyaible in the penalty of One Hundred pounds *Scots* for ilk failzie; and Certifying the Clerks, if they shall not have the Books in readinesse at the aforesaid times, or if any Hornings, Inhibitions

Seafings,

*Reg. of Hon.
Inhib. &c.*

Seafings, Reverfions, and others forefaids then in their hands, fhall not be regiftrat in the Books, they fhall incur the pain of deprivation, and be lyable in payment of the parties damage: And that the Clerks, keepers of the faids Regifters; book all Hornings, Inhibitions, Interdictions, Seafings, Reverfions, and others which now are in their hands, for the fpace of forty years by-gone, and have exact Minute-books relating thereto, in manner forefaid, within the fpace following, *viz.* The keepers of the general Regifters betwixt and the firft of *June*, 1674. and the Keepers of the particular Regifters in the feveral Shires, betwixt and the firft of *June*, 1673. And that all Hornings and Inhibitions, regiftrat in the Shires, be marked by the Keepers thereof, conform to the 21. Act of the Parliament, 1600. under the pains aforefaid; And that in the *interim*, betwixt the collationing of the Books, the Clerks fhall be obliged to keep a private Minute-book for their own ufe, wherein they are to infer a Note of all Hornings, Inhibitions, Interdictions, Seafings and Reverfions, as they are given in to be regiftrat: And in cafe any be omitted out of that Minute-book, they fhall incur the pain of deprivation, and be lyable to pay the parties damage. Whilk Minute-books *refpective* forefaids, as well for the fpace of forty years by-gone, as in time coming, the Clerk fhall be obliged to make patent to all His Majesties Lieges, whensoever they fhall defire to fee the fame, upon payment of the ducs following, *viz.* Thirty fhillings *Scots* for infpection of the minute-book of the general Register of Seafings and Reverfions, and twenty fhillings *Scots* for that of the general Register of Inhibitions; and for that of the general Register of Hornings, twelve fhillings *Scots*; And for infpection of the Minute-book of the particular Register of Seafings and Reverfions in the feveral Shires, twelve fhillings *Scots*; And for that of Hornings and Inhibitions, fix fhillings and eight pennies *Scots* money. And it is hereby Declared, that the care of feeing the premiffes done and performed, after the expiring of this Commiffion, is committed to the Lords of Session.

33. As for Writers to the Signet, it is Ordained, that the rates of all Writs to be formed and written by them, be as followeth, *viz.* For Bonds, Affignations, Translations, Discharges, Tacks and other Writs of that nature, and likeways for Summons and all Letters that pafs the Signet, there be allowed only eighteen fhillings *Scots* for the firft sheet, and twelve fhillings *Scots* for ilk an of the reft of the sheets; Excepting Supenfions and Advocations, for the firft sheet whereof they fhall have forty fhillings *Scots*, and two Merks *Scots* for ilk sheet more: And where Summons are blank in any part thereof, that the fame be only payed for, according to the sheets which are written and filled up. And as for Contracts, Dispositions, and other securities of Lands, Annual-rents or other heretable Rights, Chartors, Signatoures, Precepts in Latine, and other Writs of that nature, and likewise for Comprifings and Services, there fhall be only payed three pounds *Scots* for the firft sheet thereof, and thirty fhillings *Scots* for each of the reft of the sheets, the fame being alwayes written, conform to a pattern to be figned by the Lords of Session; And that no diftinct payment be taken by the Writers, or their Servants, for Bills whereupon Summons or Letters are raifed, or for claimes whereupon Services or Comprifings do proceed, or for Scrolls of any of the faids Writs; Which rates or prices aforefaid fhall be in fatisfaction of all that is to be given, both to Mafter and Servants: And where Bonds, Affignations, Translations, Discharges, Contracts, Dispositions, and other securities aforefaid, are drawn or written by any perfons who ufe to write for payment, not being Writers to the Signet, that there be payed to them only two parts of the rates allowed to Writers to the Signet, in manner forefaid. And that all Writers to the Signet, and others refiding within the Town of *Edinburgh*, who ufe to write for payment, fhall compear before the Lords of Session betwixt and the firft of *December* next, and give their oaths that they fhall obferve the faid rates; and that thefe who refide in any other place of the Kingdom, fhall betwixt and the faid day, take the forefaid Oath, in prefence of the Sheriff of the Shire or his Depute, or other ordinar Magiftrat of the place; or in cafe they dwell within a Burgh Royal, before the Magiftrats of the Burgh; and the Writers to the Signet and other perfons aforefaid, are hereby difcharged to form or write Writs of any kind, after the faid firft of *Decemb.* next, unlefs they take the faid Oath, under the pain of deprivation, and fuch other punifhment as the Lords of Session, or the ordinary Magiftrats of the place *refpective* fhall think fit to inflict. And it is hereby Declared, that it fhall not be lawful to any perfon, to be Clerks to the deducing of Comprifings which are led by Difpenfation within the Town of *Edinburgh*, or to Services led before the Macers, except they be Writers to the Signet.

Concerning the JUSTICE-COURT.

Seeing Caufes Criminal are of the greateft importance, and may extend to the Lives and Liberties of any of His Majesties Subjects, and their perfons and Fortunes: and feeing the punifhment of Crimes is of the greateft confequence for the fafety and fecurity of his Majesties perfon and Authority, and the Peace and Quietneffe of the Kingdom; and therefore, matters Criminal ought to be determined in the moft folemn, exact and regular way, that the Loyal and Innocent may be in full fecurity, and Offenders may be punifhed either in the moft publick places of the Kingdom, or in the places where the Crimes have been committed, to terrifie others from the like: That whereas formerly affeffors from time to time were appointed to the Justice-General, in matters of importance, which being ambulatory, cannot be fo convenient, as if all the

the Members of that Court were settled and chosen by His Majesty of fit persons, who might make it their work to make a just and constant procedure in Matters Criminal.

1. For that effect, that the Office of Deputes in the Justice-Court be suppress'd, and that five of the Lords of Session be joyned to the Justice-General and Justice-Clerk, and all of them invested with the same and equal Power and Jurisdiction in all Criminal Causes; That the Justice-General being present preside, and in his absence the Justice-Clerk, and in absence of both, that these present elect one of their number to preside, four of the whole number being alwayes the *Quorum* of that Court, except at the Circuit-Courts.

2. That they be appointed to meet each Monday at nine of the clock in time of Session, and oftner if busynesse so require.

3. That the persons to pass upon Affizes be listed, and their Names and Designations insert in an Roll to be signed by the said Judges or their *Quorum*.

4. That for the splendour of that Court, all the Judges sit in red Robes faced with white, that of the Justice-Generals being lined with Ermine, for distinction from the rest.

5. That once a year, in the Moneth of *April* or *May*, Circuit Courts be kept, two of their number appointed to go and keep Courts at *Dumfries* and *Jedburgh*, two at *Stirling*, *Glasgow* and *Air*, and other two at the Towns of *Perth*, *Aberdeen* and *Inverness*; the Justice-General being alwayes super-numerary in any of these Circuit-Courts.

6. That it be left and recommended to the Judges of that Court, to regular the inferior Officers thereof, and order every other thing concerning the said Court.

7. That a convenient Room be appointed for their meetings, Benches for the Judges, a place for the Justice-General, more eminent then the Seats of the other Judges; That the Advocats, Clerk, Assize and Pannels have distinct places appointed to them.

8. That the Clerk of the Court, nor no other person, be present with the Assize after they are inclosed.

9. That the Chancellor of the Assize mark what way every individual person who is upon the Assize shall vote, whether condemning or assailing, and that on the same Paper wherein the Verdict of Assize is written; which after the pronouncing of the Verdict, is to be closed and sealed with the Seals of the Court, of the Chancellour of the Assize, and of so many more of that number, as the Chancellor shall think fit, and never to be opened again, but by order of the Judges: With certification, if the Clerk who shall have the keeping of the said Verdict, do make open the same without warrant, he shall be deprived of his Office, and otherways punished as the Judges shall think fit.

10. That in all Criminal Pursutes, the Defender or his Advocats be alwayes the last speaker, except in cases of Treason and Rebellion against the King.

11. That when any Criminal Libel or Summons of Exculpation are given and execute against any Party, that at the same time, Lists of the Witnesses to be adduced for proving of the said Libel and Summons, and of the persons who are to pass upon the Inquest, be also given to them; to the effect, the Party may know what to object against the said Witnesses and Assizers, and may take forth Diligences for summoning of Witnesses for proving of their objections, why any contained in the saids Lists should not be admitted to be a Witness, or upon the Assize.

Concerning the Exchequer.

THAT there be payed to the Keepers of the Thesaurer Register and his Servants, for registration of Signatures fourty shillings Scots for the first sheet, and twenty shillings Scots for each other sheet of the Signature given in; And that neither he nor his Servants take or exact more, upon any account, or for more sheets then the Signature consisteth of, and that they give their Oaths to that effect.

2. That there be payed to the presenter of Signatures, for each Signature containing an Barrony, or Lands above that value, and which is to pass the Great Seal, six pounds Scots; And if it be of Lands under a Barrony, three pounds: And for all Signatures which are to pass the Privy Seal, only half a Crown. And that he make Faith to observe these Rates.

3. That no *Eques* be made in the Exchequer, by the Vassals of His Majesties Property, for any Blench or Few-duties which are under the sum of ten pounds Scots; But as to these, that Lists of the Vassals and of the Blench and Few-duties payable by them, be subscribed by the Commissioners of His Majesties Thesaurary, and sent to the Sheriffs of the severall Shires, who, or their Deputes, shall charge the Vassals for payment of these Duties, and shall be countable for them to the Exchequer; And that upon payment by the Vassals of their saids Few and Blench-duties, the Sheriffs or their Deputes shall be obliged to grant to them Discharges thereof; without any money or gratification to be given therefore, either to the Sheriff or his Servants, except a Merk Scots only.

4. That the present way of making the counts of Exchequer in Rolls, be altered, and that the same be made hereafter in Books of Parchment; That *Eques* be made yearly; And that for all the Lands contained in one Chartor, belonging to one Heretor, there be made but one *Eque*.

AND further, His Majesty Recommends to the Commissioners aforesaid, that what by the shortnesse of time is not yet determined, as to the Commissary-courts, Sheriff-courts, Town-courts, and all other Cowrts and Judicatories of the Kingdom, may be done with all conveniency, conform to his Majesties Commission granted to them; and that they return their Judgements thereof to His Majesty, that He may give such order therein, as He shall think fit.

XVII.

ACT against keepers of Conventicles, and with-drawers from Publick Worship.

Edinburgh, 4. of September, 1672.

FOrasmuch as the Act past by His Majesty and Estates of Parliament, upon the 13. of *August*, 1670. against Conventicles, and the other Act past in the same Parliament upon the 20. day of the said moneth of *August*, 1670. against separation and with-drawing from the publick Meetings of Divine Worship, were appointed to endure only for the space of three years, unless His Majesty should think fit to continue them longer. And his Majesty considering, that these Acts have not hitherto received that obedience which was due unto them, and that the execution thereof hath not been so duely prosecuted, as by the tenor of the same is prescribed, and that therefore, the continuance thereof will be necessary for some longer time; Doth, with advice and consent of his Estates of Parliament, Statute and Ordain, that the two Acts of Parliament above-mentioned, against Conventicles and with-drawing from publick Meetings of Divine Worship, are and shall endure and continue Acts of Parliament and publick Laws of the Kingdom, for the space of three years, after the expiring of these three years above-mentioned, and longer as his Majesty shall be pleased to appoint. Likeas, His Majesty considering, that by the said Act against Conventicles, it is Statute, that no outted Minister, nor licensed by His Majesties Council, nor other person not authorized nor tolerated by the Bishop of the Diocess, presume to preach, expound Scripture, or pray in any Meeting, except in their own houses, and to these of their own Family; And since there may be some questions and doubts, concerning the meaning and extenr of that word *Pray*, His Majesty doth, with advice foresaid, Declare, That it is not to be understood, as if thereby Prayer in Families were discharged, by the persons of the Family, and such as shall be present; not exceeding the number of four persons, besides these of the Family: It is alwayes Declared, that this Act doth not give allowance to any outted Minister to pray in any Families, except in the Paroches where they be allowed to preach. And further, His Majesty with advice foresaid, doth hereby also Authorize the Magistrates of the Royal-burroughs, to call before them all such of their Burgeses, as shall be guilty of keeping Conventicles, and to proceed against them by fining and other wayes, as is at length exprest in the said Act; and that they make account and report of the fines to the Commissioners of His Majesties Thesaury, and of their diligence to His Majesties Council. And His Majesty considering the slow progress hath been made, in putting these Acts in execution for the time by-gone, Doth therefore, with advice foresaid, Statute and Command, that all Sheriffs, Stewarts, Lords of Regalties and their Deputes, and Magistrates of Burroughs within their respective Jurisdictions, shall from henceforth be careful in putting these Acts to due execution, against keepers of Conventicles; and with-drawers from publick Worship, conform to the power and trust committed to them thereby: And that they return an account of their proceedings to His Majesties Council yearly, on the first Thursday of *July*, under the pain of five hundred Merks, to be payed by each Sheriff, Stewart, Bailiff and Magistrates of Burgh, for each years failzie, in not giving an account of their diligence as said is.

XVIII.

ACT for establishing Correction-houses for Idle Beggars and Vagabonds.

Edinburgh, 4. of September, 1672.

THe Kings Majesty, considering the many good Laws and Statutes made by himself and his Royal Predecessors, for suppressing of Vagabonds, Beggars and Idle persons, who are a great burden and reproach to the Kingdom, and for the most part, live without all Law or Rule, Sacred or Civil; And that a numerous brood of such persons are dayly increasing, who if they were set to work, and bred to Trades & callings, the people might not only be disburdened of them, but they might, in a short time & upon far less expence, become useful and profitable for the whole Kingdom. And withall considering, that the effect of all these good Laws hath been frustrate, because there hath been no place provided wherein such poor people might be set to work, nor persons appointed to have the charge and oversight of them: For remeid whereof, his Majesty, with advice and consent of His Estates of Parliament, Statutes, and Ordains, that the Magistrates of the Burghs following, betwixt and the term of Whitfunday next, 1673. provide Correction-houses for receiving and entertaining of the Beggars, Vagabonds and Idle persons within their Burghs, and such as shall be sent to them

to them out of the Shires and Bounds after-specified; and that they appoint Masters and Overseers of the same, who may set these poor persons to work; viz. one Correction-house at the Burgh of *Edinburgh*, for these of the Town and Shire of *Edinburgh*; one at the Burgh of *Haddington*, for those of the Shire of *Haddington*, one at *Dunfermline* for the Shire of *Berwick*; one at *Jedburgh*, for the Shire of *Roxburgh*; one at the Burgh of *Selkirk*, for the Shire of *Selkirk*; one at the Burgh of *Peebles*, for the Shire of *Peebles*; one at the Burgh of *Glasgow*, for the Shire of *Lanerk*; one at the Burgh of *Dumfries*, for the Shire of *Dumfries*; one at the Burgh of *Wigtown*, for the Shire of *Wigtown*; one at the Burgh of *Kirkcudbright*, for the Stewarty of *Kirkcudbright*; one at the Burgh of *Air*, for the Shire of *Air*; one at the Burgh of *Dumbarton*, for the Shire of *Dumbarton*; one at the Burgh of *Rothesay*, for the Shire of *Bute*; one at *Paisly*, for the Shire of *Renfrew*; one at *Sterling*, for the Shires of *Sterling* and *Clackmannan*; one at *Linlithgow*, for the Shire of *Linlithgow*; one at *Culross*, for these twelve Paroches in the Shire of *Perth*, belonging to the Presbytery of *Dumblane*; one at the Burgh of *Perth*, for the rest of the Shire of *Perth*; one at *Montrose*, for the Shire of *Kincardine*; one at the Burgh of *Aberdeen*, for the Shire thereof; one at *Inverness*, for the Shires of *Inverness*, *Ross*, and *Cromarty*; one at the Burgh of *Elgin*, for the Shires of *Elgin* and *Nairn*; one at *Inverary*, for the Shire of *Argyll*; four in the Shire of *Fife*, viz. one at *St. Andrews*, one at *Coupar*, one at *Kirkcaldy*, and one at *Dunfermline*, for the four ordinary Divisions of that Shire; one at *Dundee* for the Shire of *Forfar*; one at the Burgh of *Banff*, for the Shire of *Banff*; one at the Burgh of *Dornoch*, for the Shire of *Sutherland*; one at the *Week*, for the Shire of *Caithness*; and one at the Burgh of *Kirkwall*, for the Shire of *Orkney* and *Zealand*; each of which Houses shall have a large Clois, sufficiently inclosed for keeping in the said poor people, that they be not necessitated to be alwayes within doors, to the hurt or hazard of their health. And in case the Magistrats of the said Burghs, or any of them shall not provide and have in readiness, the saids Correction-houses betwixt and the said term of Whitsunday next, they shall incur the pain and penalty of five hundred Merks Scots money, and that quarterly, untill the Correction-houses be provided: Which penalties shall be payed to the Commissioners of Excise, in the respective Shires or Bounds from which the saids poor persons shall be sent, to the saids Correction-houses: And the saids Commissioners are hereby warranted to raise Letters of Horning, and use other execution at their instance, against the Magistrats of the saids Burghs for payment of the penalties that shall be incurred by them, in manner foresaid; which penalties shall be applied by the saids Commissioners, for building or buying of houses to the effect foresaid: And in the mean time, untill the saids houses be provided, the Magistrats of the said Burghs are required to dispose of these Beggars and poor People, who were either born within their respective Burghs, or have haunted therein the last three years, in some convenient places, so as they may not go begging on the Streets, or at houses within the Town. And for the better enabling of the saids Burghs, to bear the charges and expences of the saids Correction-houses, His Majesty, with consent of the saids Estates of Parliament, Statutes and Ordains, that the Contributions and Allowances for maintaining of the Poor, appointed by the fifteenth Act of the third Session of His Majesties first Parliament, intituled, *Act concerning Beggars and Vagabonds*, be applied for the use of the saids Correction-houses, whereby they shall have two shillings Scots for ilk poor person *per diem* that shall be sent to them, and entertained and bred by them, for the first year; and twelve pennies Scots *per diem*, for the space of three years thereafter, during which they shall entertain and educate them, together with the profit arising from the labour and work of the saids poor persons, for seven years thereafter: Which Contributions are to be payed by the Paroches relieved of the said Poor, in manner contained in the said Act. And to the effect it may be known, what poor persons are to be sent to the said Correction-houses, and who are to be kept and entertained by the Contributions at the Paroch-kirks for the Poor, the Ministers of ilk Paroch, with some of the Elders, and in case of Vacancy of the Kirks, three or more of the Elders are hereby ordered to take up an exact List of all the poor persons within their Paroches, by Name and Sir-name, condescending upon their age and condition, if they be able or unable to work, by reason of age, infirmity or disease, and where they were born, and in what Paroches they have most haunted during the last three years, preceeding the upraising of these Lists; intimation being alwayes made to the whole Heretors of the Paroch to be present, and to see the Lists right taken up; and that the Heretors who, and the possessors of their Land, are to bear the burden of the maintenance of the poor persons of each Paroch, or any of them who shall meet with the saids Ministers and Elders, shall condescend upon such as through age and infirmity, are not able to work, and appoint them places wherein to abide, that they may be supplied by the Contributions at the Paroch-kirk: And if the same be not sufficient to entertain them, that they give them a Badge or Ticket to ask almes at the dwelling-houses of the Inhabitants of their own Paroch only, without the bounds whereof, they are not to beg; and that they do not at all resort to Kirks, Mercats, or any other places where there are meetings at Marriages, Baptismes, Burials, or upon any other publick occasion: And likewise, that such of the saids poor persons as are of age and capacity to work, be first offered to the Heretors or Inhabitants of each Paroch, that if they will accept any of them to become their Apprentices or Servants, they may receive them upon their obligement to entertain and set to work the saids poor persons, and to relieve the Paroch of them; For which cause, they shall have the benefit of their work untill they attain the age of thirty years, conform to the tenth Act of the twenty two Parliament of King *James* the sixth, and that the rest of the saids poor persons be sent to

the Correction-houses, for whose entertainmēt, the saids Heretors shall cause collect the saids Contributions, and appoint a quarters allowance to be sent along with them, with Cloathes upon them; to cover their nakedness, and the said allowance to be payed quarterly thereafter, by way of advance. With power also to the saids Commissioners of Excise in each Shire, quarterly to take an account of the diligence of these of each Paroch in performing of the premises: And in case of their neglect, to appoint other persons to make the saids Lists, and Collectors to uplift the saids Allowances, and to bring them to Correction-houses. And the Sheriffs their Officers, and Mayers and Constables are hereby required to concur and be assisting to the carrying and delivering of the saids poor persons to the Correction-houses. And in case any Heretors shall find within their bounds, any other Vagabonds, Beggars or Idle persons, not being in service, nor having any visible way or flock to entertain themselves, who were not born, nor did haunt formerly within their bounds; they are hereby impowered to seize upon such persons, and to send them to the Correction-houses; and to charge the Magistrats or Masters of the saids houses to receive them, without advance of any allowance: With power notwithstanding to the saids Magistrats or Masters, to charge the Heretors of the Paroches where these idle persons were born, or have most haunted the last three years, for the allowance of such of them as are not bred to work; And as to such of them as can work, the Masters shall have the benefit of their work for their meat. And His Majesty, with advice foresaid, doth impower and require the Masters of the Correction-houses to put and hold the saids poor people to work, as they shall see them most capable and fit; And in case of their disobedience, to use all manner of severity and correction, by whiping or otherwayes, (excepting torture), and to detain them within the said Correction-house and Clois thereof; with this provision, that in case any of the saids poor persons being received, shall be suffered to escape to burthen the Countrey of new, that the Magistrats shall be charged to recover and receive them again, without any allowance thereafter, during the said space of four years, under the pain of forty pounds *Scots* for each person so escaping: With power also to them, to receive disobedient servants, and to put them to work, and to correct them according to their demerits. Likeas His Majesty, with advice foresaid, Ordains Letters of Horning and other execution to pass hereupon, at the instance of these who shall send the poor in manner foresaid, against the Magistrats of Burghs for receiving the poor sent to them, with the quarters allowance foresaid: And likewise, Letters of Horning to be direct at the instance of the Masters of the saids Correction-houses, against these lyable in payment of the said allowance for the poor, conform to the said Act of Parliament, and that quarterly in manner foresaid; and at the instance of the Collectors, to be named by the Heretors or Commissioners of Excise, against the Heretors and Inhabitants of the saids Paroches, conform to the said Act of Parliament. It is alwayes hereby provided, that it shall be lawful to Coal-masters, Salt-masters, and others who have Manufactories in this Kingdom, to seize upon any Vagabonds or Beggars, where ever they can find them, and to put them to work in their Coal-heughs or other Manufactories, who are to have the same power of correcting them, and the benefit of their work, as the Masters of the Correction-houses. And further, His Majesty, with advice foresaid, recommends and commits the execution of this present Act to His Privy Council, with power to them to appoint all means and wayes for making the same effectual; To whom the Commissioners of excise in the severall Shires, are hereby Required to return an account of their diligence in the premises, by some of their number the second Council day in *November*, and the second Council day in *June* yearly, under the pain of Forty pounds *Scots* for every Commissioner of Excise, who shall be deficient in doing his part of the premises.

XIX.

*ACT Concerning Adjudications.**Edinburgh, 6. of September, 1672.*

THe Kings Majesty, considering how far Comprisings have deborded from the first design of the Legislators, who did never intend that opulent and great Estates should be carried away for considerable sums, nor that Messengers or ignorant persons should be Judges in matters of so great importance; And considering the great prejudice ensuing to Trade & Commerce, by the length of the legal Reversion formerly granted, the Creditor not being able to command his money, and both Debitor and Creditor neglecting to use any policy & improvement of the Lands during the running of the legal Reversion; And that after expiring thereof, Comprisings have become the foundation of much fraud; the right thereof being sometimes acquired by the appearand Heirs of the Debitor, who thereby secluded the lawful Creditors: And that by the ignorance of Nottars and Messengers, and many unnecessar solemnities, oftimes Nullities have happened in Comprisings, and the same have alwayes been most expensive by heaping of penalties and Sheriff-fees. And His Majesty, being desirous to secure equally the interest of Debtors and Creditors, Doth, with advice and consent of His Estates of Parliament, Statute and Ordain, that in place of Comprisings, the Lords of Session, upon Processess raised before them at the instance of any Creditor against his Debitor, Principal or Cautioner, shall Adjudge and Decern to the Creditor in satisfaction of his Debt,

as the

as the same shall be decreed by the saids Lords, such a part of the Debtors Estate, consisting in Lands and other Rights which were in use to be appraised, as shall be worth the sum principal and Annual-rent then rest- and to the Creditor, and a fifth part more, in respect the Creditor wants the use of his money, and is necessitat- to take Land for the same, besides and attour the composition to the Superior, and expences of the Infestment; Which Adjudication shall be made, according to the several rates of the Lands and other Rights in the places where the same do ly; And for that effect, Probation shall be taken by the saids Lords for the part of the Cre- ditor, and likewise for the part of the Debtor (if he shall desire the same) concerning the yearly Rent and value of the saids Lands and Rights, and what they have payed for five years by-gone, and what the same may pay, and the rates and prices at which such Lands and Rights are usually sold in these places of the Kingdom where they ly; With Power to the saids Lords to determine what warrantice the Debtor shall be lyable in to the Creditor, of the Lands and Rights so adjudged as they shall find just: Upon which Decree of Adjudica- tion, it shall be lawful to the Creditor immediately to enter to the possession of the Lands and other Rights adjudg- ed to him, and to intromet with the Mails and Duties thereof, in satisfaction of his Annual-rent during the not redemption, without being lyable to any restriction or action of Count and Reckoning. And in case there be adjudged Lands affected with Life rents, or any Casualty or other Right not yielding Rent during the running of the Legal after-specified, the same shall be express in the said Decree, together with that part of the sum effect and thereto; That in case of redemption, the Creditor may have his Annual-rent for that part of his sum, for which he had no profit in manner foresaid: Which Lands and other Rights adjudged as said is, shall remain heretably and irredeemably with the Creditor, in case they be not redeemed within the space of five years after the Decree of Adjudication, by payment or consignation of the sums principal and Annual-rent, for which the Adjudication did proceed, the Composition payed to the Superior, and exp- ences in obtaining Infestment and Annual-rent of the same, in so far as is not satisfied by the Creditors pos- session in manner foresaid: And the Creditor being once in peaceable possession of the saids Lands or Rights, conform to the Decree of Adjudication, it shall not be lawful for him to use any further execution against his Debtor, except in the case of eviction upon the warrantice to be decreed by the saids Lords; But it shall be lei- sum to the Creditor, to use all manner of execution against his Debtor Principal or Cautioner, by Horning, Caption, Arrestment or otherwise, untill he enter to the actual possession of the Lands to be Adjudged in manner foresaid. And it is hereby Statute and Ordained; that no Comprisings shall be led in time coming, of any Lands or other Rights, which are not already comprised; But prejudice alwayes of any apprisings led before the date of this Act, or to be deduced of Lands or other Rights already appraised, whereof the Legal is not expired, which are to have course conforme to the Laws and Acts formerly made thereanent: It is alwayes hereby Provided and Declared, that in case the Debtor shall abstract the Writs and Evidents of the Lands and other Rights to be adjudged, and shall not produce a sufficient Right thereof, and deliver the same, or Transumps thereof to the Creditor as the Lords shall Judge necessary; and in case he shall not renounce the possession of the Lands and other Rights to be adjudged, and ratifie the Decree of Adjudication, to the effect the Creditor may enter thereto summarly, without any impediment, so that the Creditor may have a clear right and quiet possession: Then and in that case, it shall be lei sum to the Creditor to adjudge all or any Right belonging to his Debtor, in the same manner as he might have appraised the same, conform to the Act of Parliament, 1661. anent the payment of Debts betwixts Debtor and Creditor, in all points, under the Reversion, and with the power competent to other Creditors express in the said Act. And it is hereby De- clared, that neither the Superior, nor the Adjudger shall be prejudged by this Act, but that they shall be in the same case after citation in this Proceeds of Adjudication, as if Apprising were led of the Lands at that time, and a Charge given to the Superior thereupon: Whilk Decrees of Adjudication above-mentioned shall be al- lowed by the Lords of Session, as Apprisings now are; And the allowance shall be registrar in the same man- ner, and under the same certification, with the allowanees of Comprisings; To the effect, the same may be known, and that Creditors may not be disappointed by Adjudging Lands already adjudged to others.

X X.

A C T for employing Vacant Stipends for the Universities.

Edinburgh, 10. of September, 1672.

THe Kings Majesty, considering the present condition of several Universities and Colledges within this Kingdom, and the mean and incompetent provision of the Masters and Professors thereof; and being desirous to give all due encouragement to these Seminaries, that thereby able and fit persons may be invited to accept of Functions within the same; Dorth therefore, with advice & consent of his Estates of Parliament, Sta- tute & Ordain, that the Stipends and Benefices of Kirks that shall happen to Vaik for the space of seven years, This present year, one thousand, six hundred, and seventy two, being the first of the seven, and so forth to continue until the expiring of the seven years, shall be employed for the use of the Universities and

and Colledges in manner after-specified, *viz.* The Vacancies within the Diocesses of *St. Andrews*, *Dunkeld*, *Brichin* and *Orkney*, for the Universities of *St. Andrews*, and the Vacancies within the Diocesses of *Edinburgh*, for the Colledge of *Edinburgh*; and the Vacancies within the Diocesses of *Aberdeen*, *Murray*, *Rofs* and *Caitbness*, for the Universities of *Aberdeen*; and the Vacancies within the Diocesses of *Glasgow*, *Galloway* and the *Isles* as follows, *viz.* The Vacancies of the Diocess of *Glasgow* for this present year, one thousand, six hundred, and seventy two, to be employed, the one half for the University of *St. Andrews*, and the other half for the University of *Glasgow*; and the Vacancies of that Diocess for the six years ensuing, with the Vacancies of the said two Diocesses of *Galloway* and the *Isles* for the whole seven years above-mentioned, to be employed for the University of *Glasgow*. And that this supply may prove the more effectual, The several Universities and Colledges are hereby warranted to name Collectors (for whose diligence and faithfulness, they are to receive sufficient Caution before they receive their Commissions) to uplift the Vacant Stipends which are or shall become Vacant during the seven years above-mentioned, within the respective Diocesses hereby allotted to them; The Collector to be appointed by the Colledge of *Glasgow*, to uplift the Vacancies of the Diocess of *Glasgow*, always finding sufficient Caution at the sight of the University of *St. Andrews*, to make payment to that University and to the University of *Glasgow*, equally betwixt them, of the Vacancies which he shall receive within the said Diocess of *Glasgow* for this present year, one thousand, six hundred, & seventy two; And his Majesty, with advice foresaid, Ordains Letters of Horning, and all other execution necessary, to pass at the instance of the saids Collectors, for the more speedy raising & inbringing of the Vacancies aforesaid: which Vacancies are to be disposed of & employed for the use of the respective Universities and Colledges yearly, by the Visitors to be appointed by his Majesty for the respective Universities and Colledges under the Great Seal. It is alwayes hereby Declared, that the Vacancies shall be burdened with the up-holding of the Manes of these Paroches, out of which the Vacancies shall be raised, in the same manner as they were formerly upon removal of the Incumbent, conform to the Act of Parliament made thereanent: and as to the Vacancies of the Diocess of *Argyl*, they are to be employed for maintenance of *Bussars*, as is appointed by former Acts of Parliament: And his Majesty, with advice foresaid, Declares the former Act past in the third Session of His Majesties first Parliament, Entituled, *Act for additional Provision in favours of Universities*, to be void and null to all the intents therein contained.

X X I.

A C T concerning the Priviledges of the Office of Lyon King at Armes.

Edinburgh, 10. of Septembur, 1672.

OUR Sovereign Lord, considering, that albeit by the 125. Act of the 12. Parliament, holden by His Majesties Grand-father in the year, 1592. the usurpation of Armes by any of His Majesties Leidges, without the Authority of the *Lyon King of Armes*, is expressly discharged; And that in order thereto, power and Commission is granted to the *Lyon King of Armes*, or his Deputies to visit the whole Armes of Noble-men, Barons and Gentle-men, and to matriculate the same in their Registers, and to fine in one hundred pounds, all others who shall unjustly usurp Armes; As also to escheat all such Goods and Gear, as shall have unwarrantable Armes engraven on them. Yer, amongst the many irregularities of these late times, very many have assumed to themselves Armes, who should bear none, and many of these who may in Law bear, have assumed to themselves the Armes of their Chief, without distinctions, or Armes which were not carried by them or their Predecessors. Therefore, His Majesty, with advice and consent of His Estates of Parliament, Ratifies and Approves the foresaid Act of Parliament; And for the more vigorous prosecution thereof, doth hereby Statute and Ordain, that letters of publication of this present Act be direct to be execute at the Mercat-crofs of the head Burghs of the Shires, Stewartries, Baileries of Royalty and Regality, and Royal Burroughs, charging all and sundry Prelats, Noble-men, Barons and Gentle-men, who make use of any Arms or Signs Armorial, within the space of one year after the said publication to bring or send an account of what Arms, or Signs armorial they are accustomed to use, and whither they be Descendants of any Family, the Arms of which Family they bear, and of what Brother of the Family they are descended; With Testificats from persons of Honour, Noble-men or Gentle-men of quality, anent the verity of their having and using those Arms, and of their descent as aforesaid, to be delivered either to the Clerk of the Jurisdiction where the persons dwell, or to the Lyon Clerk, at his Office in *Edinburgh*, at the option of the party, upon their Receipts *gratis*, without paying any thing therefore; Which Receipt shall be a sufficient exoneration to them, from being obliged to produce again, to the effect, that the *Lyon King of Arms* may distinguish the saids Arms, with congruant Differences, and may matriculate the same in his Books and Registers, and may give Arms to vertuous and well deserving persons, and Extracts of all Arms, expressing the blasoning of the Arms under his hand and Seal of Office; For which shall be payed to the Lyon, the sum of twenty merks, by every Prelat & Noble-man, and ten merks by every Knight and Baron, and five merks by every other person bearing Arms, and no more: And His Majesty

Majesty hereby dispenses, with any penalties that may arise be this or any preceeding Act for bearing Armes, before the Proclamation to be issued hereupon. And it is Statute and Ordained, with consent foresaid, that the said Register shall be respected as the true and un-repealable rule of all Armes and Bearings in Scotland, to remain with the Lyons Office as a publick Register of the Kingdom, and to be transmitted to his Successors in all time coming: And that whosoever shall use any other Armes any manner of way, after the expiring of year and day from the date of the Proclamation to be issued hereupon, in manner foresaid, shall pay one hundred pounds money, *toties quoties*, to the Lyon, and shall likewise escheat to His Majesty, all the moveable Goods and Gear upon which the saids Armes are engraven, or otherwise represented. And His Majesty, with consent foresaid Declares, that it is only allowed for Noblemen and Bishops to subscribe by their Titles; And that all others shall subscribe their Christned Names, or the initial letter thereof with their Surnames, and may, if they please adject the Designations of their Lands, prefixing the word OF to the saids Designations. And the Lyon King at Armes and his Brethren, are required to be carefull of informing themselves of the contraveeners hereof, and that they acquaint His Majesties Council therewith, who are hereby empowered to punish them as persons disobedient to, and contraveeners of the Law. It is likewise hereby Declared, that the Lyon and his Brethren Heraulds are Judges in all such causes, concerning the Malversation of Messengers in their office, and are to enjoy all other priviledges belonging to their Office, which are secured to them by the Laws of this Kingdom, and according to former practice.

XXII.

ACT against Profaneness.

Edinburgh, 11. of September, 1672.

OUR Sovereign Lord, considering the many and great violations of the Law of GOD, and of the Laws of this Kingdom, established by His Majesty and his Royal Predecessors, against cursing, swearing, drunkenness, fornication and uncleanness, profanation of the Lords-day, mocking or reproaching of Religion and the exercises thereof; Which are prohibit by several Acts of Parliament, under diverse pecuniary mulcts and penalties; and especially by the twenty Act of the twenty two Parliament of King James the sixth, entituled, *Act anent the punishment of Drunkards*; And by the eighteenth Act of the first Session of His Majesties first Parliament, entituled, *Act for the due observation of the Sabbathday*; And the nineteenth Act thereof entituled, *Act against swearing and excessive drinking*; And by the thirty eight Act of that same Session of Parliament, containing instructions to the Justices of Peace: Doth, with advice of His Estates of Parliament, Statute and Ordain, that the several pains and fines appointed by the said Acts, be inflicted on, and exacted off the respective transgressors; And for that effect, it is hereby Statute and Ordained, that besides the exercise of Church-discipline, according to the Laws and practice used in this Church, in every Paroch within Royal Burgh, or wherein any of His Majesties Privy Council or Lords of Session, Sheriff, Lord, or Bailiff of Regality or their Deputes, or Commissaries, have their residence or keep Courts, that the saids Councillors or Lords of Session, Magistrates of such Burghs, the Sheriffs and the Lords and Bailiffs of Regalities or their Deputes, the Commissaries or any Justice of Peace, They or any one or more of them, execute or cause execute the saids Laws, against such delinquents in the several Paroches where they reside, as shall be dilated to them by the Kirk-Sessions, or other Church-Judicatories. Providing alwayes, Likeas it is hereby provided, that the Minister and Kirk-Session, with the Heretors of each Paroch, or such of them as upon publick intimation by the Minister from the Pulpit, upon eight dayes warning, shall meet with the Minister, and his assistants in discipline, have the nomination of a Collector, who is to receive and count for the fines so imposed; Excepting to the Royal-Burghs the nomination of their Collectors, who have been accustomed so to nominat, they alwayes being accountable as other Collectors, for the uses after-specified: And whete there be any Paroches, in which there is none of the saids above-named persons in Authority resident, the Minister and Kirk-Session and Heretors of the Paroch, or Major part of them, who shall convene upon publick intimation by the Minister upon eight dayes warning, shall nominat so often as they see cause, a person resident within the Paroch, whom they find most fit for executing of the saids Statutes, and shall under their hand, offer the person so chosen to the Sheriffs, Lords and Bailiffs of Regalities, Stewarts, Commissaries, having the ordinary Jurisdiction of that place, who are hereby authorized to give Commission and Deputation to the persons so chosen for conveying the persons transgressors of the foresaid Statutes, and to judge in them according to Law: And it is hereby Declared, that all execution shall pass upon the Decretes and Sentences of the saids Judges and Commissioners, as do or may pass upon the Decretes or Sentences of Sheriffs, Bailiffs of Royalty or Regality, for executing of the saids Statutes, conform to the tenor thereof in all points. With Power to the said Minister, Kirk-Session and Heretors of each Paroch convened in manner foresaid, to modifie and appoint such part and portion of the sums arising by the said Decretes, to the Collectors

Collectors nominat by them for their services, as they shall find just, according to their pains and diligence. And it is hereby Declared, that the remainder of the saids sums shall belong to, and be made use of, for the poor of each Paroch *respective*, in manner following; *viz.* The one half thereof for the use of the poor of each Paroch to be sent to the Correction-houses, for being bred to lawful Trades, conform to an Act of Parliament, made in this Session of Parliament; And for which, the Collector shall be countable to the Heretors of each Paroch, and shall deliver to them Receipts from the Masters of the Correction-houses of the one half of the saids sums, toward the allowance of the said poor people, appointed to be payed out of each Paroch by the said Act: and the other half of the saids fines shall belong to the poor of each Paroch *respective*, who by the said Act, by reason of their age or infirmity, are appointed to be entertained within each Paroch by the Contributions at the Paroch-Kirk, and for which the saids Collectors are to be countable to the Minister and Kirk-Session of each Paroch, or to the Elders during the Vacaney; and to be applyed be them for the use of the poor, as they shall see cause.

XXIII.

ACT Salvo jure cujuslibet.

Edinburgh, 11. of September, 1672.

OUR Sovereign Lord taking to consideration, that there be many Acts of Ratifications and others, past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned and prejudged: Therefore, His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all such particular Acts and Acts of Ratification past in manner foresaid, shall not prejudice any third party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the said particular Acts and Acts of Ratifications; And that the Lords of Session and all other Judges within this Kingdom, shall be obliged to judge betwixt Parties, according to their several Rights standing in their persons before the making of the saids Acts: All which are hereby exponed, and Declared to have been made, *Salvo jure cujuslibet.*

XXIV.

ACT of Adjournment.

Edinburgh, 11. of September, 1672.

THE King's Majesty Declares this Parliament current, and Adjourns the same to the second Wednesday of June next to come; Ordaining all the Members of Parliament to attend that day, And that there be no new Election of Commissioners from Shires or Burroughs, except upon the death of some of the present Commissioners.

F I N I S.

A L I S T

Of the L A W S and publick A C T S, pass'd in the Parliament holden at *Edinburgh*,
in the Year, 1672.

1. *ACT for settling of the Militia.*
2. *Act concerning Pupils and Minors, and their Tutors and Curators.*
3. *Act discharging the importation of Irish Victual.*
4. *Act for raising a Supply to His Majesty, of 864000: l.*
5. *Act concerning the Priviledges of Burghs-Royal.*
6. *Act discharging second Summons, &c.*
7. *Act concerning the Writs passing the Great and Privy Seals.*
8. *Act concerning the Arreassments used within Burghs.*
9. *Act against unlawful Ordinations, &c.*
10. *Act concerning Apparel.*
11. *Act against such as do not Baptize their Children.*
12. *Act for an Anniversary Thanksgiving.*
13. *Act concerning the Ann, due to the Executors of Bishops and Ministers.*
14. *Act for retouring of Taxt-Marriages.*
15. *Commission for plantation of Kirks, and valuation of Teinds.*
16. *Act concerning the regulation of the Judicatories.*
17. *Act against keepers of Conventicles, and with-drawers from Publick Worship.*
18. *Act for establishing Correction-houses for Idle Beggars and Vagabonds.*
19. *Act concerning Adjudications.*
20. *Act for employing Vacant Stipends for the Universities.*
21. *Act concerning the Priviledges of the Office of Lyon King at Arms.*
22. *Act against Prophaneness.*
23. *Act Salvo jure cujuslibet.*
24. *Act of Adjournment.*

F I N I S.

Y

A LIST

A L I S T

*Of the ACTS and RATIFICATIONS past in the third Session of His
Majesties second Parliament, holden in the Year, 1672. and
which are not printed.*

Protestations by some Noblemen, for their ranking in the Rolls of Parliament.
His Majesties Letter to the Parliament, with the Parliaments Answer.
Warrant for some new Fairs and Markets.
Act concerning Mr. *William Moor*.
Acts concerning the Burghs of *Cromarty*, *Kilrenny* and *Ennstruther*.
Act and Ratification in favours of the Colledge of *Glasgow*.
Warrant for a Birth-brieff to Sir *Gabriel Wood*.
Act annexing the Duke of *Bucklench*s Lands in *Dumfreis* to the Shire of *Roxburgh*.
Act suspending publick Debts, and Protection to *William Dick*.
Decreet the Lady *Forrester* and her Son against the Countess of *Bramford*.
Ratification of the Earl of *Dundonnalds* Mortification to the Colledge of *Glasgow*.
Act for repairing the Kirks of *Burrowslouness*, *Blair*; and *Elie*.
Imposition for the building and repairing of three Bridges.
Protestation by the Lord Thesaurer Depute.
Act against Members of Parliament who did not attend.
Remit in favours of the Earls of *Cassils* and *Lothian*, &c.
Remit and Recommendation of some Petitions to the Council.
Ratification in favours of the Earl of *Rothes*, Lord Chancellor.
Ratification in favours of the Duke of *Bucklench*.
Ratification in favours of the Earl of *Arbuthnot*.
Protestation by the Laird of *Strowan* against it.
Ratification in favours of Sir *John Wachop* of *Niddrie*.
Ratification in favours of Mr. *Alexander Balnaves*.
Ratification in favours of Sir *William Scot* of *Harden*.
Ratification in favours of the Duke of *Lennox*.
Ratification in favours of the Duke and Dutchess of *Hamilton*.
Ratification in favours of the Arch-Bishop of *St. Andrews*.
Protestation by the Bishop of *Edinburgh* against it.
Protestation by the Arch-Bishop of *St. Andrews* to the contrar.
Ratification in favours of the Marques of *Montrose*.
Ratification in favours of the Earl of *Glencarn*.
Ratification in favours of the Earl of *Cassils*.
Ratification in favours of the Earl of *Kellie*.
Ratification in favours of the Earl of *Kilmarnock*.
Ratification in favours of the Lord Thesaurer-Depute.
Ratification in favours of the Lyon, King at Arms, and his Son.
Ratification in favours of Sir *Andrew Ker* of *Cavers*.
Ratification in favours of *James Hamilton*.
Ratification in favours of *William Bruce* of *Newtown*.
Ratification in favours of *Adam Urquhart* of *Meldrum*.
Ratification in favours of Mr. *George Gibson*.
Ratification in favours of Mr. *John Bayne*.
Ratification in favours of Mr. *Thomas Murray*.
Ratification in favours of Major *Hew Buntin* of *Kilbryd*.
Ratification in favours of *John Rutherford* of *Edgarston*.
Two Ratifications in favours of Sir *Andrew Ramsay* of *Abbot-bal*.
Ratification in favours of Mr. *Robert Ross*.
Ratification in favours of Mr. *William Barclay*.
Ratification in favours of *Andrew Fletcher* of *Salton*.
Ratification in favours of Sir *Thomas Stewart* of *Gairnallie*.
Ratification in favours of *John Blair* of *Drumskey*.
Ratification in favours of Sir *John Ayton* of that ilk.
Ratification in favours of Mr. *William Eccles*.

Ratification in favours of *Thomas Kirkpatrick*.
 Ratification in favours of *John Johnston*.
 Ratification in favours of *James Menzeis of Enoth*.
 Ratification in favours of *John Maitland of Eccles*.
 Ratification in favours of *Robert Greirson of Lag*.
 Ratification in favours of *Sir James Mackgill of Rankellore*.
 Ratification in favours of *John Boyd of Kelburn*.
 Ratification in favours of *James Birsben of Bishoptoun*.
 Ratification in favours of *John Cunningham of Enterkin*.
 Ratification in favours of *Archibald Stewart of Blackball*.
 Ratification in favours of *David Boswall of Achinleck*.
 Ratification in favours of *William Blair of that ilk*.
 Ratification in favours of *Sir Patrick Maxwell of Newark*.
 Ratification in favours of *Sir William Graham of Gartmore*.
 Ratification in favours of *Mr. Roger Hog*.
 Ratification in favours of *David Kinneir of that ilk*.
 Ratification in favours of *Patrick Threipland of Fingask*.
 Ratification in favours of *Patrick Maxwell of Teilling*.
 Ratification in favours of *Sir David Carnegie of Pittarro*.
 Two Ratifications in favours of *Sir William Bruce of Bakaskie*.
 Ratification in favours of *William Menzeis of Piffoddel*.
 Ratification in favours of *Alexander Cochrane of Barbachlaw*.
 Ratification in favours of *Peter Hay of Naughton*.
 Ratification in favours of *Andrew Anderson His Majesties Printer*.
 Ratification in favours of *Alexander Udney of that ilk*.
 Ratification in favours of *John Schaw of Sornbeg*.
 Ratification in favours of *William Maxwell of Jacktoun*.
 Ratification in favours of *William Murray of Stanbop*.
 Ratification in favours of *John Walker*.
 Ratification in favours of *James Hamiltoun in Edinburgh*.
 Ratification in favours of *James Maule of Melgum*.
 Ratification in favours of *Alexander Watson Provost of Dundee*.
 Ratification in favours of the City of *Edinburgh*.
 Ratification in favours of *Alexander Hamiltoun of Dalziel*.
 Ratification in favours of the Chirurgians in *Glasgow*.
 Ratification in favours of *Sir James Baird of Achmedden*.
 Ratification of a Gildrie in *Glasgow*.
 Ratification in favours of *Sir James Johnston of Wester-hall*.
 Ratification in favours of *Mr. Andrew Burnet of Warristoun*.
 Ratification in favours of the Earl of *Paumure*.
 Ratification in favours of *Hew Paterson*.
 Two Ratifications in favours of the University of *St. Andrews*.
 Ratification in favours of the Earl of *Argyl*.
 Ratification in favours of the Earl of *Kinghorn*.
 Protestation by the Earl of *Soutbesk* and Town of *Forfar* against it.
 Ratification in favours of *Sir John Young of Leny*.
 Ratification in favours of *Arthur Tempil of Ravebrig*.
 Ratification in favours of *John Cheistle of Gorgie*.
 Ratification in favours of *Sir Hew Campbell of Calder*.
 Ratification in favours of *William Lindsay of Belfane*.
 Ratification in favours of *Sir James Fowlis of Colingtoun*.
 Ratification in favours of *John Leslie of Agutrosk*.
 Ratification in favours of *James Somervel of Drum*.
 Two Ratifications in favours of *Mr. David Watson*.
 Protestation by the Wrights of the *Canogate* against one of them.

F I N I S



T H E
L A W S A N D A C T S
P a s t i n t h e F o u r t h a n d l a s t
S E S S I O N
O f t h e S E C O N D
P A R L I A M E N T,
Of Our Most High and Dread Sovereign,
C H A R L E S
T H E S E C O N D.

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.

*Holden by his Grace, John Duke of Lauderdale, Marquess of March, Earl of Lauderdale,
Viscount Maitland, Lord Thirlestane, Musselburgh and Bolton, &c.
His MAJESTIES Commissioner, &c.*

This Session continued from the 12. of *Novemb.* 1673. to the 2. of *Decemb.* thereafter; and then
being by His *Majesties* Authority several times Adjourned:

The Parliament was by His *Majesties* Royal Proclamation the 19. of
May, 1674. Dissolved.

A C T c o n c e r n i n g t h e P r e - e m p t i o n a n d E x c i s e o f S a l t .

At Edinburgh, the 25. of *Novembér*, 1673.



THE King's most Excellent Majesty, having, from the constant affection and care, which He hath alwayes had of the concerns of this His Ancient Kingdom, Resolved further to gratifie His good Subjects, by such Grants and publick Laws as he shall judge to conduce most for their good and advantage: And understanding by the prosecution and management of the Pre-emption of Salt within this Kingdom; that the same hath been occasion of trouble and burden to His Subjects, His Majesty doth therefore Annul and Discharge the said Pre-emption, and all Pre-emptions of Salt in time coming, and Declares the same, and all Acts, Commissions, or other warrands whatsoever authorizing it, to be, from and after the first day of *December*, this present year, one thousand, six hundred, and seventy three, vacated, void and null. And in order therunto, His Majesty, with advice and consent of His Estates of Parliament, Doth hereby rescind and Annul;

all and sundry the Contracts, which in prosecution of this Pre-emption, were entered into by the Salt-masters, and these persons who, by warrant of the Commissioners of His Majesties Thesaurie, contracted with them for the sale of their Salt. And declares the saids Contracts and every of them to be void and null, after the said first of *December* next to come: It is alwayes hereby declared, that these

Contracts are to stand good to all intents and purposes therein contained, for all the Salt that is or shall be made before the said first day of *December*. Likeas the Kings Majesty, for the encouragement of the Manufacture of Salt, and for the further ease of His good Subjects, Doth hereby declare, all Salt made or ro be made within this Kingdom, to be henceforth free from payment of Excise. And further, His Majesty, with advice foresaid, allows the Importation of forraign Salt; And Statutes and Ordains, that ilk Boll of forraign Salt of *Linlithgow* measure, shall pay fourty shillings *Scots* of Excise, whether the Salt be employed on Fishes or not; and that security shall be given at the entry of the Salt, that this Excise duty shall be compleatly payed within year and day after the Importation thereof: And in consideration of the Exemption which the forraign Salt employed on Fishes had from Excise formerly; His Majesty Declares, That all exported Fishes, whither Herring, Salmond, or others, shall be in time coming free from the payment of Custom.

Likeas, His Majesty, with advice foresaid, doth Inhibit and Discharge the Collectors and Farmers of Excise, upon any pretext, to give any ease or abatement of the said fourty shillings of Excise imposed upon ilk boll of forraign Salt, under the pain of deprivation, if they be Collectors, and the loss of the Benefit of their Tack of the Excise, if they be Farmers; and of such further punishment as the Lords of Exchequer shall think fit to inflict. And to the end it may be known, what quantities of Forraign Salt are truly entered, His Majesty, with advice foresaid, Ordains the several Collectors of Excise, from time to time, to make patent to any of the Owners of Salt, or these having their Warrant, their Books, in so far as concerns the entry of forraign Salt: And if the Salt-Owners, or their Factors, shall find any quantity concealed or imbez'd, or that there is abatement given of the duty, they are hereby warranted to pursue the transgressors before the Lords of Exchequer: And shall have for their own use, the equal half of the seizure-concealment, or abatement *respective*, which shall be so discovered by them. And his Majesty doth, with advice foresaid, Rescind and Annul any former Acts of Parliament, or clauses therein, relating to the Excise of Salt, which are inconsistent with, and prejudicial unto, the intent of this Act: And Declares, that so long as the Excise continues, this shall be the constant rule for regulating the Excise of Salt, and the Custom thereof to continue as it is in the Book of Rates.

A C T Concerning the Importation and Exise of

B R A N D Y.

At EDINBURGH, the 1. of December, 1673.

THE King's Majesty, having, upon good consideration, thought fit to allow the Importation of Brandy, and Mum or Bremer-beer within this Kingdom; Doth therefore with advice and consent of His Estates of Parliament, Rescind and Annul all Acts of Parliament and Privy Council, Proclamations and other Warrands prohibiting the same. Likeas, His Majesty, with advice foresaid, Appoints every Tun of Imported Brandy to be lyable in payment of fourscore pounds *Scots* for Custom, without any defalcation, and ilk Scots pint of the same Brandy to be liable in the payment of six shillings *Scots* for Excise: And every barrell of the aforesaid Mum, not exceeding twelve gallons to be lyable in thretty shillings *Scots* of Custome, and als much for excise, which Excise of Brandy and Mum; is to be raised in the severall Shires and Burghs, where the same shall be retailed, by tapping and selling in smalls, and employed for the proportional relief of the annuity of Excise payable by the saids Shires and Burghs, and this Custome and Excise to be listed and payed conform to the Laws and Acts, made concerning Custome and Excise *respective*.

A C T Concerning

A P P A R E L.

At EDINBURGH, the 2. of December, 1673.

THE King's Majesty, considering that some difficulties have occurred, concerning some expressions and qualifications mentioned in the Act made in the last Session of Parliament, concerning Apparel, and that the Manufacture of whyt Lace or Pearling made of threed (whereby many poor people gain'd their lively-hood) was thereby much prejudged and impaired: For the clearing and remedied whereof; in time coming, His Majesty hath thought fit, with advice and consent of His Estates of Parliament, to Rescind, Discharge and Annul that part of the afore-mentioned Act for Apparel, concerning the allowance granted to
the

the persons thereby priviledged, to wear Velvet, Satins, and other Silk Stuffs, &c. And Declares, that now and in time coming, it shall be free to all and every person within this Kingdom, to wear all such Silks, white Lace, Cloaths and others, in the same manner, and als freely as be the aforesaid Act, they were allowed to be worn by the priviledged persons therein mentioned: And that plain Satin Ribbons may be worn upon Apparel in the same manner as Tassitie Ribbons; Any thing in the said Act to the contrair, notwithstanding. Likeas, His Majesty, with advice foresaid, doth hereby Ratifie and renew the aforesaid Act, past in the last Session of Parliament, concerning Apparel, in all the other heads, clauses and articles thereof, which are not by this Act innovat or discharged.

ACT concerning the Imposition on

T O B A C C O.

At EDINBURGH, the 2. of December, 1673.

THE King's Majesty, considering the prejudice that doth and may arise to the trade of Tobacco, be and upon occasion of the late Imposition upon the Tobacco, and the gift of the same given under His Majesties Great Seal, to Sir *John Nicolson* of *Nicolson*, of the date the second of *December*, 1671: Therefore His Majesty, with advice and consent of His Estates of Parliament, doth discharge the said Imposition upon the Tobacco. And declares the said Imposition, and Gift thereof granted to the said Sir *John Nicolson* to be void and extinct in all intents, as if the said Imposition and Gift had not been imposed or granted. And His Majesty, with consent foresaid, doth allow the Importing of Tobacco in all time coming free and without payment of any other Custome and Imposition but the ordinary Custome: Conform to the book of Rates, And the Excise. It is alwayes Declared and Ordained, that such sums of money as have been payed to the said Sir *John*, or to any person in his name, for and upon the account of the said Imposition, and all Bands granted upon the account foresaid, shall pertain to His Majesty, and the said Sir *John* shall be accountable for the saids sums, and shall be obliged to deliver the saids Bands to the Lords of His Majesties Thesaurie for His Majesties use; Excepting alwayes, the Band given for the Tobacco, imported in the Ship called *Whereof John Philips* is Master, arrived at the Port of *in the West*, which His Majesty doth discharge, and Ordains, to be given back to those who granted the same: And sicklike, excepting any other Bands granted upon the account of the said Imposition, where the Tobacco is not vented, as to such proportions thereof, as the Merchants shall declare upon their Oath, are not sold by them, they alwayes paying the ordinary dues, *viz.* Custom conform to the book of Rates, and Excise. And His Majesty, with advice foresaid, doth hereby Declare all Tobacco already Imported, to be free of the said Imposition, where money hath not been payed, or Bands granted for the same, and discharges any arrestments laid thereon upon the account of the said Imposition.

A. Primrose, Cls. Reg.

E I N I S.



THE
L A W S A N D A C T S
Of the T H I R D
P A R L I A M E N T.
Of Our Most High and Dread Sovereign,
C H A R L E S
T H E S E C O N D.

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.

Holden at E D I N B U R G H, the 28. day of July, 1681.

*By His Royal Highness JAMES Duke of Albany, and York, &c. His Majestie's
High Commissioner for holding the same, by vertue of Commission under
His Majestie's Great Seale of this Kingdom.*

With the special Advice and Consent of the Estates of Parliament.

I.

ACT Ratifying all former Laws for the Security of the Protestant Religion:

August 13. 1681.



UR SOVERAIGNE LORD, With advice and consent of the Estates of Parliament, Ratifies and approves all and whatsoever Laws, Acts, and Statuts made by his Royal Grand-father, and Father of Blessed Memory, or made and past in any of his Majestie's former Parliaments, for settling and securing the Liberty and Freedom of the true Kirk of God, and the Protestant Religion, presently Professed within this Realm, and all Acts made against Popery, And Ordains the same to stand in full force, and effect, and to be put in Execution, according to the tenour and purport of these Acts, As if they were specially mentioned, and set down herein.

II.

*ACT Acknowledging and asserting the right of Succession to the Imperial
Crown of Scotland.*

August 13. 1681.

T H E Estates of Parliament, Considering that the Kings of this Realm deriving their Royal power from God Almighty alone, do succeed lineally thereto, according to the known degrees of Proximity

in blood, which cannot be interrupted, suspended or diverted by any Act or Statute whatsoever, And that none can attempt to alter or divert the said Succession, without involving the subjects of this Kingdom in Perjurie and Rebellion, and without exposing them to all the fatal and dreadful consequences of a Civil warr, DOE therefore from a hearty and sincere sence of their duty, Recognize, acknowledge and declare, that the right to the Imperial Crown of this Realm, is by the inherent right and the nature of the Monarchie, asvelas by the fundamental and unalterable Laws of this Realm, transmitted and devolved by a lineal Succession, according to the proximitie of blood. And that upon the death of the King or Queen, who actually Reignes, The subjects of this Kingdom are bound by Law, duty and allegiance, to obey the next Immediat and Lawful Heir either Male or Female, Upon whom the right and administration of the Government is immediatly devolved. And that no difference in Religion, nor no Law nor Act of Parliament made, or to be made, can alter or divert the right of Succession and lineal descent of the Crown to the Nearest and Lawful Heirs, according to the degrees foresaids: nor can stop or hinder them in the full, free and Actual administration of the Government according to the Laws of the Kingdom. Likeas OUR SOVERAIGNE LORD, With advice and consent of the saids Estates of Parliament, Do declare it is high Treason in any of the subjects of this Kingdom, by writing, speaking, or any other manner of way to endeavour the alteration, suspension or diversion of the said right of Succession, or the debarring the Next Lawful Successor from the immediat, Actual, full and free administration of the Government, conform to the Laws of the Kingdom. And that all such attempts or designs shall infer against them the paine of Treason.

III.

ACT For a voluntary offer of a new Supplie to the King's Majestie.

August, 20. 1681.

OUR SOVERAIGNE LORD, and Estates of Parliament taking to consideration, That the Convention of Estates, holden at *Edinburgh*, in the Moneth of July, 1678, upon the weighty considerations therein specified, and particularly the great danger the Kingdom was under, by seditious and rebellious Conventicles, and the necessitie which then appeared to encrease the forces, for securing the Government, and suppressing these Rebellious commotions, which were fomented by seditious principles and practises. DID THEREFORE humbly, and dutifully offer a chearful and unanimous supplie of Eighteen hundred thousand pounds Scots, to be raised and payed forth of the Shires and Burghs of this His Majesties ancient Kingdom, in the space of five years, according to the present valuations; And that as Twentie five Moneths cefs in the whole, being five Moneths yearly, amounting to Three hundred and sixty thousand pounds Scots each year, at two terms in the year be equal portions, at the terms mentioned in the said Act, being two Moneths, and an halfe Moneths cefs for every term; according to the proportions imposed on each respective Shire, and Burgh by the said Act of Convention. AND the Estates of Parliament now convened, having taken to consideration, how the dangers from the foresaids causes doe much encrease, in so far as such as are seditiously, and rebelliously inclined, doe still propagat their pernicious principles, and go on from one degree of rebellion to another; till now at last the horrid villanies of murther, assassination, and avowed rebellion are owned, not only as things Lawful, but as Obligations from their Religion, to the dishonour of God, the scandal of Religion, the danger of His Majestie's Saered Person, the overthrowing of all Government Ecclesiastical and Civil, and the Imminent and apparent ruine of the Subjects lives and fortunes. DOE THEREFORE, In a due sence of their duty to God, To their Sacred Sovereaigne, and to the preservation of themselves, and their posteritie, Of new make ane humble, unanimous, chearful, and hearty offer, for themselves, and in name of, and as representing this His Majestie's ancient Kingdom, of a continuation of the foresaid supply granted by the Convention of Estates; and that for the space of five years, or Ten terms succcessive: Beginning the first term's payment, at the term of *Martin-mas* 1683. being the next immediat term, after the expyryng of the last term of the supply granted by the said Act of Convention, being two Moneth's, and an halfe Moneth's cefs, for each term of the saids Ten terms, and so forth to continue in manner foresaid, yearly, and termly, during the saids five years; HUMBLY beseeching His Majestie, graciously to accept this their unanimous offer, and tender foresaid. WHICH supply is to be uplifted, levied and collected in the same way, and manner, as is prescribed, and appointed by the said Act of Convention, with the alterations and additions following, *viz.* That the Commander of the forces shall give, and allow such parties, and no more, to the Receiver General, for quartering on deficients, as he shall require from time to time, for inbringing of the said supply; As also that the said Receiver General shall send parties to each Shire, in such number, and no greater, and at such times, as the Commissioners of Excise and Cefs, or any two or more of them, or their Collector within the respective Shires, shall require, to be employed for inbringing the supplie; and that all parties sent to quarter in any Shire upon the account foresaid, shall be directed in their quartering, by the Commissioners of Excise and Cefs, within each Shire, according, and in the manner prescribed by the foresaid Act of Convention. IT IS ALWAYS HEREBY DECLARED, That although the Commissioners, or their Collectors should not require any

partie of Souldiers: Yet it shall be Lawfull to the Receiver General after the elapsing of the terms of payment, to send parties to quarter upon the deficients, according to their proportions, *viz.* four Troupers, or Dragoons, or Sex foot, for each Thousand pounds Scots, of deficiencie, and so forth proportionally; Which parties shall be ordered to quarter upon any deficients within the Shire; as the Commissioners or any two of them, or their Collector shall direct, which order and method is to be observed in quartering for the Excise; And the Receiver General or Tacksmen of the same, are only to imploy the number of forces so quartered therefor, as for the supplie. AND It is STATUT, and ORDAINED, that in case the Collector of any Shire, shall receive in any of the said supply, and retain the same in his hands, not paying it in to the General Receiver, That he shall be lyable to pay Ten pounds, for each one hundred pounds received by him; which he shall not pay to the said Receiver, within a Moneth after his receipt thereof, But prejudice alwaies to the said Receiver, to use quartering and other diligence, against the saids Collectors, or others lyable in manner foresaid. "AND HIS MAJESTY In His Royall goodnes, and care to His People", taking to his Princely consideration, the many troubles, and inconveniences; which arise from the transient, or free quartering of Souldiers, and from the localities for furnishing, and carrying Corn, Straw, or Grasse, to the Souldiers Horses, DOETH with consent of the Estates of Parliament discharge and prohibit, all free quartering of the Souldiers, either transient, or local, and all localities for furnishing and carrying Corn, Straw, Hay, or Grasse, to Souldiers Horses, and that from, and after the first day of November next in this instant year, 1681. the quartering, and localitie alwaies betwixt and the said first day of November being payed or allowed, conform to the said Act of Convention: And in case any Officers or Souldiers shall exact any free quarters, or any such localitie thereafter, the damage being instructed before two Commissioners for the supplie, or Excise, upon production of a certificat thereof under their hands, the Officer being required be way of Instrument to give redress to the partie, and not doing the same, shall lose a Moneths pay to be payed to the partie injured by the Collector of the Cess or Excise in the Shire, by and attour the said damage, which shall be allowed to him by the General Receiver: And this punishment to be extended to any quartering for deficiencie which shall be used, or exacted otherwise then is prescribed in manner foresaid. AND It is hereby DECLARED, that no discharges granted by Tennents to Souldiers, for provisions, either of Men or Horses, shall exoner the Officers or Souldiers, unless these discharges be under the hand of the Master, or Chamberlain. IT IS ALWAIES hereby specially PROVIDED and ORDAINED, that the Sheriff principal or his Deput in the respective Shires, with any two or three of the Commissioners of supplie or Excise, shall set prices on Corn for the use of the Troupers, conform to fiars of the year, and prices upon Straw, Hay, and Grasse, according to the Current rates of the Countrie, and take care that the same be sold at these rates, upon present payment of money to be made by the Souldiers to the owners of the saids provisions: And in case it shall happen that any Horses shall be imployed, and made use of, by Officers, or Souldiers, in Towns, or in the Countrie, for carrying Artillery, Ammunition, or provision, or any other use of the Army, It is hereby Ordained, that there shall be payed for each day that they travel Three shillings Scots, for each two myles to the Man and Horse, and each day that they doe not travel, Six shillings Scots to the Man, and as much for the Horse: the Man being obliged to provide himselfe and the Horse, which shall be payed by the Magistrates of the Burgh, if the Horses be taken within a Town, or if in the Countrie, by the Collector of the supply in the Shire, who are to be repayed thereof, or to have the same allowed to them by the Receiver General. AND HIS MAJESTY & Estates of Parliament ORDAINS the Commissioners named by the Act of Convention to be Commissioners for ingathering of this supply, And appoints the Sheriffs of the respective Shires, to be Conveners of the saids Commissioners: Recommending to the Lords of Privy Council, to appoint Commissioners in place of any of them already named by the said Act of Convention, who are deceased, upon lists given in by the remanent Commissioners, AND The Estates of Parliament doe declare, that no person lyable in this supply, shall be excused from paying his proportion of the same; And doe beseech his Majesty not to grant any such exemptions, in favours of any Person. AND IT IS HEREBY DECLARED, that no person lyable in payment of this supply shall be holden to produce their discharges or receipts of the same after the Tenth day of June, one thousand six hundredth, ninety and one year. His Majesty with advice and consent foresaid STATUTS and ORDAINS, that for the releife of the Heretours and others lyable in this supply, their Vassals, and Fewlers, who pay no part of the Cess, and also their Tennents, Sub-Tennents, and others living upon their Lands shall be taxed and pay into the saids Heretours yearly, each one of the saids Five years, the sums of money following, *viz.* Each Gentleman above the quality of a Tennent, the sum to be appointed by the Heretor, not exceeding six pounds Scots, for himselfe, his Wife, and Children; Each Tennent and other Inhabitant, above the qualitie of a Tradfman, Cottar, or Servant for themselves and their Wyves and Children, any sum not exceeding four pounds Scots: And each Tradfman, Cottar or Servant any sum not exceeding Twenty shillings Scots. And it is ordained that the Heretor shall have the same Execution for raising the saids sums, as for their Mails and duties.

I V.

A C T for securing the Peace of the Countrie.

August. 29. 1681.

OUR SOVERAIGNE LORD. and the Estates of Parliament, DOE Ratifie, and Approve, all Laws, and Acts of Parliament, made for securing the Government of the Church, as it is now established by Law. AND for the farther security of the Peace of Church and State, as it is now established. **T**HEY do hereby **S**TATUTE and **O**RDAIN, That where any persons who are Tennents, as well in Burgh, as Land, or Servants, being dilared upon the Oath of Calumny of the Informer, shall be found guilty, or holden as confess, before any competent Judicatory for field-conventicles, or for refecting Preachers who are, or shall be, Intercommuned, or declared fugitives, upon a process intended against the saids Tennents and Servants, within three Moneths after committing of the saids crimes; That their names, with their sentence, be intimate by the Judge who pronounced the same, under form of Instrument, to the Master, if the delinquent be a Servant, or to the Heretour, and Land-Lord, in whose Land, and Houses, he lives, if he be a Tennent, or Cottar: which Master, or Heretour, shall be obliged within a Moneth after the said intimation, either to pay the delinquent's fine, there being sufficient goods to satisfy the same, by and attour a year's rent to the Master, or if he have not sufficient goods, to put him and his Family out of his Land or House, if he be a Tennent, or Cottar; and if a Servant, out of his Service, or present him to Justice; providing alwaies that the libel whereupon the foresaid sentence proceeded, be special as to a certain place, where the field-conventicle was kept'd, or there about, and also be special as to the time, *viz.* a certain day of such a week, or one or other of the dayes of that week. **A**ND **H**IS **M**AJESTIE, with advice, and consent of His Estates of Parliament, **D**ECLARES, that in this case, it shall be Lawful to Heretours, to put their Tennents out of their Lands, or out of their Houses posselt by them, at any time of the year, and that without any warning, or process of Removing, and that notwithstanding of any tacks set to the Tennents for years, or terms to run, which, in this case, are hereby declared to be void and null: And the Masters and Heretours are hereby authorized, and allowed, to retain as much of the goods and gear belonging to the saids Tennents, Cottars, and Servants, as may satisfy, and pay, the last year's rent due by the Tennents, and relieve them of the saids fines. **A**ND **H**IS **M**AJESTIE, with consent foresaid **D**ECLARES, That if any man shall resset, or entertain, any Servant, Tennent, or Cottar, who is so put away, he shall be lyable to pay three years fee to the Master who did put him away, and three years duty to the Heretour who put away his Tennent, or Cottar, if the saids Tennents, or Cottars, so put away, be resset, or harboured, by any other Heretour, as said is, and shall likewise be lyable in one hundred pounds Scots, to be payed to the King. **I**T **I**S also hereby **S**TATUTE and **O**RDAINED, That the fines Imposed by former Laws upon field-conventicles, shall be doubled, each person being by this Act fynable in twice as much as he was fynable by the former Laws; except as to Burgeses of Burghs Royal, Regality and Barony, who besides the incurring the same fines for field-conventicles, are for the future to lose their Burgeships, and liberties, and to be banished from the Town where they lived. **A**ND to the end that all the Laws against Conventicles may be the better put to Execution, **I**T **I**S **H**EREBY **D**ECLARED, that it shall be Lawful to His Majestie, to nominat Sheriff-deputs, Justices of Peace, or other Commissioners for punishing conventicles, and such as are guilty of irregular Marriages, Baptisms, and invading of Ministers.

V.

A C T Concerning probative Witneses in Writs and Executions.

August 29. 1681.

OUR SOVERAIGNE LORD Considering that by the Custom introduced when writing was not so ordinary, Witneses insert in writs, although not subscribing, are probative Witneses, and by their forgetfulness may easily disown their being witneses. **F**OR **R**EMED whereof, His Majestie with advice and consent of the Estates of Parliament **D**OETH **E**NACT and **D**ECLARE, That only subscribing Witneses in writs to be subscribed by any partie hereafter, shall be probative, and not the Witneses insert not subscribing; And that all such writs to be subscribed hereafter, wherein the Writer & Witneses are not designed, shall be null, and are not supplyable by condescending upon the Writer, or the designation of the Writer and Witneses. **A**ND it is farther **S**TATUTE & **D**ECLARED, That no witnes shall subscribe as Witnes to any partie's subscription, unless he then know that partie, and saw him subscribe, or saw, or heard him give warrant to a Nottar, or Nottars to subscribe for him, and in evidence thereof touch the Nottar's pen, or that the partie did at the time of the Witneses subscribing acknowledge his subscription; Otherwise the saids Witneses shall be repute and punished, as accessorie to forgerie. **A**ND **S**EING writing is now so ordinary, **H**IS **M**AJESTIE with consent foresaid **D**OETH **E**NACT and **D**ECLARE, that no Witneses but subscribing Witneses shall be probative in instruments of Seising, Instruments of Resignation *ad remanentiam*, instruments of intimation of assignations, translations, or retro-cessions to bands, contracts, or other writs, which shall happen to be subscribed in any time hereafter: **A**ND **T**HAT

none but subscribing Witnesses shall be probative in Executions of Messengers, of Inhibitions, of Interdictions, of Hornings, or arrestments; And that no Execution whatsoever to be given hereafter, shall be sufficient to infer interruption of prescription in Real rights, unless the same be done, before Witnesses present at the doing thereof subscribing: And that in all the saids cases the Witnesses be designed in the bodie of the Writ Instrument, or Execution respective, otherwise the same shall be null and void, and make no faith in Judgment, nor out-with.

VI.

ACT Anent Religion and the TEST.

August. 31. 1681.

OUR SOVERAIGNE LORD, With His Estates of Parliament Considering, That albeit by many wholesome Laws made by his Royall Grand-father, and Father, of Glorious memory, and by himself, in this, and His other Parliaments, since His happy Restauration, the Protestant Religion is carefully asserted, established and secured against Popery and Phanaticism: Yet the restless Advancers of our Religion, do not cease to propagat their errors, and to seduce his Majestie's Subjects, from their duty to God, and Loyalty to His Vice-gerent, and to overturn the established Religion, by introducing their Superstitions, and delusions, into this Church, and Kingdom. And knowing that nothing can more encrease the numbers and confidence of Papists, and Schismatical dissenters from the Established Church, then the supine neglect or putting in Execution the good Laws provided against them, together with their hopes to insinuat themselves, into Offices, and places of trust, and publick Employment. **THEREFORE**, His Majesty, from His Princely and pious zeal, to maintain and preserve the true Protestant Religion, contained in the Confession of Faith, recorded in the first Parliament of King *James* the Sixth, which is founded on, and agreeable to the written word of **GOD**; **DOETH**, with advice and consent of His Estates of Parliament. Require and Command, all His Officers, Judges, and Magistrats, to put the Laws made against Popery, and Papists, Priests, Jesuits, and all persons of any other Order in the Popish Church, especially against sayers and hearers of Mass; Venders and dispersers of forbidden Books; And Resettlers of Popish Priests, and excommunicat Papists: As also against all Phanatick Separatists from this National Church; Against Preachers, at House, or Field Conventicles, and the Resettlers and harbourers of Preachers, who are Intercommuned; Against disorderly Baptisms, and Marriages, and irregular Ordinations, and all other Schismatical disorders. To full and vigorous execution, according to the Tenour of the respective Acts of Parliament thereanent provided. And that His Majestie's Princely care to have these Laws put in Execution, against those enemies of the Protestant Religion, may the more clearly appear: **HE DOETH**, with advice and consent foresaid, **STATUT** and **ORDAIN**, That the Ministers of each Paroch, give up in October Yearly, to their respective Ordinaries, true and exact lists of all Papists, and Schismatical withdrawers from the publick Worship, in their respective Paroches; which Lists are to be subscribed by them, and that the Bishops give in a double of the saids Lists Subscribed by them, to the respective Sheriffs, Stewards, Bailies of Royalty, and Regality, and Magistrats of Burghs, To the effect the saids Judges may proceed against them according to Law: As also the Sheriffs, and other Magistrats foresaid, are hereby ordained to give an account to His Majestie's Privy Council in December yearly, of their proceedings against those Papists, and Phanatick Separatists, as they will be answerable at their highest peril. And that the diligences done by the Sheriffs, Bailies of Regalities, and other Magistrats foresaid, may be the better enquired into by the Council, the Bishops of the respective Diocesses, as to send exact doubles of the lists of the Papists and Phanaticks, to the Clerks of Privy Council, whereby the diligences of the Sheriffs, and other Judges foresaid, may be controlled and examined. And to cut of all hopes, from Papists, and Phanaticks, of their being employed in Offices and Places of publick Trust. **IT IS HEREBY STATUT** and **ORDAINED**, that the following *Oath* shall be taken by all persons in Offices, and places of publick Trust, Civil, Ecclesiastical, and Military, especially by all Members of Parliament, and all Electors of Members of Parliament, all Privy Counsellors, Lords of Session, Members of the Exchequer, Lords of Judiciary, and all other Members of these Courts; all Officers of the Crown, and State; all Arch-Bishops and Bishops; and all Preachers and Ministers of the Gospel whatsoever; all persons of this Kingdom, named or to be named Commissioners for the Borders; all Members of the Commission for Church Affairs; all Sheriffs, Stewards, Bailies of Royalities and Regalities, Justices of the peace, Officers of the Mint, Commissars and their Depurs, their Clerks and Fiscals, all Advocats and Procurators before any of these Courts, all Writers to the Signet, all Publick Notars, and other persons employed in Writing or Agenting; The Lyon King at Arms, Heraulds, Purservants, and Messengers at Arms; all Collectours, Sub-Collectours and Farmours of His Majestie's Customs and Excise; all Magistrats, Deans of Gild, Counsellors and Clerks of Burghs Royal and Regality; all Deacons of Trades, and Deacon-Convencers in the saids Burghs; all Masters and Doctors in Universities, Colledges, or Schools, all Chaplains in Families, Pedagogues to Children; and all Officers and Souldiers in Armies, Forts, or Militia; and all other persons in publick Trust or Office within this Kingdom, who shall publicly swear, and subscribe the said

Oath as follows, *viz.* The Arch-Bishops, Chief Commanders of the Forces, and Officers of the Crown and State, and Counsellors, before the Secret Council: All the Lords of Session, and all Members of the Colledge of Justice, and others depending upon them, before the Session: The Lords of Justiciary, and those depending upon that Court, in the Justice Court: The Lords and other Members of the Exchequer, before the Exchequer: All Bishops, before the Arch-Bishops: All the inferior Clergy, Commissars, Masters and Doctors of Universities, and Schools, Chaplains and Pedagogues, before the Bishops of the respective Diocesses: Sheriffs, Stewards, Bailies of Royalty and Regality, and those depending on these Jurisdictions, before these respective Courts: And Provests, Bailies and others of the Burgh, before the Town Council: All Collectors and Farmourers of the King's Customs and Excise, before the Exchequer, The Commissioners of the Borders, before the Privy Council; All Justices of Peace, before their Conveener; And the Officers of the Mint, before the General of the Mint; And the Officers of the Forces, before the Commander in Chief; And common Souldiers, before their respective Officers; The Lyon, before the Privy Council; and Heralds, Purfevants and Messengers at Arms, before the Lyon. And His Majesty, with consent foresaid, STATUTES and ORDAINS, that all those who presently possess, or enjoy any of the foresaid Offices, publick Trusts, or Employments, shall take and subscribe the following Oath, in one of the foresaid Offices, in manner before prescribed, betwixt and the first of January next, which is to be recorded in the Registers of the respective Courts, and Extracts thereof under the Clerks hands, to be reported to His Majestie's Privy Council, betwixt and the first of March next, One thousand, six hundred, eighty two, and thereafter in any other Courts, whereof they are Judges or Members, the first time they shall sit, or exerce in any of these respective Courts: AND ORDAINS, that all who shall hereafter be promoted to, or employed in any of the foresaid Offices, Trusts, or Employments, shall at their entry into, and before their exercising thereof, take and subscribe the said Oath, in manner foresaid, to be recorded in the Registers of the respective Courts, and reported to His Majestie's Privy Council, within the space of forty dayes after their taking the same: And if any shall presume to exerce any of the saids Offices; or Employments, or any publick Office, or Trust, within this Kingdom, (the King's Lawful Brothers and Sons only excepted) untill they take the Oath foresaid, and subscribe it, to be recorded in the Registers of the respective Courts, They shall be declared incapable of all publick Trust thereafter, and be further punished with the loss of their Moveables, and Liferent-Escheat, the one half whereof to be given to the Informer, and the other half to belong to His Majesty. And His Majesty, with Advice foresaid, recommends to His Privy Council to see this Act put to due and vigorous Execution.

Follows the Tenour of the OATH to be taken by all Persons in Publick Trust.

I. A. B. Solemnlie swear in presence of the Eternal God, whom I invocat as Judge, and Witness of my sincere intention of this my Oath, that I own, and sincerely profess the true Protestant Religion, contained in the Confession of Faith, recorded in the first Parliament of King James the Sixth; and that I believe the same to be founded on, and agreeable to the written Word of God. And I promise and swear, that I shall adhere thereto, during all the dayes of my lifetime, and shall endeavour to educate my Children therein: and shall never consent to any change, or alteration contrary thereto: And that I disown, and renounce all such Principles, Doctrines, or Practises, whether Popish, or Phanatical, which are contrary unto, and inconsistent with the said Protestant Religion, and Confession of Faith. And for testification of my Obedience to my most Gracious Sovereign CHARLES the Second, I do affirm, and swear, by this my solemn Oath, That the King's Majesty, is the only Supreme Governour of this Realm, over all Persons, and in all Causes, as well Ecclesiastical as Civil; And that no forraign Prince, Person, Pope, Prelate, State, or Potentate, hath or ought to have any Jurisdiction, Power, Superioritie, Prebeminence or Authoritie Ecclesiastical or Civil, within this Realm. And therefore I doe utterly renounce, and forsake all forraign Jurisdictions, Powers, Superiorities and Authorities. And doe promise, that from henceforth, I shall bear Faith and true Allegiance to the King's Majesty, His Heirs and Lawful Successours. And to my power shall assist and defend, all Rights, Jurisdictions, Prerogatives, Priviledges, Prebeminencies, and Authorities belonging to the King's Majesty, His Heirs and Lawful Successours. And I farther affirm and swear by this my solemn Oath, That I judge it unlawful for Subjects, upon pretence of Reformation, or any other pretence whatsoever, To enter into Covenants or Leagues, or to convocat, convene, or assemble in any Councils, Conventions, or Assemblies, to treat, consult, or determine, in any matter of State, Civil or Ecclesiastick, without His Majestie's special command, or expresse licence had thereto, or to take up Arms against the King, or those commissioned by Him: And that I shall never so rise in Arms, or enter into such Covenants, or Assemblies: And that there lies no Obligation on me from the National Covenant, or the Solemn League and Covenant (so commonly called) or any other manner of way whatsoever, to endeavour any change or alteration in the Government, either in Church or State, as it is now established by the Laws of this Kingdom. And I promise and swear, that I shall with my utmost power, defend, assist, and maintain, His Majestie's Jurisdiction foresaid against all deadly: And I shall never decline His Majestie's Power and Jurisdictions, As I shall answer to God. And finally, I affirm, and swear, that this my solemn Oath, is given in the plain, genuine sense and meaning of the words, without any equivocation, mental reservation, or any manner of evasion whatsoever; And that I shall not accept, or use, any dispensation from any Creature whatsoever. So help me God.

VII.

ACT discharging the Summer Session.

September 2. 1681.

OUR SOVERAIGNE LORD, upon grave and weighty considerations, finding it necessary and of great import for the good of his Majestie's Subjects, that the Summer Session in the Moneths of June and July yearly, be suppress'd, and taken away: **DOETH** with advice and consent of his Estates of Parliament, **STATUTE**, and **ORDAIN**, That in all time coming, the meeting and sitting of the Judicature of the Session, and Colledge of Justice, shall only be yearly, from the first of November, to the last of March Inclusive, and that there be a surcease of their meetings yearly, from the Twentieth and fourth of December, to the first of January immediately following. And inhibits, and discharges the sitting of the Judicature of the Session in the saids Moneths of June and July, or any other time, but as the same is appointed, allowed, and prescribed, by this present Act.

VIII.

ACT For continuation of the Excise.

September 6. 1681.

THE ESTATES of Parliament, considering that the Excise of forreigne, and in-land commodities, imposed by the fourteenth Act of the first Session of his Majestie's first Parliament, does terminate with the life of His Sacred Majesty who now reignes, whom God Almighty long preserve. **AND** They being desirous, that the Royal Government of the Kingdom, should not be then destitute of a due, and futable support, for defraying the exigences thereof: **THEY DOE THEREFORE**, make ane humble and cheerful offer of a continuation of the Excise, for the space of Five years, to begin at the termination foresaid. to be raised, levied, and collected, of the forreigne commodities specified in the said Act, at the rates mentioned therein, and in subsequent Acts of Parliament, which are holden as here repeated: And likewise of the in-land commodities of this Kingdom, and particularly of two merks Scots upon each Boll of Malt Browen, and fold, within the Kingdom, and three shillings Scots upon each Pynt of Aqua-vitæ, and Strong-waters, not made of Malt Browen, and sold, within this Kingdom. **WITH POWER** to His Majestie's Royal Successours during the saids years, to nominat and appoint Collectors, and other Servants, for the collecting, and inbringing of the said Excise, or to let the same in farm to the best advantage as they shall think fit. **IT IS ALWAIES** hereby **DECLARED**, that then neither Commissioners of Shires, nor Heretours, shall be lyable for the quota's of the Shires, nor shall the Land-owners be affected therewith, but that the same shall only be collected from the Brewers, Vintners, and Tappers over the whole Kingdom, according to the extent of their Brewing, and at the rates foresaid, during this said continuation.

IX.

ACT Against personal Protections.

September 6. 1681.

OUR SOVERAIGNE LORD, and Estates of Parliament, **DOE** Ratifie, and approve all former Laws, and Statutes, made against Superfedere's, and Protections; And to the end the same may be made yet more effectual, **THEY** Discharge the Lords of His Majestie's Privy Council, Session, and Exchequer, and Commissioners of Justiciary, to grant Protections, Licences, or Superfedere's, Certifying such as shall grant the same, that they shall be lyable for the debt, upon which execution is stoped by the said Protection. And to the end such as are accessory may be clearly discovered, They ordain that all Protections, Superfedere's, and Licences, shall be signed by such as grant them; And they declare that their signing thereof shall prove against them their voting thereto, and shall make all who signe them, whether the President of the Court, or others as lyable, as if they had become Cautioners for the said debt: And ordains that these Protections be recorded in the Books of the Court, which granted the Protection, and that extracts thereof under the Clerks hand, shall make faith against the granter. **IT IS ALWAIES** hereby **DECLARED**, that it shall be free to the

the Lords of His Majesties Privy Council, Session, and Exchequer, and the Commissioners of Justiciary, to grant Protections to such as are cited, charged, or required by Law to compare before them, for such few dayes, as they may come and give their apparance, and during their necessary stay, and some few dayes for their return, not exceeding a Moneth in all: The parties who require witnesses to be cited, or their Tutors and Curatours, if the saids parties be Minors, giving their Oaths of credulity, or subscribing a certificate under their hand upon Oath, that these who are cited by them to be Witnesses, are material Witnesses, which Protections shall bear the cause for which they are granted. AND LASTLY, It is hereby DECLARED, that it shall not only be Lawful to put the Laws in Execution, notwithstanding of Protections and Licences, granted contrary to this and former Laws, but that if any Messenger, or Magistrate refuse to concur, they shall be liable in payment of the debt; And that the Lyon shall be likewise liable, if he refuse to deprive the Messenger who refuses to execute the Law, upon pretence of any such Protection, Licence, or Superfedere.

X.

ACT Concerning Wives Terces.

September. 6. 1681.

OUR SOVERAIGNE LORD Considering that sometimes through the ignorance, and inadvertence of some Writers and Notars, Clauses are insert in contracts of Marriage, containing provisions by Husbands in favours of their Wives, without mentioning the terce that is due to her by Law, or expressing the provision to be granted in satisfaction of the terce; whereby occasion is given to Relicts to claime a terce out of their Husbands estates by and attour the provision conceived in their favours, contrary to the meaning and intention of the parties contracters. FOR REMED whereof, the Kings Majesty, with advice and consent of the Estates of Parliament, STATUTES and ORDAINS, That in time coming where there shall be a particular provision, granted by an Husband in favours of his Wife, either in a contract of Marriage, or some other writ, before or after the marriage; That the Wife shall be thereby secluded from a terce out of any lands or annual-rents belonging to her Husband, unless it be expressly provided in the contract of Marriage, or other Writ containing the said provision, that the Wife shall have right to a terce, by and attour the particular provision, conceived in her favours: But prejudice alwaies to the Lords of Session, to determine as to Contracts of Marriage, or provisions already made, according to the former Law and Custom.

XI.

A C T Concerning the Registration of Seifings, and Reversions of Tenements within Burgh.

September. 6. 1681.

OUR SOVERAIGNE LORD, Considering the great security that this Kingdom enjoys by the publick Register of Seifings, and Reversions, conform to the sixteenth Act of the 22. Parliament of King James the Sixth, holden in Anno 1617. And that there is fully the like reason and benefite, that the foresaid Statute should extend to the whole Kingdom, as well to Burgh, as Landward. THEREFORE His Majesty, with consent of his Estates of Parliament, STATUTES and ORDAINS, That in time coming, all Instruments of Seifing of Tenements within Burgh Royal, or Liberties, or freedoms thereof holding in Burgage, and all Reversions, Regresses, Bands, or Writs, for making Reversions, or Regresses, Assignations thereto, discharges thereof, Renunciations of Woodsets, and Grants of Redemption of the saids Tenements within Burgh, or the liberties, or freedoms thereof holding Burgage, shall be insert in the Town Clerks Books of the several Burghs respective, within Threecore dayes after the date of the same, excepting reversions incorporat in the body of the right; And that the Town Clerk shall keep a several book therefore, depending only upon the Magistrats of the Burgh, without necessity of any warrant from the Clerk of Register, and minor Books of the same, to be quarterly compared and signed, by the Provost and Bailies of the several Burghs. IT IS ALWAIES DECLARED, that it shall not be necessary, to insert any Bands, or Writs, for making of reversions, unless Seifings pass in favours of the parties makers of the saids Bands, and Writs: IN THE WHICH CASE, It is ordained that the same shall be insert within sixty dayes after the date of the Seifing, the extract out of the which Register shall make faith in all cases, except where the Writs so insert are offered, to be improven: And if it shall happen any of the saids Writs which are appointed to be insert as said is, nor to be duely insert, within the said space of Sixty dayes: THEN and in that case, His Majesty, with advice and consent foresaid, DECERNs the same to make no faith in Judgment, be way of action, or exception, in prejudice of a Third partie, who hath acquired a perfect

perfect and Lawful right to the saids Tenements, But prejudice alwaies to them to use the saids Writs against the parties makers thereof their Heirs and Successours. AND it is hereby DECLARED, that there shall be nothing payed to the Town Clerks for registration of the saids Seifings, but for any posteriour extracts, they shall have the halfe of the rates prescribed by the Act of Parliament for extracts out of the Registers of Seifings in the particular Shires. And for registering in the Town's Books, of Reversions, Assignations thereto, or discharge thereof, Renouciations, and Grants of Redemption of Wodfers, which were not in use to be registrat before in the Towns Books, That they shall have the halfe of the rates prescribed by the Act of Parliament, for registration and extracting the same, as said is.

XII

ACT For encouraging Trade and Manufacturies.

September 13. 1681.

OUR SOVERAIGNE LORD, from His Princely care for the Wealth and Flourishing of this His Ancient Kingdome. Considering that the Importation of Forraign Commodities (which are superfluous, or may be made within the Kingdom, by encouragement given to the Manufacturies thereof) had exceedingly exhausted the money of the Kingdom, and heightened the Exchange to Forraign places, so that in a short time the stock of Money beehood to be exhausted, and the Trade thereof to fail: FOR REMEDY whereof, His Majesty's Privy Council after long and serious Deliberation, and advice of the most judicious and knowing Merchants of the Kingdom, DID by two Acts of Council of the dates, the first of *March*, and eleventh of *April* last, and publick Proclamations following thereupon, GIVE encouragement to Manufacturies erected or to be erected in this Kingdom, in manner, and to the effect underwritten: THEREFORE His Majesty, with advice and Consent of the Estates of Parliament, strictly Prohibits and Discharges, all Merchants, and other persons whatsoever, To Import into this Kingdom, any Gold or Silver threed, Gold or Silver Lace, Fringes, or Tracings, all Buttons of Gold or Silver threed, all manner of Stuffs, or Ribbons in which there is any Gold or Silver threed, all Philagram of Gold or Silver to be worene upon Apparel, and all the Counterfeits of any of them, all flower'd, strip'd, figur'd, chequer'd, painted, or printed Silk Stuffs or Ribbons, (no wayes comprehending changing coloured, or watered Stuffs or Ribbons), All Embroideries of Silk upon wearing Cloathes: WITH CERTIFICATION, That all such Goods as shall be imported contrary hereunto in any time coming, or which have been imported contrary to the saids Proclamations, shall be burnt and destroyed, and the Importers, or Resettlers fined in the value thereof. LIKE AS His Majesty, with advice and consent foresaid, strictly prohibits and discharges the wearing of any of the saids prohibited Goods, and Commodities within this Kingdom, by any of His Majesty's Subjects, or others dwelling and residing therein, after the first of *April* next, under the pain of five hundred merks Scots money, *twies quoties*, by and attour the Confiscation of the Cloathes, upon which any of the saids prohibited Goods shall be found; Allowing hereby to Officers and Souldiers of the Kings whole standing Forces, the space of two years after the first of *November* next, to wear out their Cloathes upon which there is any Gold or Silver Lace, Threed, or Buttons. LIKE AS His Majesty, with consent foresaid, strictly prohibits and discharges all Merchants and other Persons whatsoever, to import into this Kingdom, any forraign Holland-Linnen, Cambrick, Lawn, Dornick, Damesk, Tyking, Bousten, or Damety, Tuited or Stripped Holland, Calligo, Selesia, or *East-India* Linnen, & all other Forraign Cloaths & Stuffs, made of Linnen or Cottoun, Wool or Lint: (noways comprehending Flannen, Arras hangings, Forreign Carpets, and made Beds of Silk, Damesk-hangings, Chairs and Stools conform thereto) all forraign Silk or Woollen Stockings, all forraign Laces made of Silk, Gimp or Threed, all forraign Laces or point, of any sort or colour, all forraign made Gloves, Shooes, Boots, or Slippers, all wearing Cloathes made abroad for Men, Women, or Children, (excepting wearing Cloathes and Linnens brought home by Persons for their own use, who have been Abroad, and used by them, and made of such Cloathes, Stuffs, and Furniture as are by this Act allowed to be worene within this Kingdom.) WITH CERTIFICATION, that all such Goods as shall be imported contrary hereto, and contrary to the saids Proclamations, shall be burnt and destroyed, and the Importers or Resettlers thereof fined in the value of the saids Goods. And the Tacksmen, or Collectors of the Customs, Surveyers, Collectors, Waiters or their Servants, are hereby strictly required, and commanded, to search for, seize upon, apprehend, burn and destroy any of the saids prohibited Goods that shall happen to be imported contrary to this Act; With certification to them if they failzie, and suffer the saids prohibited Goods to be imported, either by tolerance or connivance, they shall not only amit and loose their places, and for ever be incapable to serve in that or any such Publick charge, but also tynd in the value of the Goods that through their fault or neglect, shall happen to be imported; and any Merchant, or other person, who shall inform against any of the Farmourers, Collectors, Surveyers, or Waiters, for neglect of their Duty in the Premiss, and prove the same, shall have their Fynes for their reward. LIKE AS, His Majesty RATIFIES, and APPROVES all Acts already made for the encouragement of the Manufacturies of this Kingdom, and encouragement of Strangers to come thereto, and set up their severall Callings therein:

and anent the Weaving and Bleaching of Linnen cloath, declaring, that if any Strangers shall come, or be brought into this Kingdom by Natives to set up, work, and teach his Art of making of Cloaths, Stuffs, Stockings, Soap, or any kinde of Manufactory, That he shall enjoy the benefit of Law, and all other privileges that a Native doth enjoy: with power to set up Manufacturies, either in Burgh or Land-ward, as they shall think fit, and there to dwell, and exercise their Trade, without any stop or trouble; and that they shall have liberty and freedom of Trade, and to buy and purchase Lands, and Heretages, and all other Goods moveable and immovable, and all other privileges, liberties, and capacities that do belong to any Native Subject, born within this Kingdom. And For the Farther encouragement of Manufacturies, all Oyl, dying Stuffs, forraign Wool, Lint, and Flax, Pot-ashes, or any other Materials whatsoever useful for Manufacturies, that shall be imported, are hereby declared to be free of Custom and Excise, and all other publick Dues in all time coming; and that all Cloaths, Stuffs, Stockings, or any other Commodities to be made, and exported by them, shall be free of all Custom and Excise, for the space of nineteen years after the date hereof. And it is farther declared, that any stock employed, or to be employed, for erecting and entertaining any Manufacturies, the same shall be free of all private and publick Taxes whatsoever, and all quartering and levying of Souldiers; and all the Servants of the saids Manufacturies shall be free of watching, warding, Militia, or Levies during their actual service therein, for the space of seven years after the date hereof. WITH POWER to the Masters, Erectors, or entertainers of Manufacturies, to meet for making of Ordinances for the Right ordering of their Servants, sufficiency of their Stuffs, Cloaths, and others, and appointing Visitors of their Works. AND HIS MAJESTY, with consent foresaid, RATIFIES and APPROVES the 43. Act of the 1. Session of His Majesties 1. Parliament, and the 46. Act of the same Session of Parliament, dischairgeing the exporting of Linnen yarne, Worsteed, Woolen yarne, raw or unwaked Cloaths (except Plaiding, Fingram, and Galloway white) under the pain of Confiscation thereof; And the Act of Parliament ordaining, that Linnen of the price of Ten shillings Scots the eln, or above, be not under the breadth of an eln and two inches, and that the same be taken up by the Selvedge and not by the Ridge, and so presented to the Mercat, and that the same be bleached without Lime, under the penalty of Confiscation of the Linnen otherwayes taken up, and bleached, and imprisonment, and Fyning of the persons transgressors, not exceeding the value of the Linnen. LIKEAS it is hereby ORDAINED, that hereafter, all Linnen brought to Mercat for publick Sale, be made up of Peeces and half Peeces, and that the Peece contain Twenty four elns, and the half Peece twelve elns, and that it contain not one eln more or less, under the pain of confiscation thereof. And that all Fingram, Plaiding, Linnen, and Woolen Droggats, to be made in time coming, shall be of the breadth of three quarters and an nail, all Sarges an eln and two inches, and the length of the Peece to be fifty, or fifty two elns to the whole Peece, and the half thereof to the half Peece, under the penalty foresaid, and that all the saids Peeces, whether Linnen or Woolen, be taken up in Folds, eln or three quarters long, and that none of them be rolled, that thereby the sufficiency of the whole Peece, may be known, and that the same be not stretched by the rolling, whereby the measure will not hold out; and that under the penalty foresaid, for all such Cloath otherwise taken up and presented to the Mercat. AND His Majesty, with ADVICE and CONSENT foresaid, DOETH Authorize the Lords of His Privy Council, to declare these Manufacturies already set up, or that hereafter shall be set up, to be such, to the effect they may enjoy the Priviledges, Liberties, and Immunities granted by the saids Acts of Parliament. AND for the more effectual execution of this Act, His Majesty with advice foresaid, ORDAINS the Collectors of the Assessment and Excise, and their Sub-Collectors, Farmourers and Collectors of Customs, and Waiters in Burgh or Land, at every Term to give upon Oath, to the Judges ordinary upon the place by Sea or Land, and Justices of Peace, Lifts of all those whom they have seen and observed to transgress this Act. And it is hereby declared, that the one half of the Penalties afore said, shall belong to themselves, and the other half shall be collected by them for His Majesties use, tryal being first taken, and the persons found guilty by the saids Judges ordinary, or the Justices of Peace, and such contraveners as they shall not give information of, that the one half of the Fynes shall belong to any other person who shall discover them: And in case the saids Collectors of Assessment and Excise, Farmourers, and Collectors of Customs, or Waiters shall by connivance, or otherwayes Failzie to give up the saids Lifts as afore said, they shall loose their Places, and be incapable of that Office for ever. IT IS alwayes hereby provided, That no persons contravening this Act, shall be lyable to the saids Penalties, unless they be found guilty within the space of three Moneths after Dilation in manner foresaid; But prejudice alwayes to any other person who shall discover the contraveners, and furnish probation against them, of the one half of the penalties, whensoever they shall discover them, they being alwayes discovered and found guilty, within the time and in manner foresaid. AND it is hereby DECLARED, That this present Act, is, and shall be in place of any former sumptuary Law, in relation to Apparel.

XIII.

ACT Concerning Declinatours.

September. 13. 1681.

OUR SOVERAIGNE LORD, Considering that by the 112. Act 14. Parliament of King James the Sixth, It is expressly Statute and Ordained, that no Senatour of the Colledge of Justice, Ordinary, or Extra-ordinary, shall sit or vote in the causes of their Father, Brother, and Son. **DOETH** with advice and consent of His Estates of Parliament, **STATUTE** and **ORDAIN**, That this declinatour shall for the future be farther extended to degrees of affinity, as well as consanguinity, So that in all time coming, No Senatour of the Colledge of Justice, Ordinary, or Extra-ordinary, shall sit or vote in causes, where the pursuer, or Defender, is either Father, Brother, or Son in Law to him; And also that he shall not sit, or vote, in any cause, where he is Uncle, or Nephew, to the pursuer, or Defender. **AND** it is hereby declared, That this Act shall be extended to the Lords of Privy Council, and Exchequer, and the Commissioners of the Justiciary, and to all other Judges and Judicatures in the Kingdom, who may be declined where they are related to the party Pursuer, or Defender, in the degrees foresaid.

XIV.

ACT Restraining the exorbitant expence of Marriages, Baptisms, and Burials.

September. 13. 1681.

OUR SOVERAIGNE LORD, Considering the great hurt, and prejudice, arising to this Kingdom, by the superfluous expence bestowed at Marriages, Baptisms, and Burials. **FOR** repressing of which abuse in time coming, **HIS MAJESTY** with advice and consent of his Estates of Parliament, **DOES** Statute and **ORDAIN**, That Marriages, Baptisms, and Burials, shall be solemnized, and gone about, in sober, and decent manner. **AND** that at Marriages, besides the married persons, their Parents, Children, Brothers, and Sisters, and the Family wherein they live, There shall not be present at any contract of Marriage, Marriage, or In-fare, or meet upon occasion thereof, above four Friends on either side, with their ordinary domestick Servants, and that neither Bride-groom, nor Bride, nor their Parents, or Relations, Tutours, or Curatours, for them, and to their use, shall make above two changes of raiment, at that time, or upon that occasion. Certifying such persons as shall contraveen, if they be landed persons, They shall be liable in the fourth part of their yearly valued rent, and those who are not landed persons, in the fourth part of their moveables, Burgeses, according to their condition and means, not exceeding five hundred merks Scots, and mean Craftsmen and Servants, not exceeding one hundred merks: And if their shall be any greater number of persons then afore said, in any House or Inn, within Burgh, or sub-urbs thereof, or within two miles of the same, where Penny-weddings are made, That the Master of the House shall be fined in the sum of five hundred merks Scots. **AND IT IS STATUT** and **ORDAINED**, That at Baptisms upon that occasion, besides the Parents, Children, Brothers, and Sisters, and those of the Family, there shall not be present above four Witnesses. **AND FARTHER** His Majesty with consent foresaid **STATUTES**, and **ORDAINS**, That their shall not be invited to Burials, any greater number of persons then these following, *viz.* To the Burial of Noblemen, and Bishops, and their Wives, nor above One hundred Noblemen and Gentlemen: To the Burial of a Baron of quality, not above Sixty, and other landed Gentlemen, not above Thirty. And that the Mourners at the Burials of Noblemen, and Bishops, and their Ladies, doe not exceed Thirty, and at the Burials of Privy Counsellors, Lords of Session, Barons, Proveests of Burghs, and their Wives, the number of Mourners, doe not exceed Twenty four, And at the Burials of all other Landed Gentlemen, and Citizens within Burgh, they doe not exceed the number of Twelve. And prohibits, and discharges the using, or carrying of any Pencils, Banners, and other Honours, at Burials, except only the eight Branches to be upon the Pale, or upon the Coffin, where there is no Pale, under the foresaid penalties respective, in case they contraveen. **AND IT IS STATUTE, AND ORDAINED**, That there be no Mourning Cloaks used at Burials, nor at any other time, under the pain of One hundred pounds Scots.

XV.

ACT Against Assassinations.

September, 13. 1681.

THE KING'S Most Excellent Majesty Considering, that notwithstanding Assassination be a Crime of a high nature inconsistent with, and wholly destructive to all human society: Yet such are the

the pernicious principles, and wicked practises of several persons, That they doe assert, and maintain these villanous, Impious, and horrid Doctrines, and principles. THEREFORE, HIS MAJESTY, With advice and consent of the Estates of Parliament DOETH STATUTE, and ORDAIN, That not only all such persons who shall assassinate, But that all who shall maintain, or assert, That it is lawful to kill any man upon difference in opinion, or because they have been employed in the service of the King, or of the Church, as it is presently established by Law, shall incur the pain of Treason, and be punished by tinsel of Life, Lands, and Goods. AND Remembring with horror, the execrable murder of that most Reverend, & Worthy Prelat James late Arch-Bishop of Sanct-Andrewes, Lord Primat of Scotland, (who deserved so well of this Church, and Monarchy, for his eminent services to both) DOE Ordain the Sherriff of Fife and his deputs, To make weekly searches in these places, where it is, or may be, suspected these Assassins doe reside, that they may be brought to Justice, and exemplatly punished. And likewise ordains all other Sherriffs, and Magistrates, upon Information that those Assassins are within their bounds, To make search for and apprehend them, that they may be brought to Justice. AND DOE hereby Ratifie the former Acts of Council against such as shall reffer those Murderers.

XVI.

ACT Concerning the Jurisdiction of the Admiral Court.

September 14. 1681.

OUR SOVERAIGNE LORD, Considering that the clearing and establishing the Jurisdiction of the High Admiral of this Kingdom, will greatly tend to the advancement, and encouragment of Trade, and Navigation. THEREFORE, His Majesty, with advice and consent of the Estates of Parliament, DOETH Ratify and approve the 15. Act of the 12. Parliament of King James the Sixth, in the whole Heads, Clauses, and Articles of the same, And Decerns, and Declares, the High Court of Admiralty to be a Sovereigne Judicature in it self, and of it's own nature to Import summar execution. And STATUTES and DECLARES, That the said High Admiral, as he is His Majesties Leive-tenant, and Justice General upon the Seas, and in all Ports, Harbours, or Creeks of the same, and upon Fresh waters, or Navigable Rivers below the first bridges, or within the flood marks, so far as the same does, or can at any time extend; So the said High Admiral hath the sole Priviledge and Justification, in all Maritim and Sea-faring causes, forreign and domestick, whether civil or criminal whatsoever within this Realm, and over all persons as they are concerned in the same. And Prohibits, and Discharges all other Judges to meddle with the decision of any of the saids causes in the first instance, except the Great Admiral, and his Deputs allennarly. And STATUTES, ORDAINS and DECLARES, that it is the Priviledge of the said High Admiral, to cause parties become enacted, and find Caution, not only for comparance, but for performance, of the Acts and Sentences of his Court, and that he may punish all breakers of his arrestments, and resisters of his Officers, in the Execution of his precepts, and apply the fines, and amerciaments to his own use, conform to the Laws of the Kingdom. And farther STATUTES and DECLARES, that the High Court of Admiralty is a supreme Court, and that the Decrets and Acts of all other Inferiour Courts of Admiralty, are subject to the review, and reduction, of the said High Court of Admiralty. AND for the more ready and quick dispatch of Justice, in Maritim, and Sea-faring causes, forreign and domestick, whether Civil or Criminal within this Realm, and over all persons in so far as they are concerned in the same, both to Natives and Strangers, OUR SOVERAIGNE LORD with advice and consent foresaid Prohibits and Discharges all Advocations in the foresaid causes, from the said Court of Admiralty to the Lords of Session, or any other Judges whatsoever in all time coming, and that no suspension or other stop to the Execution of the Decrets, or Acts, of the said Court of Admiralty, be past be the Lords of Session, at any time hereafter, except by the whole Lords, in *presentia*, in time of Session, and by three of the saids Lords the time of Vancance met together to that effect: And that if any suspensions, or stops shall happen to be past in manner foresaid, the same be summarly discussed upon a Bill, and be Priviledged and exeemed from the ordinary course of the Roll: And if upon discussing thereof, the same shall be found to have been unjustly, and maliciously raised, That the said High Court of Admiralty, may upon the Application made by the Parties concerned, Modifie, and Decern the Damages they have sustained by the saids suspensions, and stops of execution of thcit Acts and Decrets, attour the expences of plea before the Lords of Session, which is to be modified by the saids Lords of Session. AS ALSO His Majesty with advice and consent foresaid, STATUTES and ORDAINS, That it shall be lawful and competent to the said Court of Admiralty, to review their own Decrets and Sentences, if there be just occasion for the same. And His Majesty with advice and consent foresaid DECERNs and DECLARES, That it is the sole Right and Priviledge of the High Admiral, and his Deputs, the Judges of the High Court of Admiralty, To grant passes, and safe conducts to all Ships; And Inhibits and Discharges, all others to grant the same, as they will be answerable upon their highest perill. And His Majesty with advice and consent foresaid Casses, Annuls, and Rescinds, all and whatsoever Laws, Acts of Parliament, or Customs, contrary to, or any wayes inconsistent with this present Act.

ACT

XVII.

ACT Concerning the Sale of Bankrupts Lands.

September, 14. 1681.

OUR SOVERAIGNE LORD, Considering, that when the Estates and Lands of Bankrupts are affected with Adjudications, Comprisings, and other real Rights, exceeding their value, It oftentimes falls out that the Creditors do not agree to sell the Lands, whereby such as have small sums upon such securities, cannot command any part thereof, and such Estates do oftentimes become ineffectual to many Creditors. THEREFORE, His Majesty, with consent of His Estates of Parliament, DOTH authorize, and empower the Lords of the Session (upon a Process at the instance of any Creditor having a real Right) To cognosce, and try the value of such Estates, where the Heretor is notoriously Bankrupt, and the Creditors in possession of the Estate, and to value the same according to the true worth thereof, in its Rents, Casualties, Rights, and Holdings, according to the use and custom of the Country where the Lands ly, And to commission persons to sell these lands, and Estate, or any part thereof, at the said rates, or more, as can be had for the same, with consent of the debtor, where there is a legal reversion competent to him, and without his consent where there is no legal: And ordains the said sale to be by a publick Roup, not being under the rate, and price, appointed by the Lords of Session; and that the Roup be made after publick intimation at the Mercat-crofs of the head Burgh of the Shire where the Lands ly, and at the head Burgh of the Bailiary, Stewartry, or Regality, if they ly within the same, and at the Paroch Kirk where the Lands ly, and at six other adjacent Paroch Kirks, (to be named by the Lords of Session) at the dissolving of the Congregation, on a Sunday after the forenoon's Sermon, by letters of intimation under the Signet, upon the Lords deliverance: Which letters shall specially express the time, and place of the Roup; And the Creditors having real rights and in possession shall be specially cited, upon Twenty one dayes, and all other persons concerned, whether within or without the Kingdom, at the Mercat-crofs of the head Burgh of the Shire, Stewartry, or Regality, and at the Mercat-crofs of *Edinburgh*, and Peer and Shoar of *Leith* upon sixty dayes, and a copy of the said intimation shall be affixed at all the places foresaid, expressing the Lands to be Rouped, the price appointed by the Lords of Session, and the time, and place of the Roup. Which alienation so made, and reported to the Lords, and by their warrant registrat in the Books of Council and Session, HIS MAJESTY, with consent foresaid, DECLARES, to be as effectual upon payment of the price, as if the same were made by the Debtor, and all the Appriters, Adjudgers, or other Creditors, who are so cited, and have any rights affecting the saids Lands, and that a Signature shall pass thereupon in Exchequer, and an warrant for charging the Superior to enter the Purchaser, upon payment of a years rent, DECLARING alwaies that the price which shall be gotten for the saids Lands conform to the Roup shall be distribut by the Commissioners appointed to sell the Lands, or by the Purchaser of the same, amongst the Creditors proportionally, according to their several sums, rights, and diligences, as they are, or shall be ordered, and found preferable by the saids Lords, whether the saids Creditors have compeared, or not.

XVIII.

ACT Asserting His Majestie's Prerogative in point of Jurisdiction.

September 16. 1681.

THE ESTATES of Parliament considering that all Government, and Jurisdiction within this His Majesties Ancient Kingdom of *Scotland*, does originally reside in his Sacred Majesty, his lawful Heirs, and Successours: And though His Majesty, and his Royal Predecessours, have bestowed Offices, and Jurisdictions, upon several of his well deserving subjects, yet these are not privative of his Jurisdiction, They doe therefore, in a dutiful, and humble Recognizance of His Majesties Royal Right, and Prerogative as to this point, DECLARE, that notwithstanding of these Jurisdictions, and Offices, His Sacred Majesty may by himself, or any commissioned by him, take Cognizance, and Decision, of any cases; or causes, he pleases.

XIX.

ACT Concerning the Oaths of Minors.

September 16. 1681.

OUR SOVERAIGNE LORD, and Estates of Parliament, taking to their serious consideration, the great abuses which may be committed against Minors, within twenty one years of Age compleat, by

by causing them subscribe Bonds of borrowed Money, Contracts of Alienation of their Lands, Dispositions, Discharges, and other Writs of Importance, and ratifie the same by Oath, swearing that they shall never come in the contrary, thereby depriving them of all the benefite of Revocation, Reduction, and Restitution *in Integrum*, allowed to them by the Laws of this Kingdom, where such Oaths are not made. IT IS THEREFORE Statute and Ordained, by the King's Majesty, with advice and consent of the saids Estates, That no such Oaths shall be exacted in time coming; And in case of Contravention, Declares the Contract to be void and null, and that no Execution shall pass thereupon, And Declares the Eliëitor, or Exacter of the Oath to be Infamous: And it is hereby declared, that it shall be competent to any Person related to the Minor, to obtain the saids Writs to be declared void and null, be way of Action, exception, or reply.

XX.

ACT Concerning Bills of Exchange.

September. 16. 1681.

OUR SOVERAIGNE LORD, Considering how necessary it is for the flourishing of Trade, That Bills or Letters of exchange be duely payed and have ready Execution, conforme to the Custom of other parts, DOETH THEREFORE, with advice and consent of his Estates of Parliament, STATUTE and ORDAIN, that in case of any Forraign Bill of Exchange, from or to this Realm duely protested for not acceptance, or for not payment, the said Protest having the Bill of Exchange, prefixed, shall be Registrable within six Moneths after the date of the said Bill, in case of non-acceptance, or after the falling due thereof, in case of non-payment, in the Books of Council and Session, or other competent Judicatures, at the instance of the person to whom the same is made payable, or his Order, either against the Drawer, or Indorser, in case of an protest for non acceptance, or against the Acceptor, in case of a protest for non-payment, to the effect it may have the Authority of the Judges thereof, interponed thereto, that Letters of Horning upon a simple charge of six dayes, and others executorial necessary may pass thereupon, for the whole sums contained in the Bill, as well Exchange, as Principal, in forme as effects, sicklike, and in the same manner, as upon registrat Bonds, or Decrees of Registration, proceeding upon consent of Parties. PROVIDING alwayes, That if the saids Proteests be not duly Registrat within six Moneths, in manner above provided, Then and in that case, the saids Bills and Proteests, are not to have summar Execution, but only to be pursued by way of Ordinary Action, as accords. AND FARTHER, It is hereby STATUTE, and ENACTED, That the sums contained in all Bills of Exchange, bear Annual-rent, in case of not acceptance from the date thereof, and in case of Acceptance, and not payment, from the day of their falling due, ay and while the payment thereof. AND FARTHER His Majesty with advice foresaid, hereby Declares, That notwithstanding of the foresaid Summar Execution provided to follow upon Bills of Exchange, for the sums therein contained, in manner above specified; Yet it shall be leasom to the party charger to pursue for the exchange, if not contained in the saids Bills, with re-exchange, damage, interest, and all expences, before the Ordinary Judge, or in case of Suspension, to seek the same to the Charge at the discussing of the said Suspension, To the effect, that the same may be liquidat, and Decree given theretofore, either against the party principal, or against him and his Cautioners, as accords.

XXI.

ACT Concerning the Election of Commissioners for Shires.

September. 17. 1681.

OUR SOVERAIGNE LORD, Considering, the great delay in dispatch of publick Affairs in Parliament, and Convention of Estates, occasioned by the contraverted Elections of Commissioners for Shires: FOR preventing whereof, and for clearing the orderly way of Election of the saids Commissioners in time coming. THEREFFORE His Majesty, with advice and consent of His Estates of Parliament, STATUTES and ORDAINS, That none shall have vote in the Elections of Commissioners for Shires, or Stewartries, which have been in use to be represented in Parliament and Conventions, but those who at that time shall be publickly Inseft in property, or superiority, and in possession of a Fourty shilling Land of old extent holden of the King or Prince, distinct from the Few Duties in Few Lands, or where the said old extent appears not, shall be inseft in Lands lyable in publick Burden for His Majestie's supplies for Four hundred pounds of valued Rent, whether Kirk-lands, now holden off the King, or other Lands holding Few, Waird, or Blench off His Majesty, as King or Prince of Scotland, And that Apprisers or Adjudgers, shall have no vote in the saids Elections during the legal reversion, and that after the expiring thereof, the Appriser or Adjudger first Inseft shall only have Vote, and no other Appriser or Adjudger coming in *pari passu*, till their shares be divided, that the extent or valuation thereof may appear; And that during the legal

legal the Heretor having right to the Reversion shall have vote: And Likewise proper Wodsetters, having Lands of the holding, extent, or valuation foresaid, which Rights to vote proceeding upon expired comprising, adjudication, or proper Woodfer, shall not be questionable, upon pretence of any order of Redemption, payment, and satisfaction, unless a Decreet of Declaratout, or voluntar Redemption, Renunciation, or resignation be produced, and that appeirand Heirs being in possession by vertue of their Predecessors Infeiment of the holding, extent and valuation foresaid, And likewise Liferenters, and Husbands for the Freeholds of their Wives, or having right to a Liferent by the Courtescie of the saids Liferenters, claime their Vote, otherwayes the Fiar shall have Vote, but that both Fiar, and Liferenter shall not have Vote, unless they have distinct Lands, of the Holding, Extent; or Valuation foresaid, but that no person Infeitor relief, or payment of fums, shall have Vote, but the granters of the saids Rights, their Heirs, or Successors. LIKE AS His Majesty ORDAINS, the whole Free-holders of each Shire, and Stewartry, having election of Commissioners, To meet and convene at the head Burghs thereof, and to make up a Roll of all the Free-holders within the same, whether lying within Stewartries, not having Commissioners, or Bailiaries of Royalty, or Regality, or without the same, upon the first Tuesday of May next to come, according as the same shall be intrusted to be of the holding, extent or valuation foresaid, containing the Names and Designations of the Fiares, Liferenters, and Husbands, having right to vote for the same, in manner above written, and expressing the extent, or valuations of the saids Free-holders, with power to continue, or Adjourn their Meetings untill the said Roll for Elections be fully compleat. LIKE AS, The saids Free-holders shall meet and convene, at the Head Burghs of the saids Shires, & Stewartries *respectively*, at the Michaelmas head Court yearly thereafter, and shall revise the said Roll of Election, and make such alterations therein, as have occurred since their last Meeting, from time to time; which Roll for Election shall be insert in the Sheriff, or Stewart books, particularly appointed for that end, according as they shall be stated each Michaelmas Court; And at the Election of Commissioners, either at the Michaelmas Court, or at the calling of Parliament, or Conventions, the saids Free-holders shall meet and convene at the Head-Burgh of the Shire, or Stewartry in that Rowm, where the Sherrieff or Stewart Court useth to be held, betwixt mid-day, and two afternoon, which Rowm shall be patent to them, and all others removed, but whom they call, and the first or second Commissioner last Elected, or in their absence the Sherrieff or Stewart Clerk shall ask the Votes who shall preside, and who shall be Clerk to the Meeting, and in case any alteration have happened in the said Roll of Elections since the last Meeting, the persons then coming to have right to Vote, shall be insert in the Roll, and there shall no objection be admitted against any Insert in the said Roll as said is, but what shall be propounded before they begin to vote to Election: And if the Objecters shall not be cleared, and acquiesce, they shall take Instruments containing their Objections against the admitting to, or excluding any person from the foresaid Roll: AND It is Hereby Declared, that no other Objection shall be competent in Parliament or Convention, but what shall be contained in the Instruments taken, as aforesaid: And in case Objections be made when a Parliament or Convention is not called, a particular Diet shall be appointed by the Meeting, and intimat to the Parties contraverting, to attend the Lords of Session, for their determination, who shall determine the same at the said Diet summarly according to Law, upon Supplication without farther Citation. And it is hereby Declared, that Horning for a civil Cause, or Non-residence, shall be no sufficient Objection, but that the Minority being instantly verified shall be a sufficient Objection, or the not taking the *Tert* appointed by the sixth Act of this present Parliament, which is hereby ordained to be subscribed by all the Voters in Presence of the Meeting; before they proceed to the Election, and recorded in the Sherrieff Court Books, and so returned with the Commission to the Clerk of Register. And if the Persons Objected against, shall appear at the Parliament, or Convention, and instruct the Right to Vote, the Objecter shall pay their expences, and be farther Fined in Five hundred Merks: And if the Objection be sustained in Parliament, the Objecters appearing shall have their expences, and the Party Objected against shall be Fined in Five hundred Merks. And to the effect that sufficient advertisement may be given to all parties having Vote in Election, who are to elect at the calling of a Parliament, or Convention, the Sherrieffs and Stewards, are hereby ordained to make Publication of the Call and Diet of the said Parliament, and Convention, and of the Diet appointed for Election, and that at the Head-Burgh of the Shire or Stewartry, upon a Mercat day betwixt ten and twelve in the Forenoon; And also shall make the like Intimation at each Paroch Kirk, on Sunday immediately thereafter, which Diets for Election, shall at least be twelve dayes before the Meeting of Parliament, or eight dayes before the meeting of a Convention, that the Commissioners elected may have sufficiency of time to keep the Diet of the Parliament or Convention. LIKE AS His Majesty with consent foresaid, STATUTES and ORDAINS, the whole Heretors, Liferenters, and Wodsetters, within each Shire, and Stewartry, to contribute for the charges of the Commissioners thereof, according to their valuation, except only those who hold of Noblemen, or Bishops, or Lands belonging to Burrows Royal in Burgage: And also to the expences of the Foot-Mantles.

XXII.

ACT Appointing the Quorum of the Justice Court in time of Vacance.

September 17. 1681.

OUR SOVERAIGNE LORD, and Estates of Parliament, DOE STATUTE and ORDAIN, that in time of Vacance of the Session, Three of the Commissioners of Justiciary, shall be a sufficient *Quorum*, who shall meet at *Edinburgh* in the Moneth of July yearly, any thing contained in the sixteenth Act of the Third Session of his Majesties second Parliament contrary thereto notwithstanding.

XXIII.

ACT In favours of the University of Sanct- Andrewes, Appointing halfe a Moneth's Cefs to be raised for their use.

September 17. 1681.

OUR SOVERAIGNE LORD Considering the small and incompetent provisions and sallaries, at present posselt by the Masters, and Professours, in his famous and Ancient University of Sanct- *Andrews*; Whereby learning is in great hazard to languish, and decay: DOETH for encouragement, and advancement of Learning, with advice and consent of his Estates of Parliament, STATUTE and ORDAIN, That halfe a Moneths Cefs be Imposed upon the Land-rent of this Kingdom, to be payed into the Cash-keeper, with the second terms payment of the Cefs in the years 1682 and 1683; And the money being payed in as aforesaid, shall be stocked in for the use of the University foresaid, and divided in it's just proportions, to the severall Masters, and Professours in the severall Colledges therein, by the advice and authority of his Majesties Privy Council.

XXIV.

ACT Ordaining Bread, and Butcher-Flesh, to be sold by Weight.

September 17. 1681.

OUR SOVERAIGNE LORD, and Estates of Parliament, Considering how necessary it is for the good of the subjects, That Bread and Flesh, should be within Burgh and Land sold in retail by Weight, and no otherwayes. DOE THEREFORE Statute and Ordain that in all time coming, Bread, and all Butcher-Flesh, as Beeff, Veall, Lamb, and Swine-flesh, shall be sold by Weight, when the same is sold in retail, and no otherwayes, under the pain of One hundred pounds Scots, *toties quoties*.

XXV.

Additional ACT, Concerning the Test.

September 17. 1681.

OUR SOVERAIGNE LORD and Estates of Parliament DOE hereby STATUTE and ORDAIN that the Test appointed by the sixth Act of this Parliament, to be taken by all persons in publick Trust, shall be taken by the Admiral-deputs, Judges of the High Court of Admiralty, and all Members of that Court, and all particular Admiral-deputs within the Kingdom: The Director of the Chancellery, and all Writers in that Office; The Writter to, and under keeper of the Privy Seale, Surveyers, Waiters for the King's Customs and Excise through the Kingdom, The King's Solicitor, the Lyon Clerk, and by all such as shall be commissioned to the Convention of Burrows, at their first *Sederunts* in their Courts, and in the said convention; And ORDAINS all Captains and other Commissionat Officers of the Train-bands in Burghs, and such as have any voice in Electing of Deacons of Trades within Burghs, and the Clerks to Trades, to take the said Test before the Magistrats of the respective Burghs, and the Deacons of the saids Trades respective before their respective Elections. And also ORDAINS all persons who shall be named Commissioners for revaluations, or rectifying valuation of Lands, to take the foresaid Test, under the pains contained in the said Act of Parliament: And that all persons who have heretable Offices from the King, not mentioned in the foresaid Act, shall take the foresaid Test, in presence of the Lords of Exchequer betwixt and the first of January, wherein if they faill, They shall lose their Offices, and casualities thereof during their lifetime.

ACT

XXVI.

ACT Concerning Publick Debts.

September 17. 1681.

OUR SOVERAIGNE LORD Considering that diverse Noblemen, Barrons, and Burrowes, during the time of the late troubles, and Rebellion, did give their bonds for several great sums of money; Which albeit bearing for Borrowed money, were employed for the use of the Publick, and for security whereof, the pretended authority for the time, did by Acts of pretended Parliaments, during these troubles, bind and oblige the Estates of the Kingdom, to warrant, and relieve the Members of the saids Committees, and all other Persons whatsoever, who had given bonds or security, for any sums employed for the use of the Publick, And that upon the rescinding of these pretended Parliaments, HIS MAJESTY and Estates of Parliament, after his happy Restauration, in Anno 1661, for security of all such persons bound in these Bonds, did by an Act in that Parliament, suspend all execution, as well Real as Personal against the saids Persons, or their Heirs upon the foresaid Bonds, till the next Parliament: AND also in the subsequent Parliament holden in the year 1669, did continue the foresaid suspension, ay and while the foresaid Debts should be considered in Parliament. AND HIS MAJESTY now Considering, that the sums contained in the saids Bonds, granted by the foresaid persons, were employed for the use of the Publick, during the time of the said Rebellion, and that the saids persons by the rescinding of the foresaid Parliaments, are cut off from the Benefit of any reliefe granted, or contained, in any of the saids pretended Acts in their favours. THEREFORE, the King's Majesty, with advice and consent of the Estates of Parliament, by this present ACT, Exoners, and perpetually discharges, the saids Noblemen, Barons, and Burrowes, and all others granters of the saids Bonds, their Heirs, Executors, and Successors, of the saids Debts, and Bonds granted thereupon, and of all diligence, Pursue, Action, or Execution thereupon competent, as well Real as Personal, bygone or in time coming, And declares them and their foresaid, quit and free thereof for ever. PROVIDING alwaies that no Persons shall have the Benefit of this Act unless they take the *Test* appointed by the sixth Act of this present Parliament. DECLARING that the principal Debittour in these Bonds taking the *Test*, the Cautioner shall be free, and if the Principal refuse to take the *Test*, the Cautioner taking the same, shall be free as to his part. EXCEPTING alwaies the Heirs, Executors and Successors of the deceased Duke of *Rothes* late Lord Chancellour, who in Respect of his Eminent Loyalty and Service to His Majesty, are hereby absolutely exonerated and discharged of the saids Debts, without necessity of taking the foresaid *Test*, upon the account foresaid alennary; AND ALSO EXCEPTING Minors who shall not be obliged to take the *Test* upon the foresaid account, Untill they attain to the years of Majority. And in Regard there were Debts contracted by the Earles of *Cassile* and *Louthian* and others with them in the year 1650. for His Majesties Service. For which they granted their own Bonds, and which are mentioned in an Act of Parliament past in their favours, in the year 1661, HIS MAJESTY with consent foresaid Discharges all Action and Execution for the sums contained in these Bonds against the saids Earles and Others, who were bound with them and their Successors, in Respect the same is a publick Debt, The money having been Borrowed for His Majestie's service as said is.

XXVII.

ACT Anent the Prices of French and Spanish Salt.

September 17. 1681.

OUR SOVERAIGNE LORD Out of his Princely care to encourage the Manufacturies and other publick Works of this his Ancient Kingdom, and to prevent the Unnecessary Importation of foreigne commodities and the exorbitant prices that may be exacted from the Leiges. THEREFORE His Majesty with advice and consent of the Estates of Parliament, DOETH Erect and Declare All the Salt-works of this Kingdom to be free and publick Manufacturies: Endowing them, with all the Priviledges, Liberties, and Immunities, granted by Law in favours of any Manufactory, within this Kingdom. AS ALSO HIS MAJESTY Considering that the In-land Salt of this Kingdom, is sufficient for all other uses except the curing of Fishes, and Beeff exported, And that the foreigne Salt which shall be employed for the use of the Nation, may be furnished at the rates following: THEREFORE His Majesty with advice and consent foresaid, DOTH Statute, and Ordain, That all Importers of French Salt, or Retailers thereof, at the places, or Ports, where the same is imported, shall not upon any pretence whatsoever, exact more from the Leiges, then Five pounds *Scots* for the *Lanlithgow* Boll

Boll of French Salt, Including the Forty shillings per Boll to his Majesty for Excise; And that Importers and Retailers of Spanish Salt, shall not exceed six pounds for the *Linlithgow* Boll thereof, including likewise the Excise, under the penalty of One Hundred pounds Scots, *Toties quoties*, for each Boll they shall sell above the rates forefaids, the one half thereof to his Majesty's use, and the other half to the Discoverer, who shall have power to pursue the Importers, who shall contravene this Act before the Judges Ordinary. IT IS ALWAIES hereby DECLARED, That this Act shall be but prejudice of His Majesties Prerogative asserted by the Twentieth and sixt Act of the Third Session of His Majesties first Parliament, And that His Majesty may alter the saids rates, upon such occasions as shall seem necessary to him, In His Royal Wisdom.

XXVIII.

ACT Salvo jure Cujuslibet.

September 17. 1681.

OUR SOVERAIGNE LORD, Taking to consideration, that there be many Acts of Ratifications, and others past and made in this Session of Parliament, in favours of particular Persons, without calling, or hearing, of such as may be thereby concerned, or prejudged: THEREFORE His Majesty with advice and consent of the Estates of Parliament, STATUTES, and ORDAINS, That all such particular Acts, and Acts of Ratification past in manner forefaid, shall not prejudice any Third party of their lawful Rights, nor of their Actions, and defences competent thereupon, before the making of the saids particular Acts, and Acts of Ratification; And that the Lords of Session, and all other Judges of this Kingdom, shall be obliged to Judge betwixt parties, according to their several Rights standing in their Persons, before the making of the saids Acts: All which are hereby exponed, and declared, to have been made *Salvo jure Cujuslibet*. EXCEPTING alwaies, the Act past in this present Parliament, discharging persons of bonds given by them in the time of the late Rebellion, for sums employed for the use of the publick, which is declared to be no ways comprehended herein.

XXIX.

ACT, Of Adjournment.

September 17. 1681.

THE KING'S MAJESTY, Declares this Parliament Current, and Adjourns the same, To the first day of March next, One thousand, six Hundreth, eighty and two years. AND ORDAINES all Members of Parliament, to attend that day; And that there be no new Elections, of Commissioners, from Shires, or Burghs, except upon the death of some of the present Commissioners.

THO: MURRAY. Cl., Reg.

F I N I S.

A
T A B L E

Of the Printed A C T S.

- 1 **A**CT Ratsfying former Laws securing the Protestant Religion.
- 2 *Act asserting the Right of Succession to the Imperial Crown of this Kingdom.*
- 3 *Act for a voluntary offer of a new Supply to His Majesty.*
- 4 *Act for securing the Peace of the Country.*
- 5 *Act concerning Probative Witnesses in Writs and Executions.*
- 6 *Act anent Religion, and the Test.*
- 7 *Act discharging the Summer Session.*
- 8 *Act for continuation of the Excise.*
- 9 *Act against Personal Protections.*
- 10 *Act concerning Wives Terces.*
- 11 *Act concerning the Registratiō of Seisings, and Reversions, of Tenements within Burgh.*
- 12 *Act for encouraging of Trade and Manufacturies.*
- 13 *Act anent Declinatours.*
- 14 *Act for restraining the exorbitant expence of Marriages, Baptisms, and Burials.*
- 15 *Act against Assassinations.*
- 16 *Act concerning the Jurisdiction of the Admiral Court.*
- 17 *Act concerning the Sale of Bankrupts-lands.*
- 18 *Act asserting his Majesties Prerogative in point of Jurisdiction.*
- 19 *Act concerning the Oaths of Minors.*
- 20 *Act concerning Bills of Exchange.*
- 21 *Act Concerning the Election of Commissioners for Shires..*
- 22 *Act appointing the Quorum of the Justice Court, in time of Vacance.*
- 23 *Act in favours of the Univerſity of St. Andrewes, appointing halfe a Moneths Cess to be raised for their use.*
- 24 *Act ordaining Bread, and Butcher-Flesh, to be sold by Weight.*
- 25 *Additional Act concerning the Test.*
- 26 *Act concerning Publick Debts.*
- 27 *Act anent the prices of French, and Spanish Salt.*
- 28 *Act Salvo jure Cujuslibet.*
- 29 *Act of Adjournment.*

F I N I S.

A T A B L E

Of the Acts, and Ratifications, past in this first Session, of His Majestie's Third Parliament, and which are not here Printed.

- P**rotestation by some Noblemen, and Others, Commissioners from Shires, and Burghs, concerning their precedencie in the Rols of Parliament.
- His Majestie's Letter to the Parliament, With the Parliament's Answer.
- Act for yearly Fairs, and weekly Mercats, to some Noblemen, and Others, with some Protestations against the same.
- Act in favours of the Laird of *Langtoun*, for changing a high way near to the House of *Langtoun*.
- Act in favours of the Laird of *Langtoun*, for Registrating in the records of Parliament, a Charter granted by King *Robert* the Second, to his Predecessours, of the office of Heretable Principal Usher to the Parliament.
- Act in favours of the Earl of *Airley*, against Master *John Dempster* of *Pitliver*, anent a Prescription.
- Act anent the Election of Commissioners within Burghs Royal, for Parliaments, and Conventions.
- Act in favours of the Town of *Edinburgh*, anent the Conduit of water brought thereto.
- Act discharging the theiking of Houses within the Town of *Edinburgh*, and some Other Burghs Royal, with Straw, Bent, or Heather, and appointing the same to be done with Lead, Scailie, or Tile.
- Act anent the Mortification made be *Thomas Mudie*, for building a Kirk in *Edinburgh*.
- Act in favours of the Earl of *Queensberry*, anent a blank Bond given be him.
- Act in favours of the Shire and Town of *Dumfreis*, anent a Custom upon the watter of *Nith*.
- Act anent the Salmond fishing in the watter of *Nith*.
- Act anent the Commissioners sies in the Shire of *Dumfreis*.
- Act anent the Lord of *Belhaven*.
- Act declaring the Sugar-works at *Glasgow* to be a Manufactory.
- Act declaring the Woolen-work of the Searge, called *Searge de Neim*, and others Stuffs erected be *James Armour* Younger, to be a Manufactory.
- Act in favours of the Earl of *Wintoun*, anent the disjunction of the Lands of *Wintoun*, from *Pencaitland*, and annexing the same to *Tranent*.
- Act in favours of the said Earl, for exceeming of his Coale, and Salt, from bearing any Publick burden.
- Protestation be the Laird of *Ormeistoun* against the same.
- Act in favours of the Lady *Lockhart*, against her Son.
- Act in favours of the Town of *St. Andrewes*, anent their stent, and stent Masters.
- Commission for revising the Laws.
- Act in favours of the Lord *Lyon*.
- Act for Rectification of Valuations, and declaring that Coale, and Salt, is not to bear any part of the Supply.
- Act rescinding some Articles of the Regulation concerning Advocats, Clerks, and Writers.
- Act authorizing His Majestie's privy Council to name and appoint Commissioners of Excise, or Supply in the several Shires.
- Act in favours of the Town of *Inverness*, for exacting a small Custom, at the Bridge thereof.
- Act in favours of the Laird of *Kinnundie*, for exacting a small Custom, at the Bridge of *Dee*.
- Act in favours of the Marquess of *Atbole*, for exacting a small Custom, at the Bridge of *Almond*.
- Act in favours of the Earl of *Marr*, for exacting a small Custom, at the Bridge of *Tillibody*.
- Act in favours of the Littlers of *Edinburgh*.
- Warrant to the Laird of *Hoptoun* for changing a high way, at the Town of *Winchburgh*.
- Act in favours of the Earle of *Queensberry*, for disjoining the Lands of *Palvadock*, from the Stewatry of *Kirkcudbrugh*, and annexing the same to the Shire of *Dumfreis*.
- Act in favours of *Mungo Graham* of *Gorthy*.
- Protection to Master *William Dick*, and Sir *Andrew Dick*.
- Recommendation to the Council, in favours of the Town of *Dalkeith*, anent their Bridge.
- Recommendation to the Council, in favours of the Lady *Comistoun*.
- Reference to the Council anent the Earles of *Caitness*, and *Broad-Albain*.
- Reference to the Council anent the Towns of *Anstruther-Wester*, *Kilrainy*, *Cromarty*, and Others.
- Recommendation in favours of the Lady *Bogie*.
- Ratification in favours of the Duke of *Lennox* and *Richmond*.
- Protestation Sir *John Cochran*, in name of the Earl of *Dundonald*, against the same.
- Protestation Sir *John Cuninghame*, in name of the Lady of *Obryan*, against the said Ratification.

Protection

Protestation His Majesties Advocat, against the saids two Protestations.
 Ratification in favours of the Marquess of *Atbole*.
 Ratification in favours of the Marquess of *Montrose*.
 Protestation the Earle of *Airth*, against the same.
 Ratification in favours of the Earle of *Argyle*.
 Protestation by the Earle of *Arrol*, against the same.
 Ratification in favours of the Earle of *Perth*.
 Protestation by the Marquess of *Atbol*, against the same.
 Ratification in favours of the Viscount of *Stormount*.
 Ratification in favours of Sir *Alexander Seton*, of *Pitmeddin*.
 Ratification in favours of Sir *Roger Hog*, of *Harcars*.
 Ratification in favours of Sir *George Gordon*, of *Haddo*.
 Ratification in favours of Sir *William Sharp*.
 Ratification in favours of Master *Alexander Gibson*.
 Ratification in favours of Master *Alexander Mackenzie*, of *Garlearch*.
 Ratification in favours of *Andrew Spalding*, of *Albintulie*.
 Protestation the Marquess of *Atbol*, against it.
 Ratification in favours of *David Drummond*, of *Cultmalindie*.
 Ratification in favours of Sir *Donald Baine*, of *Tulloch*.
 Ratification in favours of the Harmakers, and Walkers of *Edinburgh*.
 Ratification in favours of Master *Roderick Mackenzie*, of *Findone*.
 Ratification in favours of *William Duff*.
 Ratification in favours of the Laird of *Balbouffie*.
 Ratification in favours of *Robert Pringle*, of *Cliftoun*.
 Ratification in favours of Sir *William Ker*, of *Greinhead*.
 Ratification in favours of *George Dallas*, of *St. Martines*.
 Ratification in favours of Sir *Archbald Cockburn*, of *Langtoun*.
 Ratification in favours of the Poor of the Town of *Chanrie of Ross*.
 Ratification in favours of *Patrick Smith*, of *Braco*.
 Ratification in favours of Master *John Oney*.
 Ratification in favours of Master *Thomas Skeen* Advocat.
 Ratification in favours of *David Oliphant* of *Cultengubar*.
 Ratification in favours of Master *James Murray*, Minister at *Logi-rail*.
 Ratification in favours of *William Colquhoun*, of *Craigtoun*.
 Ratification in favours of *Robert Boyd*, of *Portoun-cress*.
 Ratification in favours of *Coline Campbel*, of *Ormadil*.
 Ratification in favours of Master *Alexander Forbes*, of *Foveran*.
 Ratification in favours of *Richard Elphinstoun*, of *Airth*.
 Ratification in favours of The Lord *Pitsligo*.
 Ratification in favours of the Laird of *Skeen*.
 Ratification in favours of *Francis Dugat*, of *Auchinbive*.
 Ratification in favours of the Laird of *Streichin*.
 Ratification in favours of the Laird of *Ballogie*.
 Ratification in favours of Master *James Elphinstoun*, Writter to the Signet.
 Two Ratifications in favours of *John Graham*, of *Claverhous*.
 Ratification in favours of Master *James Carnegie*.
 Ratification in favours of Master *Patrick Kier*.
 Ratification in favours of *Anthony Murray*, of *Dullarie*.
 Ratification in favours of *John Brown*, of *Gorgy-milne*.
 Ratification in favours of Master *James Brand*, of *Babertoun*.
 Ratification in favours of Lieutenant Colonel *Mayn*, Major *Ogilthorpe*, and Captain *Cornwal*.
 Ratification in favours of Master *Thomas Innes*, and *James Calder*, of *Muirtoun*.
 Ratification in favours of the said *James Calder*.
 Ratification in favours of the Laird of *Moncreiff*.
 Ratification in favours of Mistress *Grissel Mercer*, Lady *Aldie*.
 Ratification in favours of the Marquess of *Huntlie*.
 Ratification in favours of Sir *Charles Maitland*, of *Pitricbie*.
 Protestation the Town of *Aberdeen*, against the same.
 Ratification in favours of the Incorporation of the *Hammer-men* of *Edinburgh*.
 Ratification in favours of the Earle of *Dumfries*, and Lord *Crichtoun*.
 Ratification in favours of Sir *James Dalrymple* of *Stair*, President of the Session.
 Ratification in favours of the Lord *Thesaurer-Deput*.

- Protestation by the Town of *Dundee*, against it.
 Ratification in favours of *Mungo Halden*, of *Glenegies*.
 Ratification in favours of *Walter Riddel*, of *Minto*.
 Ratification in favours of *George Gordoun*, of *Boigs of Dalrey*.
 Ratification in favours of Sir *John Schaw*, of *Greenock*.
 Ratification in favours of the Earle of *Arrol*.
 Ratification in favours of the Earle of *Queensberrie*.
 Ratification in favours of the Lord *Rollo*.
 Two Ratifications in favours of Sir *George Mackeinzie*, of *Rosebauch*, Lord Advocat.
 Two Ratifications in favours of Sir *George Mackeinzie*, of *Tarbet*, and Others.
 Ratification in favours of Sir *David Balfour*, of *Forret*.
 Ratification in favours of The Lord Register.
 Ratification in favours of Collonel *James Douglas*.
 Ratification in favours of Sir *William Paterfou*, and Master *Patrick Meinzie*s, Clerks to His Majesties Privy Council.
 Ratification in favours of His Majesties *Smiths*, *Mason*, &c.
 Ratification in favours of *William Craik*, of *Arbigland*.
 Ratification in favours of *Robert Ferguson*, of *Craigdarroch*.
 Ratification in favours of the Incorporation of the Weavers of *Glasgow*.
 Ratification in favours of the Burgh of *Aberdeen*.
 Protestation Sir *Alexander Seton*, of *Pitmeddin*, in name of the Shire, against it.
 Ratification in favours of *Robert Hamiltoun*, of *Presminen*.
 Ratification in favours of *John Johnstoun*, of *Elshisbeils*.
 Ratification in favours of *James Carnegie*, of *Balnamoon*.
 Ratification in favours of Sir *Patrick Houstoun*, of that Ilk.
 Ratification in favours of *William Hamiltoun*, of *Orbistoun*.
 Ratification in favours of Sir *Patrick Ogilvie*, of *Boyn*.
 Ratification in favours of some Trades in *Dumbarton*.
 Ratification in favours of *Robert Milne*, of *Barntoun*.
 Ratification in favours of *William Gordoun*, Sherriff-Clerk of *Aberdeen*.
 Ratification in favours of *Laurence Oliphant*, Clerk to the Admission of Nottars.
 Ratification in favours of the Incorporation, of the Flethers of *Edinburgh*.
 Ratification in favours of *Ninian Bannatine*, of *Kaims*.
 Ratification in favours of the Earle of *Roxburgh*, and Others.
 Ratification in favours of *John Hamiltoun*, of *Combardie*.
 Ratification in favours of The Lord *Elphinstoun*.
 Ratification in favours of The Burgh of *Glasgow*.
 Ratification in favours of Sir *William Purves*.
 Ratification of several Acts, and Decrets of His Majesties Privy Council, anent the new buildings, at the entry to the *Parliament-House*.
 Ratification in favours of Sir *Charles Halket*, of *Pitfirren*.
 Ratification in favours of The Lord *Nairn*.
 Ratification in favours of *Iames Seton*, of *Touch*.



A C T E S T A T E S

Of the CONVENTION of

Of the Kingdom of SCOTLAND,

By a noble Lord, John Earl of Rothes, Lord Lesly and Bambreith, &c.
His MAJESTIES Commissioner:

For a free and voluntar offer of a TAXATION to His MAJESTY.

At Edinburgh, the fourth day of August, 1665.



THE Estates of the Kingdom of Scotland, conveyened at this time by His Majesties special Authority and Command, Taking to their consideration the great blessings this His Majesties antient Kingdom doth now enjoy under His Royal Government, being thereby delivered from all the miseries and bondage that do accompany the Iron Rod of an Insolent Usurpation, and possessed of all the Liberties and Priviledges of a free People, living under the Royal Scepter of their lawfull Prince, and that, by a full and free exercise of their Religion, with all suitable encouragements thereunto, by an equal and due administration of Justice, and peaceable and secure enjoyment of their Laws, Rights and Properties: Do find themselves obliged in conscience, honour and gratitude, to embrace every occasion, whereby they may witness to the world their just resentments thereof, and their readines to contribute their lives and fortunes for the maintaining and advancing of His Majesties Royal Authority, Power and Greatness; under the protection whereof, the Peace, Freedom and Interest of this Kingdom and Subjects thereof, is, and can only be, secured. And understanding, that His Sacred Majesty is now engaged in a War with the Inhabitants of the *United Provinces*, for the maintenance of His own Honour, and the Peace and Trade of His Kingdoms, and that thereby a new opportunity is offered to them to make good their professions of their zeal and affection to His Majesties service. Therefore, the Estates of the Kingdom, in a due sense of His Majesties Honour and Interest, and of their own duty, Do, with humble, loyal and cheerful hearts, for themselves, and in name of the whole Kingdom, whom they do represent, make humble and free tender to His Majesty of a Taxation, which they do humbly beseech His Majesty would be graciously pleased to accept of, and which is to be payed in manner, and at the terms following;

That is to say, the Dukes, Marquesses, Earls, Viscounts, Lords, and Commissioners of Shires, for the Temporal Estate, Have granted, that there shall be uplifted of every Pound-land of old extent within this Kingdom, pertaining to Dukes, Marquesses, Earls, Viscounts, Lords, Barons and Free-holders, and Fewers of His Majesties proper Lands, the sum of fourty shillings money, at every one of the five terms following, *viz.* The sum of fourty shillings at the term of Whitsonday, in the year of GOD, one thousand, six hundred, sixty six years; The sum of other fourty shillings at the term of Whitsonday, one thousand, six hundred, sixty seven years; The sum of other fourty shillings at the term of Whitsonday, one thousand

land, six hundred, sixty eight years; The sum of other fourty shillings at the term of Whitsonday, one thousand, six hundred, sixty nine years; And the sum of other fourty shillings at the term of Whitsonday, one thousand, six hundred, seventy years, being the last term. And the Archbishops and Bishops, for the Spiritual Estate, Have granted, that there shall be uplifted of all Archbishopricks, Bishopricks, Abbacies, Pories, and other inferiour Benefices within this Kingdom, at every one of the five terms above-specified, the just Taxation thereof proportionally, according to the sum of fourty shillings money, now imposed upon the Pound-land, as they have been accustomed to be taxed unto in all time by-gone, when the Temporal Lands of this Kingdom were stinred only to thirty shillings the Pound-land of old extent, with the addition of a fourth part more: And the same Taxation to be payed at every one of the five terms above-specified. And the Commissioners of Burghs, for their Estate, Have granted, that there shall be uplifted of all the Burghs of this Kingdom, at every one of the five terms above-specified, the just Taxation thereof proportionally, according to the sum of fourty shillings money now imposed upon the Pound-land, as they have been accustomed to be taxed unto in all time by-gone, when the Temporal Lands of this Kingdom were stinred only to thirty shillings the Pound-land of old extent, with the addition of a fourth part more, to be payed at the respective terms above-written. And in regard, that His Majesty hath erected sundry Prelacies, and Temporal Lordships, whereby the owners thereof may claim to be taxed with the Barrons of the Temporal Estate, and thereby His Majesty would be defrauded of a great part of the said Taxation: Therefore the saids Estates Ordain, that all erections of Prelacies and other small Benefices, in whole or in part, in Temporal Lordships, shall, in payment of the said Taxation, pay to the Collector thereof, so much of the same Taxation (*pro rata*) as if they were no wayes erected, and as they were subject to do before the erection of the same. And sikelike, it is Statute and Ordained, that all dissolved Benefices within this Kingdom, in whole or in part, shall be subject in payment of so much of the same Taxation (*pro rata*) as they would have been subject to pay though the same had not been dissolved: And that those parties, who have gotten any part or portion of any Prelacies, or other inferiour Benefices, dissolved, and new Securities made unto them by His Majesty, of that part and portion thereof so dissolved, shall be subject in payment of the Taxation thereof to the Prelat or other beneficed Person, for his relief of the same Taxation, as they would have been so the same had not been dissolved; notwithstanding of any condition contained in the Inseftments and Securities made by His Majesty to them in the contrary thereof.

And further, His Majesty, with advice and consent of the said Estates; Declares, that the Lands and Teinds, belonging in property to the ordinary Lords of the Session, the Advocats, Clerks, Writers to the Signet, and other Members of the Colledge of Justice, and all few duties payable to them out of the Lands whereof they are Superiours; all Benefices given, disposed and mortified, for entertainment of Universities, Colledges, Schools or Hospitals (the Vassals holding of the saids ordinary Lords of the Session, and other Members of the Colledge of Justice, and of the said Universities, Colledges, Schools and Hospitals, being alwayes lyable in payment of this Taxation, for their Lands so holden, as others of His Majesties Subjects) all modified Stipends, and Vicarages where they are a part of the said modified Stipend; all Parsonages, Vicarages belonging to Ministers serving the Cure, where the said Parsonages and Vicarages do not exceed the value appointed by the Acts of Parliament for a modified Stipend, are, and shall be free from payment of any part of this present Taxation; And discharges and disannuls all Priviledges and Immunities, whereby any person may conceive himself free of the payment of any part of this present Taxation, except as above excepted. And Ordains the saids Senators of the Colledge of Justice, and other Members thereof, and the persons, in whose favours any Lands, Teinds or Superiorities have been given, disposed and mortified, for entertainment of Universities, Colledges, Schools or Hospitals, to send in to the Collector-general of the Taxation, or Clerk thereof, a note under their hands, threescore dayes before the first terms payment of this Taxation, of the Lands, Teinds, and Few-duties belonging to them, as said is, within what Shire they lie; and if they be Kirk-lands, what Benefice they hold of. And also Ordains, the Archbishops and Bishops, to send in to the said Collector or Clerk, betwixt and the time foresaid, a note under their hands, of the Parsonages and Vicarages belonging to Ministers serving the Cure within their respective Diocesses, which do not exceed the proportion allowed by the Acts of Parliament for a modified Stipend.

And for the more speedy and effectual in-bringing of the Spiritual Mens part of this said Taxation, Ordains Letters to be directed as formerly, charging all and sundry Archbishops and Bishops, Abbots, Priors; as likeways all Noblemen and others, in whose favours the erection of any Prelacy or other inferiour Benefice, or any part or portion thereof, be it in Lands, Kirks or Teinds, or in whose favours the Patronage of any Benefice, Kirks or Teinds, are past; And all other beneficed Persons contained in the taxed Rols, their heretable Baillies, Chamberlains, Factors and Intrometers with their Rents and Livings, personally or at their dwelling places, and by open Proclamation at the Mercat-Crosses of the head Burghs of the Sheriffdoms, Stewarties and Bailleries, where the said Prelacies, erected Lordships, and small Benefices lyes, if they be within this Kingdom: And if they be without the Kingdom, by open Proclamation, at the Mercat-Cross of *Edinburgh*, *Peir and Shore of Leith*, upon threescore dayes warning, to make payment of that sum, that they, and ilk one of them, are taxed unto, for every one of the saids five terms, to the Collector-general of the said Taxation, appointed, or to be appointed by His Majesty, or His Deputies and Officers in His Name, having His Power and Commission to receive the same, at the particular terms above-written, under the

the pain of Rebellion, and putting of them to the Horn, and if they failzie therein at the by-passing of every one of the said terms, to denounce the disobeyers Rebels, and put them to the Horn, and to Escheat, &c. And that the Prelats and beneficed Persons, and such Noblemen and others, in whose favours the Erections and Patronages above-written are past, for their relief have Letters as formerly, charging their Vassals, Sub-vassals, Ladies of Terce, Conjoint-fiars, Life-renters, Proper-wod-setters, who are not accountable for the *superplus* of the Rents, Fewers, Tacksmen and Pensioners, to make payment of their part of the said Taxation, ilk one of them, (*pro rata*) according to the sum they shall be taxed unto, to the saids Prelats, and other beneficed Persons, and to the said Noblemen and others having power to receive the same, within twenty dayes next after the Charge, under the pain of Rebellion, &c. And if they failzie, &c. to denounce, &c. and escheat, &c. and to poynd and distreinzie therefore, as they should think most expedient: Providing alwayes, That the first termes payment of the said Taxation be ever past, before the next termes payment be charged for. And the Estates Declares, That the production of sufficient Hornings against the said Vassals, Fewers, Tacksmen and Pensioners, shall be a relief to the saids Prelats, Lords of Erections and beneficed Persons; and shall exoner them (*pro tanto*) from payment of the said Taxation: Providing, That the same Hornings, with their Taxt Rols authentickly made and subscribed by the said Prelats, Lords of Erections and other beneficed Persons, and by their Fewers, Vassals, Tacksmen and Pensioners, in manner hereafter prescribed, containing the particular sum which each one of them are taxed unto; be delivered to the Collector of the same Taxation, within the space of threecore dayes after every terme: otherwayes, he shall be no wayes obliged to receive the same, neither shall the Prelat, Lord of Erection nor beneficed Person, be exonered by production of the same at any time thereafter.

And further, that the said Prelats, and such Noblemen and others, in whose favours the Erections and Patronages above-written are past, and all other beneficed persons, may have their relief of their Vassals, Sub-vassals, Ladies of Terce, Conjoint-fiars, Life-renters, Fewers, Wodsetters foresaid, Tacksmen and Pensioners, to the greater ease and less trouble to the said Vassals and others foresaid: And to the effect, that every one proportionally may pay his part of the said Taxation, according to the quantity and avail of the free Rent which he hath of his Benefice, Lands, Pensions, Kirks, and Feind-heaves pertaining to him, as well Prelat, Lord of Erection, Patron and other beneficed Persons themselves, as the Fewer, Tacksmen and Pensioner; It is thought Expedient, Statute and Ordained, That the said Prelats and others above-rehearsed, every one of them severally, shall convene his whole Fewers, Vassals, Tacksmen and Pensioners, at the particular places hereafter designed: They are to say, The Archbishop of *St. Andrews* at the City of *St. Andrews*, the Archbishop of *Glasgow* at the City of *Glasgow*, the Bishop of *Edinburgh* at the City of *Edinburgh*, the Bishop of *Orkney* at the Town of *Kirkwall*, the Bishop of *Caithness* at the Town of *Durnock*, the Bishop of *Ross* at the Town of *Chanry of Ross*, the Bishop of *Murray* at the Town of *Elgin*, the Bishop of *Aberdeen* at the Burgh of *Aberdeen*, the Bishop of *Briehen* at the Burgh of *Briehen*, the Bishop of *Dunkell* at the Town of *Dunkell*, the Bishop of *Dumblain* at the Town of *Dumblain*, the Bishop of *Galloway*, at the Town of *Wigtown*, the Bishop of *Argyll* at the Town of *Inverary*, the Bishop of the *Isles* at the Burgh of *Rothesay* in *Bute*, the Abbot of *Icolmkill* at the Burgh of *Rothesay*, the Prior of *Ardrachattan* at the Burgh of *Rothesay*, the Abbot of *Fairn* at the Burgh of *Tayn*, the Lord *Beuley* at the Burgh of *Inverness*, the Lord of *Kinlofs* at the Burgh of *Forres*, the Prior of *Pluscarden* at the Burgh of *Elgin*, the Lord of *Dier* at the Town of *Peterhead*, the Prior of *Fryy* at the Town of *Turrif*, the Prior of *Monymusk* at the Town of *Monymusk*, the heretable Bailly of the Lordship of *Arbroth* at the Burgh of *Arbroth*, the Lord of *Scoon* at the Burgh of *Perth*, the Lord *Cowper* at the Town of *Cowper* in *Angus*, the Prior of *Reslenneth* at the Burgh of *Forfar*, the Collector of this present Taxation in place of the Priors of *Charterhouse*, the Seat now vacant, at the Burgh of *Perth*, and the like in other cases where any Seats are vacant, at the places appointed by this present Act; the Prior of *Elcho* at the Burgh of *Perth*, the Prior of *Strathbilland* at the Kirk of *Comry*, the Lord of *Inchaffray* at the Burgh of *Perth*, the Prior of *Inchmacbomo* at the Burgh of *Sterling*, the Bailly of the Regality of *Dumfermling* at the Burgh of *Dumfermling*, the Lord of *Balmernoch* at the Burgh of *Cowper* in *Fife*, the Lord *Lyndoris* at the Burgh of *Cowper* in *Fife*, the Masters of *St. Leonards* Colledge in *St. Andrews* for the Priory of *Portmuck* at the Burgh of *Cowper* in *Fife*, the Prior of *Pettenweym* at the Burgh of *Pettenweym*, the Lord of *St. Colmb* at the Burgh of *Inverkeithing*, the Lord of *Culrofs* at the Burgh of *Culrofs*, the Abbot of *Cambuskenneth* at the Burgh of *Stirling*, the Lord *Torphichan* at the Burgh of *Linlithgow*, the Prior of *Marwell* at the Burgh of *Linlithgow*, the Lord *Newbottle* at the City of *Edinburgh*, the Priorefs of *Haddington* at the Burgh of *Haddington*, the Lord of the Temporal Lands of the Priory of *North-berwick* at the Burgh of *North-berwick*, the Patron and Parson of the Kirk of *Kilconchar*, dissolved from the Priory of *North-berwick*, at the Town of *Ely*; the Patron and Parson of the Kirk of *Largo*, dissolved from *North-berwick*, at the Town of *Largo*; the Patron and Parson of the Kirk of *Mayboll*, dissolved from *North-berwick*, at the Town of *Mayboll*; the Patron and Parson of the Kirk of *Logie*, dissolved from *North-berwick*, at the Burgh of *Stirling*; the Lord of *Kelfo* at the Town of *Kelfo*, the Lord of *Coldingham* at the Town of *Eymouth*, the Lord of *Dryburgh* at the Town of *Dryburgh*, the Prior of *Eccles* at the Town of *Dunee*, the Prior of *Coldstream* at the Town of *Dunee*, the Lord of *Jedburgh* at the Burgh of *Jedburgh*, the Lord *Melrose* at the Town of *Melrose*, the Lord of the *Paislay* at the Town of *Paislay*, the Lord *Blantyre* at the City of *Glasgow*, the Lord and Bailly of the

Temporal Land of *Kirkwinning*, dissolved from the Abbacy of *Kirkwinning*, at the Burgh of *Irwing*; the Abbot of *Corfs-Ragwel*, at the Town of *Mayboll*, the Prior of *Whitborn* at the Burgh of *Whitborn*, the Abbot of *Saulfer* at the Burgh of *Whitborn*, the Prior of *St. Mary-Ile* at the Burgh of *Kirkcudburgh*, the Lord of *Dundrennand* at the Burgh of *Kirkcudburgh*, the Lord of *Glenluf* at the Burgh of *Wigtoun*, the Abbot of *Tungland* at the Burgh of *Wigtoun*, the Abbot of *New-abbay* at the City of *Edinburgh*, the Abbot of *Holywood* at the Burgh of *Dumfries*, the Prior of *Canaby* at the Burgh of *Amman*, the Baron and Bailie of the Barrony of *Broughtoun*, dissolved from the Lordship of *Holy-rud-bouse*, at the City of *Edinburgh*; the Heretors of the hundred Pound-land of the Barrony of *Munkland*, dissolved from the Lordship of *Newbole*, at the City of *Glasgow*; the Minister of *Felfoord* at the Burgh of *Air*, the Minister of *Scotlandwell* at the City of *St. Andrews*, the Minister of the Crofs Kirk of *Peebles* at the Burgh of *Peebles*, the Parron and Parlon of the Kirk of *Dundee*, dissolved from the Abbacy of *Lindores*, at the Burgh of *Dundee*; And all other beneficed Persons at the Paroch Kirks of their particular Benefices: and that they conven to the effect above-written, upon the twenty fifth day of *October*, in this present year of God, one thousand, six hundred, sixty five years, which is declared to be the precise day appointed for all their Vassals, Fewers, Tack-men and Pensioners to keep the said Meeting; and that no further citation of summoning shall be requisite, then this Proclamation, and publication of this present Act at the Mercat-crosses of the head Burghs of this Kingdom.

As also it is Declared by His Majesty and His said Estates, That if any Vassals, Sub-Vassals, Fewers, Tack-men of Teinds, Pensioners, or any other Justly bound to make relief to Prelat, Lord of Erection, Parron or other beneficed person, of any part of the said Taxation, shall send any Procurator in his name sufficiently authorized to the said Meeting; the same shall not only excuse the principal Parties absence, but the Procurators shall be admitted in all things, and received to do and perform in the distribution of the said Taxation, what could, or lawfully might, have been done by him who sent him. It is likewise Declared, that the Prelat, Lord of Erection, Patron, or other beneficed Person, impeded by disease, or diverted upon some other necessary occasions, from attending that Meeting, having his absence supplied that day by a sufficient worthy person, whom he shall authorize and appoint to that effect, shall be as lawful as if he were personally present himself; and the party so authorized shall be admitted and received in all things, to do and perform in the distribution of the same Taxation, what could, or lawfully might, have been done by him who sent him.

It is further Statute and Ordained, That at the said day of Meeting, the saids Prelats, Lords of Erection, Parrons and other beneficed Persons, shall by themselves, or by their Procurators lawfully authorized as said is, fence and hold Court, call by name and surname upon every one of their Vassals, Sub-vassals, proper Woodfeters, Fewers, Tack-men of Teinds, Pensioners and others obliged to relieve them of any part of the same Taxation, and lawful time of day being bidden, to shew to their said Vassals, Fewers, Tack-men and Pensioners, or their procurators comparing for them, the quantity of the Taxation imposed upon their Prelacy, erected Lordship or other Benefice, authentickly subscribed by the Clerk of the same Taxation; and they all (at the least so many of them as shall conven for that effect, with consent of the most part) shall distribute the same, to be payed by every man, as well as by the Prelate, Lord of Erection and present possessors of final Benefice, for the free rent that every one of them hath of their Prelacies, erected Lordships and small Benefices, as by the Vassal, Fewer, Tack-man and pensioner, according to the great and small quantity of the free Rent which every one of them hath either of their Lands, Teinds or Pensions: With certification to any of the saids persons, Fewers, Vassals, Tack-men and pensioners, that compare not by themselves or their Procurators, at the day and place above-specified, to the effect foresaid; that such as shall conven with the saids Prelats, Lords of Erection, Patrons or other beneficed Persons, or their Procurators, shall proceed in the equal distribution of the same Taxation, as well amongst them that are absent, as present; and shall make and subscribe an authentick Taxt-roll thereupon; the Teinds valued since the year, one thousand, six hundred, twenty seven years, being limited and estimat without respect to the said Valuations, sicklike, and in the same manner, with the addition of a fourth part, as they were for the Taxation granted in the year, one thousand, six hundred, thirty three years, and to be taxed accordingly. And in case that none of the saids Vassals, Fewers, Tack-men and Pensioners, shall conven at the day and place above-specified, to this effect, by themselves or their Procurators, but shall wilfully absent themselves from the said meeting; it shall be lawful for the saids Prelats, Lords of Erection, Patrons and other beneficed persons, being present by themselves or their Procurators, at the day and place above-specified, to make, set down and subscribe the same Taxt-roll; And in case any of the saids Prelats, Lords of Erection, Patrons or other beneficed persons, shall not conven by themselves or their Procurators at the day and place above-specified, particularly designed to every one of them; it shall be lawful for the saids Vassals, Fewers, Tack-men and Pensioners, at the least so many of them as shall conven by themselves or their Procurators, to make, set down and subscribe the said Taxt-roll; which Taxt-roll shall contain the particular sum that every one shall be found justly to be addebted to pay, the parties name addebted to pay the same, and the cause wherefore the same ought to be payed. And being so set down, either by the Prelat, Lord of Erection, Patron and other beneficed person, or their lawfull Procurators, with so many of their Vassals, Sub-vassals, Fewers, Tack-men of Teinds, Pensioners and others obliged to relieve them of any part of the same Taxation,

tion, as shall convene with them to this effect; and in case that none shall convene with them, the said Roll being then set down by the Prelat, Lord of Erection, Patron or other beneficed Person, or their lawful Procurators, or in case of their absence, being set down, made and subscribed by the most part of the said Vassals, Fewers, Tacksmen and Pensioners, by themselves or their Procurators, as shall convene themselves for this effect; His Majesty and the said Estates Declares to be as lawful in all respects, as if the whole number of persons having interest therein had convened, made, set down and subscribed the same; which Taxt-roll being so set down, made and subscribed in manner above-written (and no otherwayes) and delivered to the Clerk of the Taxanon; His Majesty and the said Estates, Ordains him to give warrant for giving of Letters of relief thereupon; discharging him, in any case, to give warrant for giving of Letters of relief upon any Roll presented to him, not made and authentickly subscribed in form above-written, as he will answer to the contrary upon his perill.

It is likewise Statute and Ordained, That Tacksmen of Teinds shall have their relief of their Sub-tacksmen, *pro tanto*, respect being had to the gressum payed by the said Sub-tacksmen. And in regard that divers Kirks have been of new erected, and several augmentations of Ministers Stipends granted since the year, one thousand, six hundred, twenty seven years, to the diminution of the Spirituality: It is therefore Statute and Ordained, That where Kirks have been of new erected, or any augmentations of Ministers Stipends granted since the time foresaid, out of the Teinds belonging to Archbishops, Bishops, or other beneficed Persons, or to any Nobleman or other, in whose favours the Erection of any Prelacy, or other inferiour Benefice, in whole or in part, has been made and past, the Collector of the Taxation shall allow and deduce to the saids Archbishops, Bishops, or any other beneficed Persons, or Nobleman and other Persons, out of whose Teinds the Stipends of the new erected Kirks, and the foresaid augmentations have been granted, and who have gotten no prorogation in recompence thereof, such a proportion of the said Taxation as shall be esseirand to the proportion of the said Stipend or Augmentation granted out of their Teinds: Which Stipend & Augmentation, what the same amounts to, shall be attested by the Bishop of the Diocess; Providing, that the whole Teinds of the saids Benefices be stinted proportionally, as they were for the Taxation granted in the year, one thousand, six hundred, thirty three years, with a fourth part more.

And for in-bringing of the Barrons and Free-holders part of the same Taxation, and of the Fewers & Rent-tellers of our Sovereign Lords proper Lands, their part thereof; Ordains Letters to be directed as formerly; charging all and sundry Sheriffs, Stewarts, Baillies, their Deputies, Clerks, Fewers, Chamberlains, and Receivers of our Sovereign Lords proper Lands; That they, and every one of them, within the Bounds of their proper Offices, raise and uplift the sum of forty shillings money of this Realm, of every Pound-land of old extent, lying within the bounds of their Jurisdictions, for every one of the saids five terms above-specified, and in-bring and deliver the same to the Collector foresaid, or to his Deputies and Officers in his name, having his power to receive the same, at the particular terms above-specified, under the pain of Rebellion, &c. And if they failzie, at the by-passing of every one of the said terms, to denounce & escheat, &c. And Declares, That no Privilege or Immunity shall be of any force to stop the execution of the Law against them upon the premises; And for their relief, that Letters be directed as said is, charging all and sundry Dukes, Marquesses, Earls, Viscounts, Lords, Barrons, Free-holders, Fewers, and Rent-tellers of our Sovereign Lords proper Lands, personally, or at their dwelling places, and by open Proclamation at the Mercat-crofs of the head Burgh of the Sheriffdom, Stewartrie or Bailliery where their Lands lye, if they be within the Kingdom: And if they be without the Kingdom, by open Proclamation at the Mercat-crofs of *Edinburgh*, *Perth* and *Shore of Leith*, upon threescore dayes warning, to make payment to the said Sheriffs, Stewarts, Baillies, their Deputies and Clerks, Chamberlains and Receivers of our Sovereign Lords proper Lands, every one of them for their own parts *respective*, of the said sum of forty shillings money foresaid, for every Pound-land of old extent pertaining to them, for every one of the said five terms payment, within twenty dayes next after they be charged thereto, under the pain of Rebellion, &c. And if they failzie, &c. to denounce and escheat, &c. And if need be, That the saids Sheriffs, Stewarts, Baillies, their Deputies and Clerks, Chamberlains and Receivers of our Sovereign Lords proper Lands, poynd and distreine the readiest Goods and Gear, being upon the saids Lands, therefore, as they shall think most expedient. And that the saids Noblemen, Barrons and Free-holders, Fewers and Rent-tellers of our Sovereign Lords proper Lands, have Letters for their relief, as said is, to charge their Vassals, Sub-vassals, Ladies of Terce, Conjunct-fiers, Proper-woodfettors and Life-renters, to make payment of their parts of the said Taxation, within twenty dayes next after the charge, under the pain of Rebellion, &c. and if they failzie, &c. to denounce, &c. and escheat, &c. And if need be, that they poynd and distreine therefore: Providing alwayes, that the first terms payment of the said Taxation be ever past before the next term be charged for.

And also Declares, That where any Goods are poynded within any of the Isles of this Kingdom, for payment of any part of this Taxation, the apprising of the saids Goods, at the Paroch Kirk of the Lands where they were poynded, shall be as valid and sufficient, as if they were apprited at the head Burgh of the Shire. And in case any person, lyable in payment of the Taxation, within the Shires of *Inverness*, *Ross*, *Argyll*, *Caitness*, *Sutherland*, *Orkney* and *Zetland*, shall not make payment of the respective sums due by them, within twenty dayes after they are denounced, then to be further lyable in payment of the double of the sums due, and all execution to pass against them therefore: And recommends to the Lords of His Majesties

Privy

† †

Privy Council, to take such further course for in-bringing of the Taxation, payable out of the fore-named Shires, as they shall think fit.

Likeas, His Majesty, taking to His gracious consideration the grievance represented to His Highness, by divers of His Subjects, within the Shires of *Lanerick, Air, Ransfrew, Dumbartoun, Bute, Argyl, Wigtoun, Dumfries* and *Peebles*, anent the high extent of their Retours, Doth, with consent of His said Estates, Declare, That as to the present Taxation, the Pound-lands of the whole Temporal Lands within the saids Shires of *Lanerick, Air, Ransfrew, Dumbartoun, Bute, Argyl, Wigtoun, Dumfries* and *Peebles*, with the Stewarries and Bailleries lying within the same, shall only be taxed and pay as if they were Merk-lands: But that the said Retours shall stand and pay as formerly, to all other intents and purposes.

And for in-bringing of the Burroughs part of the same Taxation, Ordains Letters to be directed, charging the Provost and Baillies of ilk Burgh to make payment of the Tax and Stent thereof to the Collector-general aforesaid, his Deputies and Officers in his name, having his power to receive the same, at the particular terms above-specified, under the pain of Rebellion, &c. And if they failzie, &c. to denounce and escheat, &c. And for their relief, that Letters be directed, charging the Provost, Baillies and Council within each Burgh to convene, and elect certain persons to stint their neighbours: And the said election being made, to charge the persons elected, to accept the charge upon them in setting of the said stint upon the Burgessees and Inhabitants of every Burgh, and to convene and set the same, and make a Stint-roll thereupon as effecters, within twenty four hours next after their charge, under the pain of Rebellion, &c. And if they failzie, &c. to denounce and escheat, &c. And sicklike, the said Stint-roll being made and set down; as said is, to charge the Burgessees, In-dwellers and Inhabitants within ilk Burgh, to make payment of their part of the said Stint to the said Provost and Baillies, conform to the Tax-roll to be given out thereupon, within three dayes next after the charge, under the pain of Rebellion, &c. And if they failzie, &c. to denounce and escheat, &c. And if need be, that the said Provost and Baillies, poynd and distreinzie therefore, as they shall think most expedient. It is alwayes provided, that no person whatsoever be stinted or taxed within Burgh, except according to the avail and quantity of his Rent; Living, Goods and Gear which he hath within Burgh; no wayes respecting his Lands nor Possessions which he hath to Land-ward, for the which he will be obliged to pay Taxation to other Officers: Providing alwayes, that the first terms payment of the said Taxation be ever past before the next term be charged for.

Attour, His Majesty and the saids Estates, Decerns and Declares, That the charges to be given for payment of the said Taxation, shall be executed before the terms of payment above-specified, for every terms payment particularly by itself; and that the denunciation of the Horning, following thereupon, shall not be executed untill the term of payment be bypast, and twenty dayes thereafter; Which denunciation so following, upon the charges given before the saids terms of payment, His Majesty, with consent foresaid, Decerns and Declares to be valid and sufficient.

And His Majesty, with consent of the said Estates, Ordains the Lords of Session to be only Judges to all Suspensions to be craved and suited by any of our Sovereign Lords Lieges touching the said Taxations: Which Suspensions, the saids Estates find may be granted, upon lawfull and equitable reasons to be considered by them; and discharges all other Judges within this Kingdom of granting of any Suspensions thereanent. With power to the saids Lords to delect five at the least of their ordinary number, as they shall think expedient, to sit, cognosce and decide the said Suspensions in time of vacancy, if need be.

And lastly, The Kings Majesty, Declares, in favours of all His Subjects, lyable in payment of this Taxation, that they shall not be holden to produce their discharges or Receipts of the said Taxation, from, and after, the term of Whitsonday, one thousand; six hundred, seventy three years; unless where diligence hath been used by denunciations against them; before the elapsing of the said term of Whitsonday, one thousand, six hundred, seventy three years: And Ordains all Commissions granted to Sub-collectors, for up-lifting and in-bringing of the said Taxation, to be insert and registrar in the Books of Council and Session; And these presents to be printed and published at the Mercat-cross of *Edinburgh* and other places needfull, where-through none pretend ignorance of the same.



A C T O f t h e C O N V E N T I O N o f E S T A T E S

O f t h e K i n g d o m o f S C O T L A N D,

By a noble Lord, John Earl of Rothes, Lord Lesly and Bambreith, &c.
His MAJESTIES Commissioner:

For a new and voluntar offer to His MAJESTY, of seventy two thousand pounds
Monethly, for the space of twelve Moneths.

At Edinburgh, the 23. day of January, 1667.



THE Estates of the Kingdom of *Scotland*, being by His Majesties Authority met together at this time, and taking to their consideration the great happiness this Kingdom doth enjoy under His Majesties Royal and Wise Government; with His Majesties Fatherly care and tenderness for all the Concerns thereof, express in every instance wherein His Majesty could have the least opportunity to manifest the same: And especially, in so seasonably providing for their security, by the Forces raised this last Summer by His Royal Command, and maintained hitherto at His own Charge; of whose courage, fidelity and usefulness this Kingdom hath had a recent and clear demonstration. And withall, understanding that His Majesty is still engaged in a just and necessary War; against so many powerful Enemies, who will probably endeavour the invading of His Majesties Dominions: Do conceive themselves obliged in Conscience, Honour and Duty to provide all suitable remedies for defence of the Kingdom against all Forraign Invasion, and other Enemies whatsoever: And therefore the Convention of Estates for themselves, and as the Representatives of the Kingdom, do revive and renew all the former engagements of the late Parliament, and meeting of the Estates, for the tender of their lives and fortunes, for the maintenance of His Majesties Royal Greatness, Authority and Government in Church and State, as it is now asserted and established by the Laws of the Kingdom. And in order to the entertainment of these Forces, which have been by His Majesties care so seasonably raised for defence of the Kingdom, or shall hereafter be raised by His Majesties warrant: They do humbly beseech His Majesty may be graciously pleased to accept their unanimous, willing and chearful offer of a new supply of threescore and twelve thousand pounds Monethly, for the space of twelve Moneths, to commence from the first day of this current Moneth of January. And the Estates do declare, that this supply is over and above the former supplies of four hundred, and fourscore thousand pounds, granted by the late Parliament to His Majesty yearly, during His Lifetime: And the other supply of one hundred, and thirty three thousand pounds, granted by the late Convention yearly, for the space of five years: And which new supply of threescore twelve thousand pounds Monethly, is ordered to be raised and payed by the several Shires and Burghs of this Kingdom, according to the Valuations in the year of God, one thousand, six hundred, and sixty, and at the proportions underwritten, *respective*: That is to say;

- The Sheriffdom of *Edinburgh*, the sum of three thousand, one hundred, eighty three pounds, and eight shillings.
- The Sheriffdom of *Haddington*, the sum of two thousand, seven hundred, eighty two pounds, and six shillings.
- The Sheriffdom of *Berwick*, the sum of two thousand, eight hundred, thirteen pounds, and one shilling.
- The Sheriffdom of *Roxburgh*, the sum of three thousand, six hundred, eighty six pounds, seventeen shillings, and six pennies.
- The Sheriffdom of *Selkirk*, the sum of nine hundred, four pounds, and nine shillings.
- The Sheriffdom of *Peebles*, the sum of one thousand, fourty two pounds, and eight shillings.
- The Sheriffdom of *Lanerk*, the sum of three thousand, ninety one pounds, and twelve shillings.
- The Sheriffdom of *Dumfries*, the sum of two thousand, seven hundred, twelve pounds, and seventeen shillings.
- The Sheriffdom of *Wigton*, and *Stew of Kirk*, two thousand, six hundred, seventy nine pounds, and six shillings.
- The Sheriffdom of *Air*, the sum of three thousand, eight hundred, seventy pounds, and five shillings.
- The Sheriffdom of *Dumbarton*, the sum of seven hundred, sixty four pounds, and ten shillings.
- The Sheriffdom of *Bute*, the sum of three hundred, eight pounds, eight shillings, and three pennies.
- The Sheriffdom of *Renfrew*, the sum of one thousand, three hundred, fifty three pounds, and seven shillings.
- The Sheriffdom of *Strivling*, the sum of one thousand, seven hundred, fifty four pounds, four shillings and six pennies.
- The Sheriffdom of *Linlithgow*, the sum of one thousand, one hundred, sixty nine pounds, and eighteen shillings.
- The Sheriffdom of *Perth*, the sum of five thousand, thirty eight pounds, and fourteen shillings.
- The Sheriffdom of *Kincardine*, the sum of nine hundred, eighty four pounds, and one shilling.
- The Sheriffdom of *Aberdeen*, the sum of four thousand, seventy seven pounds, and nineteen shillings.
- The Sheriffdom of *Inverness* and *Ross*, the sum of two thousand, five hundred, ninety pounds, and nineteen shillings, to be proportioned and divided betwixt them, according to the division, in the year, one thousand, six hundred, and sixty.
- The Sheriffdom of *Nairn*, the sum of two hundred, seventy seven pounds, and sixteen shillings.
- The Sheriffdom of *Cromarty*, the sum of sixty eight pounds, and five shillings.
- The Sheriffdom of *Argyle*, the sum of one thousand, nine hundred, fourty seven pounds, ten shillings, and nine pennies.
- The Sheriffdom of *Fife* and *Kinross*, the sum of five thousand, one hundred, seventy two pounds.
- The Sheriffdom of *Forfar*, the sum of three thousand, two hundred, seventy three pounds, and fifteen shillings.
- The Sheriffdom of *Bamff*, the sum of one thousand, one hundred, fifty pounds, and four shillings.
- The Sheriffdom of *Sutherland*, the sum of three hundred, thirty six pounds.
- The Sheriffdom of *Caithefess*, the sum of five hundred, ninety nine pounds, and five shillings.
- The Sheriffdom of *Elgme*, the sum of one thousand, fifty nine pounds, and five shillings.
- The Sheriffdom of *Orkney* and *Zetland*, the sum of one thousand, eighty eight pounds, and ten shillings.
- The Sheriffdom of *Clackmannan*, the sum of three hundred, fifty two pounds, seven shillings, and three pennies.

B U R G H S.

- The City of *Edinburgh*, the sum of four thousand, three hundred, and twenty pounds.
- The Burgh of *Perth*, the sum of four hundred, and eighty pounds.
- The Burgh of *Dundee*, the sum of eight hundred, and forty pounds.
- The Burgh of *Aberdeen*, the sum of eight hundred pounds.
- The Burgh of *Strivling*, the sum of one hundred, thirty two pounds.
- The Burgh of *Linlithgow*, the sum of two hundred, and sixteen pounds.
- The City of *S. Andrews*, the sum of three hundred & twenty six pounds.
- The City of *Glasgow*, the sum of seven hundred and eighty pounds.
- The Burgh of *Air*, the sum of one hundred, sixty eight pounds.
- The Burgh of *Haddington*, the sum of two hundred, & sixteen pounds.
- The Burgh of *Dysert*, the sum of one hundred, sixty eight pounds.
- The Burgh of *Kirkaldy*, the sum of two hundred, eighty eight pounds.
- The Burgh of *Monrofs*, the sum of two hundred, and forty pounds.
- The Burgh of *Cowper*, the sum of one hundred, thirty two pounds.
- The Burgh of *Anstruther Easter*, the sum of ninety six pounds.
- The Burgh of *Dumfries*, the sum of two hundred pounds.

The Burgh of *Inverness*, the sum of two hundred, sixty four pounds.
 The Burgh of *Burnt-Island*, the sum of one hundred, thirty two pounds.
 The Burgh of *Inverkeitben*, the sum of sixty pounds.
 The Burgh of *Kingbourn*, the sum of fifty four pounds.
 The Burgh of *Brechen*, the sum of seventy two pounds.
 The Burgh of *Irwin*, the sum of one hundred, and twenty pounds.
 The Burgh of *Iedburgh*, the sum of one hundred, and eight pounds.
 The Burgh of *Kirkcudbright*, the sum of ninety six pounds.
 The Burgh of *Wigton*, the sum of eighty four pounds.
 The Burgh of *Peitenweem*, the sum of eighty pounds.
 The Burgh of *Dumfermling*, the sum of one hundred, and two pounds.
 The Burgh of *Anstruther Wester*, the sum of thirty six pounds.
 The Burgh of *Selkirk*, the sum of fourscore pounds.
 The Burgh of *Dumbarton*, the sum of seventy two pounds.
 The Burgh of *Renfrew*, the sum of forty eight pounds.
 The Burgh of *Dunbar*, the sum of one hundred, thirty two pounds.
 The Burgh of *Lanerk*, the sum of seventy two pounds.
 The Burgh of *Arbroth*, the sum of fifty four pounds.
 The Burgh of *Elgin*, the sum of eighty pounds.
 The Burgh of *Peebles*, the sum of sixty pounds.
 The Burgh of *Creel*, the sum of one hundred, thirty two pounds.
 The Burgh of *Tayne*, the sum of sixty pounds.
 The Burgh of *Cutrofs*, the sum of fifty four pounds.
 The Burgh of *Barnff*, the sum of forty pounds.
 The Burgh of *Whitborn*, the sum of twenty four pounds.
 The Burgh of *Forfar*, the sum of twenty four pounds.
 The Burgh of *Rotbesay*, the sum of thirty six pounds.
 The Burgh of *Nairne*, the sum of twenty four pounds.
 The Burgh of *Forras*, the sum of thirty six pounds.
 The Burgh of *Rutberglen*, the sum of twenty four pounds.
 The Burgh of *North-berwick*, the sum of twenty four pounds.
 The Burgh of *Cullen*, the sum of eighteen pounds.
 The Burgh of *Lawder*, the sum of forty two pounds.
 The Burgh of *Kintore*, the sum of twelve pounds.
 The Burgh of *Kilreny*, the sum of eighteen pounds.
 The Burgh of *Annan*, the sum of twelve pounds.
 The Burgh of *Lockmaben*, the sum of twelve pounds.
 The Burgh of *Sanguibar*, the sum of twelve pounds.
 The Burgh of *Galloway*, the sum of six pounds.
 The Burgh of *Dingwall*, the sum of twelve pounds.
 The Burgh of *Dornoch*, the sum of eighteen pounds.
 The Burgh of *Queens-Ferry*, the sum of fifty four pounds.
 The Burgh of *Porterose*, the sum of thirty pounds.
 The Burgh of *Cromartie*, the sum of thirty pounds.
 The Burgh of *Inverurie*, the sum of eighteen pounds.
 The Burgh of *Weik*, the sum of twenty pounds.

AND that they pay in the same to such as His Majesty shall appoint, at the terms following; To wit, betwixt and the first day of May, for the Moneths of January, February and March; Betwixt and the first day of August, for the Moneths of April, May and June; Betwixt and the first day of November, for the Moneths of July, August and September; And betwixt and the first day of February, one thousand, six hundred sixty eight years, for the Moneths of October, November and December. And it is hereby Declared, That all persons having real Estates of Lands, Teinds, Annualrents due by Infeftments, Fewdaries, Tack-duties, and others of that nature, are, and shall be lyable to the foresaid supply, unless the granters of the saids Rights be obliged to relieve the receivers thereof of publick Burdens, and all other Impositions of this nature. Excepting alwayes such real Rights and Infeftments of Annualrents as are secured to the Creditors by their Debtors, for which they have only their ordinary Annualrent free, which are hereby declared not to be lyable to any part of this supply: Excepting also all Rents belonging to Colledges and Hospitals, providing this exemption of Colledges and Hospitals shall not burden the Shires for any Rent mortified to them since the year, one thousand, six hundred, fifty six. And to the effect this supply so cheerfully offered to His Majesty by His good Subjects, may be equally and justly laid on, proportioned and raised upon all persons lyable, and who have any real Rent in Lands, Teinds, or otherways within the said Shires

Shires and Burghs belonging to them ; And that no person may have just reason to complain that they pay more then their just proportion , The Kings Majesty, with advice of His Estates, doth hereby nominat and appoint the Lords of His Majesties Privy Council, and the Senators of the Colledge of Justice within the several respective Shires where any part of their Lands and Estates doth ly ; And also the persons underwritten within the several Shires, to be Commissioners to the effect after specified, *viz.*

For the Sheriffdom of Edinburgh.

Lord Ramfay, Walter Lord Torphichan, James Lord Forrester, Sir John Nicolson of Lef-waid, Sir Alexander Dalmahoy of that Ilk, Sir John Foules of Ravillstoun, Sir John Cowper of Gogar, Sir William Purves of Woodhouslie, Patrick Hamiltoun of Preston, Mr. John Young of Lany, Mr. Alexander Gibbon of Adiftoun, Mr. Robert Smith of Southfield, Patrick Scot of Langthaw.

For the Sheriffdom of Haddingtoun.

George Earl of Winton, Alexander Viscount of Kingstoun, Robert Hamilton of Presmennan, Sir James Hay of Linphim, Patrick Brown of Colfien, George Hoom of Foord, Mr. John Hay of Aberlady, Mr. Cornelius Inglish of East-barnes, Francis Kinloch of Gilmertoun, Mr. John Dowgall of Nunland, John Jossie of West-pans, Mr. Cornelius Ainslie, John Hay of Baro.

For the Sheriffdom of Berwick.

Alexander Earl of Hoom, William Lord Mordingtoun, Sir Archibald Cockburn of Langtoun, George Hoom of Wedderburn, Alexander Hoom of Ayton, Sir Patrick Hoom of Polwart, Alexander Don of Newton, Alexander Hoom of Linthill, Mr. Hary Hoom Commissar of Lawder, James Cockburn of that Ilk, George Hoom of Kaimbs, Sir Robert Sinclair of Longfarmacus, Sir Hary Hoom of Hardrig.

For the Sheriffdom of Roxburgh.

Lord Newbottle, Charles Ker of Abbotroule, Robert Ker of Crailinghall, Sir Andro Ker of Greenhead, Wauchop of Niddrie younger, Sir Francis Scot of Thirlestane, Pringle of Stichell, Mr. John Scot of Langthaw, Alexander Don of Newtoun, Robert Pringle of Clifton, Francis Scot of Mangerton, Hary Ker of Linton, Maine Bailly to the Earl of Haddington.

For the Sheriffdom of Linlithgow.

George Earl of Winton, Walter Lord Torphichan, Walter Dundas of that Ilk, Sir Walter Seaton, James Cornwa of Benhard, Thomas Drummond of Richartoun, William Sharp of Houstoun, Robert Hamilton of Dechmond, James Dundas of Mortoun, John Hamilton of Bengoni, Thomas Hamilton of Parklie, Alexander Livingstoun of Craingingat, Mr. George Norvel.

For the Sheriffdom of Perth.

Patrick Earl of Kinghorn, David Earl of Ethie, David Viscount of Stormouth, David Lord Cardrofs, Campbel of Glenurquhie, of Gorthie, Sir James Drummond of Mackany, Murray of Lachlan, Patrick Murray of Killor, Mr. Collin Campbel of Aberuchall, Sir John Drummond, Sir Thomas Stewart of Garintullie, Sir Gilbert Stewart.

For the Sheriffdom of Kincardin.

Viscount of Arbutneth, Master of Hackertoun, Sir Alexander Carnagie of Pittarow, Sir David Carnagie Fiar of Pittarie, David Ramsey Younger of Balmane, Mr. David Falconer of Glenferquhar, Andro Arbutneth of Feddis, Sir John Allardis of that Ilk, John Graham of Creigh, Sir George Ogilbie of Barras, Alexander Bennerman of Alsick, Captain William Keith Sheriff-Deput of Kincardin.

For the Sheriffdom of Aberdeen.

Charles Earl of Aboyne, Lord Fyvie, Sir John Keith, Sir John Gordon of Haddo, Frazer of Philorth Elder, Sir Alexander Urquhart of Cromertie, Sir James Baird of Auchmedden, John Gordon of, Sir William Gordon of Lefmore, Forbes of Watertoun, Adam Urquhart of Meldrum, Frazer of Philorth Younger, Elphingtoun of Ilack.

For

For the Sheriffdom of Inverness.

Earl of Murray, Lord Macdonald, of Maccloud, of Moydort
Younger, Alexander Fraser Tutor of Lovit, Donald Macdonald of Castleroun, Alexander Gordon of Arra-
douel, John Forbes of Coloden, William Mackintosh of, *Hugh Fraser of Foyer, Hugh Fraser of*
Belladrum, Alexander Mackintosh of *William Mackintosh of Borlonie.*

For the Sheriffdom of Ross.

Kenneth Earl of Seaforth, Sir George Mackenzie of Tarbert, David Ross of Balnagoun, John Monro
Younger of Foulis, Sir George Mackenzie Advocate, Collin Mackenzie of Riddacastie, Malcolm Ross of
Kindieffe, Collin Mackenzie of Kilroy, Roderick Mackenzie of Ferburn, Alexander Bayne of Knockbayne,
Hugh Monro of Tenith, Robert Leslie of Findraffe, Kenneth Mackenzie of Coul.

For the Sheriffdom of Nairn.

Sir Hugh Campbell of Calder, Hugh Ross of Kilravock, John Hay of Park, Thomas Dumbard of Grange,
Hugh Ross of Clava, Alexander Brodie of Lethin, Alexander Dumbard of Boath, William Sutherland of
Kingsterie, Alexander Urquhart of Kinnewdie, Simon Fraser of Innerrathallachie, John Ross of Broadlie, James
Grant of Moynes, John Ross of Blackhill.

For the Sheriffdom of Cromartie.

Sir John Urquhart of Cromartie, John Urquhart of Kinbachie, Hugh Dollas of Fermintoun, Mr. Hugh
Anderson of Udoll, William Grant of Aidoch, John Grant of Rifolis, George Dollas of St. Martins,
James Dollas of Balblair.

For the Sheriffdom of Argyll.

Sir Allan Macklane of Dowart, John Campbell of Glenurquhy Younger, Collin Campbell of Lochnanel,
Donald Campbell of Barbreck, John Campbell Captain of Dunstaffnage, George Campbell of Aird, Donald
Campbell Captain of Craigneish, Ronald Mac-Alaster, Captain of Tarbert, John Campbell Captain of Car-
rick, Angus Mac-Donald of Largie, Hector Macklaine of Turleyst, Duncan Campbell Baillie of Jura, the
Baillie of Kintyre for the time being.

For the Sheriffdom of Fife.

David Lord Carnagy, Sir James Halker, Sir Henry Wardlaw, Sir John Weymes, Sir Philip Anstru-
ther, Sir John Leslie, Sir Alexander Martine, Gibson of Dury, John Malcolm of Balbedy,
Sir Thomas Gourlay, Lundsey of Wolmiston, of Farthar, Andrew
Bruce of Earleshal.

For the Sheriffdom of Forfar.

Patrick Earl of Kinghorn, James Earl of Airlie, George Earl of Panmure, David Earl of Ethie, Sir
John Carnegie of Bayfick, Sir David Ogilvie of Innerquhartie, John Ogilvie of Pormoueis,
Lindsey of Edyell, Lyon of Brigton, Sir John Wood of Bonnyton, David Fodthringham of
Pourie, James Mauld of Melgum, John Garden of Latoun.

For the Sheriffdom of Bamff.

Earl of Finlater, Lord Bamff, Sir Alexander Urquhart of Cromartie, Sir Patrick O-
gilvie of Boynd, Sir James Baird of Achmedden, Sir Alexander Abercumbie of Birkinboge, James Gordon
of Rothemay, John Ogilvie of Kempcaime, Mr. John Abercumbie of Glafhaugh, Mr. Walter Innis of
Auchluncard, John Gordon of Thornibank, William Robertson of Newstead, Thomas Ogilvie Chamber-
lain to the Earl of Airlie.

For the Sheriffdom of Selkirk.

John Murray of Phillip-hauch, Thomas Scot of Whitfairs, Sir Thomas Ker of Fairnillie, John Riddel
of Hayning, James Pringle of Yair, Patrick Murray of Deuchar, Sir Francis Scot of Thirdestane, William
Scot of Hartwood-myres, Thomas Scot of Todrig, Patrick Murray Baillie to the Dutches of Buccleugh,
William Scot of Tushielaw, Andro Scot of Bowhill.

For the Sheriffdom of Peebles.

Lord Rutherford, *Sir William Murray of Stainhope*, *Archibald Murray of Blackbarony Younger*, *John Vetch of Dawick Younger*, *James Nesmith of Posso Younger*, *Mr. John Hay of Haytoun*, *William Horsburgh of Horsburgh*, *William Broun of Scinstoun*, *Adam Murray of Cardoun*, *Mr. John Dickson of Whitelaid*, *the Laird of Kirkurd Younger*, *Charles Balfoure of Kailzie*, *George Broun of Scotslun*.

For the Sheriffdom of Lanerik.

Earl of Wigton, *Gawin Earl of Carnwath*, *Sir Robert Hamilton of Silvertounhill*, *Gawen Hamiltoun of Raploch*, *Sir John Whitefoord of Miltoun*, *John Bannatyne of Corhoufe*, *Mr. John Harper of Cambusnethen*, *James Hamilton of Woodhall*, *John Moorheid of Braidilholme*, *James Cleland of that Ilk*, *William Ingles of Eastheils*, *William Baillie of Littlegill*, *William Anderson Provost of Glasgow*.

For the Sheriffdom of Nithisdale.

Robert Earl of Nithisdale, *Gawin Earl of Carnwath*, *Sir Robert Dalryel of Glennae*, *Sir James Johnston of Westerhal*, *Robert Fergusson of Craigdarroch*, *William Dowglas of Mortoun*, *Robert Lawrie of Maxwelltoun*, *John Johnston of Ellic-Sheils*, *John Greer of Capenoch*, *James Johnston of Corhead*, *Francis Scot of Mangerton*, *Hugh Sinclair of Inglestoun*, *John Alison of Glencorfe*.

For the Sheriffdom of Wigton.

James Earl of Galloway, *Alexander Lord Gairlies*, *Sir Andro Augnew of Lochnaw*, *Sir David Dumbard of Baldone*, *Macculloch of Myretoun*, *Thomas Dumbard of Mochrun*, *Patrick Macdoul of Logan*, *Uchtred Mackdoul of Freuche*, *William Maxwell of Munreith*, *Andro Houston of Gartland*, *George Stewart of Tonderglie*, *William Stewart of Eggrines*, *William Lin of Large*.

For the Stewartry of Galloway.

Robert Earl of Nithisdale, *Alexander Viscount of Kenmure*, *John Lord Harris*, *Robert Master of Harris*, *John Harris of Mabie*, *Sir David Dumbard of Baldone*, *Alexander Mihi of Bahuglie*, *Roger Gordon of Trochane*, *Edward Maxwell of Woodhead*, *John Dumbard of Macheimoir*, *William Grierson of Bargatten*, *Robert Maxwell of Heffilwood*, *George Maxwell of Munches*.

For the Sheriffdom of Ayr.

James Earl of Lowdown, *William Earl of Kilmarnock*, *Alexander Lord Montgomery*, *John Lord Bargany*, *William Lord Cochrane*, *William Master of Cochrane*, *Colonel James Montgomery of Colfield*, *Sir John Cochrane of Ochiltrie*, *Sir Thomas Wallace of Craigie-Wallace*, *Mr. John Cunningham of Lambrughton Advocat*, *David Boyl of Kelburn*, *John Mure of Auchindreine*, *Alexander Ferguson of Kilkerrane Elder*.

For the Sheriffdom of Dumbarton.

Earl of Wigton, *Sir John Colquhoun of Lufs*, *John Naper of Kilmaheew*, *William Semple of Fulwood*, *Aulla McCalla of Ardincaple*, *William Bountine of Ardoch*, *Captain of Carrick*, *John Campbell of Ardintoun*, *George Noble of Kipperminchoch*, *Mr. James Fleming*, *James Fleming of Grange*, *Robert Boyd of Dounie*.

For the Sheriffdom of Bute.

Sir Dougal Stewart Sheriff of Bute, *Sir Robert Montgomery of Skelmerlie*, *Ninian Bannatyne of Kams*, *David Boyl of Kelburn*, *Mr. John Stewart of Afnoek*, *John Hamilton Baillie of Arran*, *William Hamilton of Coats*, *William Campbell of Solunt*, *James Stewart of Ambermore*, *David Ramsey Commissar of the Isles*, *Robert Hamilton of Drumlabura*, *John Stewart of Galachan*, *James Stewart of Kilumluck*.

For the Sheriffdom of Renfrew.

Alexander Earl of Glencairn, *Alexander Lord Montgomery*, *Lord Ross*, *William Lord Cochrane*, *William Master of Cochrane*, *Patrick Houston of Houston*, *Archibald Stewart of Blackhal*, *John Shaws of Greinoch Elder and younger*, *Cornelius Crawford of Jordan-hil Elder*, *Scot of Scotfoun Elder*, *Pollock of Over-Pollock*, *Mr. Hugh Montgomery of Silverwood Sheriff-Depute*.

For the Sheriffdom of Striviling.

Alexander Lord Almond, David Lord Cardrose, Lord Elphinstoun, James Lord Forrester, John Buchanan of that Ilk, Murray of Polmais, Sir Alexander Hope, Alexander Monro of Bearcraigs, Charles Ereskine of Alva, Seaton of Touch, Sir Robert Elphinstoun of Quarrel, Mr. Andro Oswald of Degers, Sir Mungo Stirling of Glorat.

For the Sheriffdom of Sutherland.

Lord Strannaver, Lord Reay, Lord Duffus, Sir Robert Gordon of Eymbo, Angus Macky of Banskay, Robert Gordon of Rogart, Robert Gray of Skibo, Robert Gordon of Carrel, Patrick Dumbbar of Sadderoy, John Gordon of Midgarthie, Gilbert Gray of Over-Skibo, James Sutherland of Shiberskaige, John Gordon in Innernaver.

For the Sheriffdom of Caithness.

Sir William Sinclair of Mey, William Sinclair of Rarter, William Sinclair of Dumbearth, John Sinclair of Prims, Murray of Penitland, David Murray of Clairden, Robert Monro of Porlonie, Alexander Sinclair of Telstaine, David Sinclair of Dune, Mr. James Innes of Sandsfald, James Sinclair of Asiert, Francis Sinclair of Stic-Caika, Walter Innes of Ortown.

For the Sheriffdom of Elgin.

Sir Robert Innes of that Ilk, Robert Cumming of Altyr, James Brodie of that Ilk, Sir Ludovick Gordon of Gordonstoun, or his Brother Mr. Charles, Sir Robert Dumbbar of Grangehil, Sir Robert Innes of Mortoun, Thomak McKeinzie of Pluscarden, Patrick Dumbbar of Bennafterrie, Sir Alexander Innes of Copstoun, Alexander Dowglas of Spynie, Walter Kincairn of Coubine, Lieutenant Colonel Patrick Grant, Tutor of Grant, Andro Leslie of Boigs.

For the Sheriffdom of Orkney and Zetland.

For Orkney, Andro Bishop of Orkney, Patrick Blair of Little-Blair, Archibald Stewart of Burray, Mr. Patrick Graham of Rothelholm, William Dowglas of Egilshaw, James Baiky of Tankernes, Arthur Buchanan of Sound, Commissar, John Buchanan of Sandset, William Young of Cattleyards, John Elphinstoun of Lopnes, George Balkous of Pharay, David Craigie of Overlanday.

For Zetland, Colonel William Sinclair, John Sinclair of Quandail, James Sinclair of Scallaway, Andro Bruce of Munes, Captain Middelstoun, William Bruce of Soundburgh, Magnus Moat of Oldberie.

For the Sheriffdom of Clackmannan.

John Earl of Mar, Sir Henry Bruce of Clackmannan, Charles Erskine of Alva, David Bruce of Kennet, Mr. William Sharp of Tillibodie, John Keirie of Sherdils, Mr. Thomas Naper Bailie of Alloway, Patrick Burn of Sheridel, Mr. Francis Masterton of Parkmilne.

AND for the Burghs, the Magistrats of the same for the time being, with power to them to choose Stent-Masters within their respective bounds. Which Commissioners are hereby ordained to accept and discharge their trust, as they will be answerable. And are at their acceptation thereof to take the Oaths of Allegiance, and for doing their duty faithfully in the matter of this Administration, and to sign the Declaration appointed by Act of Parliament to be signed by all persons in Publick Trust: And which Commissioners are hereby impowered to call for, and consider the Valuations of all Lands, Teinds, and other real Estate within their respective Shires and Burghs; And such as they shall find just and equal, that they approve thereof, and appoint the same to be the rule for levying and raising this present supply. And where Lands, or Teinds, or other real Estate, did the time of former Valuations pertain to, and were in the hands of one person, and are since dismembered and disposed to several persons in parcels, so that the value of each parcel by it self cannot be known by the former Valuations, the Commissioners are hereby impowered in this and all other cases of that nature, or where they shall find any just cause by inequality to value of new again. As also, to value the Rents of all Archbishopricks, Bishopricks, and other Benefices, in so far as they exceed the ordinary value of modified Stipends: Provided alwayes that notwithstanding of the Valuation thereof within the Shire where there is any such Lands, Teinds, or other real Rent, the total and proportions above-specified of the said Shires continue without any alteration; And that after the Valuation of the said Benefices, a proportional abatement and ease effeirand to the proportion payable out of the said Benefices be granted to the Heretors and others within the said Shires, lyable in payment of the said supply; and that

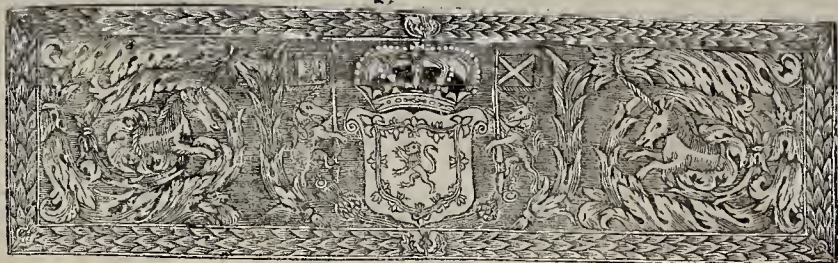
from the first day of January instant. And where any Complaint or Representation shall be made of the Valuations by any persons concerned, that the Valuations are unequal, and that the Lands and other real Estate and Rents within the Shires or Burghs, are either over, or undervalued; The Commissioners are hereby empowered to hear and determine upon the saids Complaints, and upon trial, to rectifie all such Valuations as they shall find unequal. And they are to take course that all persons within the Shires and Burghs be equally and proportionally burdened: And in order hereunto, all persons who conceive themselves grieved by former Valuations, are hereby appointed and warranted to make application to the Commissioners of the respective Shires and Burghs where their Estates ly, betwixt and the tenth day of April next: And the saids Commissioners, or *Quorum* thereof (which is hereby declared to be the Major part) are ordained to proceed and determine thereupon, and to perfect and close their Valuations betwixt and the first day of June next. And their first meeting to be the second Wednesday of March, at the head Burgh of the Shire, and thereafter to adjourn their meeting to such diets and places as they shall think fit. It is alwayes provided, that this supply for the first three Moneths, to be levied and paid according to the Valuations already made: But after that any of the saids Valuations shall be rectified, the supply is then to be payed according to the said rectification. And those persons whose Valuations shall be rectified, are in the first end of the next payment to have retention of what they shall have payed more then their just proportion in the former Moneths: And these persons who shall be found to have been undervalued, shall after the rectifying of the Valuations pay their proportions accordingly; and what they shall have payed less then their just proportions for the former Moneths, they shall also pay the same to the Collector, for relief of those that payed more then their proportions. It is alwayes understood, that the total proportion upon the whole Shire shall remain intire, without any alteration or diminution. And further, the saids Commissioners are hereby empowered to call before them all persons concerned, and to direct Precepts, if need beis, against Parties and Witnesses; and to take Oaths, and use all other means of tryal, and to call for their assistance, information and advice, all such persons within the Shire or Burgh as they shall think fit, and if any shall refuse, the Commissioners are to represent the same to the Lords of His Majesties Privy Council, that they may be censured for their contempt. And the saids Commissioners are also hereby empowered to prescribe and set down such Rules and Orders within the respective Shires and Burghs, as may be most effectual for the speedy and easie raising, leaving, and bringing in of the said supply, and ordering and doing every thing that may concern the same: And particularly, with power to them to choose their own Collectors for in-gathering of the said supply, for whom they are to be answerable, and to allow them and their Clerks such Fees, to be payed by the Shires and Burghs, as they shall think fit. And which Collectors and Clerks are to take the Oaths, and sign the Declaration foresaid. And the Kings Majesty doth with advice and consent of His Estates, ordain all execution real and personal to pass at the instance of the Collector General, and the Collectors of the respective Shires and Burghs, against all persons deficient in payment of their proportions, as formerly: And also, impowers the Commissioners by their Officers, to Arrest, Poynd and Distrenzie the Goods, and Imprison the Persons of the Deficients, ay and while they make payment of their just proportions and necessary expenses. And for the more ready and effectual payment, doth also impower the Commissioners and Collector General to Quarter upon Deficients, with this expresse *provisô*, that every Horse-man that shall be upon the place, shall have only free single Quarter allotted to them upon the persons Deficient, or be Quartered in Burghs or Villages, as the Commissioners shall appoint; and in that case to have fifteen shillings Scots a-day, from the time of presenting the Order to the Collector, and their stay upon the place, or eight shillings for their own Diet, and the Commissioners to cause provide every Horse with twenty pound weight of sufficient Straw, and three fourth parts of Oats in the twenty four hours, if the Horse-men cannot conveniently provide themselves in the places where they ly: And each Foot-man to have four shillings Scots, or their Diet, as the Commissioners shall order; and the Commander of the Party, Horse or Foot, to have only double Quarter, or pay of an Horse-man or Foot-man as he serves. And declares, that in order to the Quarters, and matters relating to the in-bringing of this supply, any three of the Commissioners shall be a *Quorum*, and who are impowered to proportion upon, and raise from the Deficients the expence and charge of their deficiency. And the Kings Majesty considering, That the Land and real Rent of the Kingdom, is lyable to His Majesty for this supplie, and that the said Land-rent is under many other great burdens, and His Majesty being desirous to ease the same so far as is possible: Doth therefore, and for relief thereof, with advice of His Estates, Statute and Ordain, that all persons, Inhabitants within the severall Shires, past sixteen years of Age (excepting Archbishops, Bishops, Noblemen, Barons, Heretors, Liferenters, and Beneficed Persons, bearing burden for their real Estates, and all Beneficed Persons, whose Benefices exceed not the ordinary Value of Modified Stipends; all Stipendary Ministers, School-Masters, Readers, Precentors and their Wives and Children: And also excepting the Colledge of Justice, and Members thereof; Officers of the Mint, and their Wives, Children and Servants) be Taxed, and pay in to the Heretors and others lyable for real Rent, under whom they live, and for their relief, the sums of Money after-mentioned, for this year, one thousand. six hundred, sixty seven; *viz.* Each Gentleman above the quality of a Tennant, the sum to be appointed by the Heretor, not exceeding six pounds Scots for himself, his Wife and Children; And each Tennant and other Inhabitant, above the quality of a Tradfman, Cotter, or Servant, for themselves and their Wives, any sum not exceeding four pounds Scots; And each Tradfman, Cotter, or Servant,

Servant, any sum not exceeding the sum of twenty shillings Scots : And the Burghs Royal are for their relief hereby impowered to Taxt all their Burgesſes, conſtant Inhabitants, Tractſmen and Servants, conform to the above-mentioned Rules, excepting, as is before excepted, in relation to the Shires. And it is Ordained that the Heretors ſhall have the ſame Execution for raiſing of the ſaid ſums, as for their Mails and Duties ; And the Burghs, as for other Publick Dues payable to the ſaid Burghs. And further, The King's Maſteſty being willing to give all poſſible eaſe and encouragement to the Heretors and others lyable in payment of this ſupply out of the Land-rent, which will be impoſſible for them to pay, if they ſhould likewiſe be for the time ſtrained for payment of their Debts: Therefore the King's Maſteſty doth hereby, with Advice and Conſent of His Eſtates, ſuſpend and diſcharge all perſonal Execution for payment of any Principal Sum above one thouſand pounds Scots, due before the Date hereof by any perſons having viſible and real Eſtates, untill the Term of Whitſonday, one thouſand, ſix hundred, ſixty nine years: Excepting alwayes all ſuch Sums and Bonds given for the ſame, as are due for the payment of His Maſteſties Annuity, Cuſtomes, Few-duities, Taxations, and other Dues belonging to His Maſteſty, which are no wayes comprehended under this Suſpenſion ; but all Execution is to paſs for payment thereof as formerly, notwithstanding that the Bonds given for the ſame, grant the receipt of borrowed Money. And it is hereby declared, that the Suſpenſion above-written is granted with this expreſs condition, that the Debtors make payment of one years Annualrent yearly, within twenty dayes after the ſame is due, during the time foreſaid, otherwiſe ſhall loſe the benefit of this Suſpenſion. It is alſo declared, that this Suſpenſion is but prejudice of all Execution, real and perſonal (except Attreafments upon Rents) for bygone Annualrents, due at, and before *Martmas* laſt ; And in caſe that any Creditor ſhall think fit to ſecure himſelf further, as to the payment of the Sums due to him, by real Execution, in that caſe the Debitor is hereby obliged to give his Creditor ſufficient real ſecurity : And, if notwithstanding thereof, the Creditor ſhall uſe further real Execution, the ſame is to be upon his own charges ; but if the Debitor ſhall reſuſe to give ſufficient real ſecurity, then the diligence that is to be done by the Creditor, ſhall be upon the Debtors charge and expence. And further, His Maſteſty for ſatiſfaction of His good Subjects, is graciouſly pleaſed to declare, that all Officers and Souldiers, Horſe and Foot, ſhall make due and punctual payment of their Quarters, Local and Tranſient, according to the Rates to be eſta-bliſhed thereanent by the foreſaid Commiſſioners : And in caſe the Souldiery have not ready Money for de-fraying their Quarters, that then their Quarters be ſtared betwixt the Quarter-maſters or other Officers, and any two of the Commiſſioners, and the Compts being ſtated and ſited, that they be allowed by the reſpective Collectors, in the firſt end of what is due by the Shire or Burgh where the ſaid Quarters are owing ; providing the ſaid Quarters exceed not two parts of their Pay ; and which ſtated Accounts are to be allowed to the reſpective Collectors, by the Collector General, and to be by him retained off the firſt end of the Troops or Companies Pay : And in caſe the Officers do remove before the Accounts can be ſtared, in that caſe the Collectors of the Shires and Burghs are to retain what after tryal the Commiſſioners ſhall find reſt-ing, till the Accounts be ſtated in manner foreſaid ; and the ſaid retention for Quarters to Commence from the firſt of January, inſtant. And alſo, that no perſon lyable in any part of this ſupply ſhall be holden to produce their Diſcharges, or Receipts of the ſame, after the firſt day of February, one thouſand, ſix hundred ſeventy one years, unleſs where diligence hath been done by Denunciations before the Elapſing, the ſaid firſt of February, one thouſand, ſix hundred, ſeventy one years. And the Convention of Eſtates, being deſirous that ſome courſe be taken for the ſpeedy and effectual in-bringing of the Taxation granted to His Maſteſty by the late Convention, Therefore Ordains and Appoints, that what is yet remaining unpaid of the ſaid Taxation, the ſamin ſhall be brought in (after Legal diligence firſt done by thoſe who are authorized for in-bringing the ſame, and the diſcuſſing of Suſpenſions raiſed, or to be raiſed thereanent) by Quar-tering in the manner preſcribed for raiſing this preſent ſupply.

And Ordains theſe preſents to be Printed and Published.

F I N I S.





A C T Of the CONVENTION of E S T A T E S,

Of the Kingdom of *SCOTLAND*,

Holden at *Edinburgh*, from the 26 day of *June*, to the 11. of *July*, 1678.

By His Grace John Duke of Lauderdale, *Marquess of March*, *Earl of Lauderdale*,
Viscount Maitland, *Lord Thirlestane*, *Muffelburgh and Bolroun*, &c.

His MAJESTIES Commissioner, &c.

For a new and voluntar offer to His *MAJESTY*, of Eighteen Hundred Thousand
Pounds *Scots*.

At Edinburgh, the tenth day of July, 1678.



THE CONVENTION of Estates of the Kingdom of *Scotland*, by His Majesties Authority and Command, at this time assembled, Considering the great happiness, peace, and tranquility they enjoy under His Majesties Royal Government; and His Fatherly Care for this His Ancient Kingdom, in being so watchful over all its Concerns; And that as all Kings and Estates do at present carefully secure themselves and their people, by providing against all such forraign Invasions and Intestine Commotions, as may make them a prey to their enemies: So it is not fit that this Kingdom should only of all others, remain without Defence, in a time wherein these dangerous Field-conventicles, declared by Law, *Rendezvous of Rebellion*, do still grow in their numbers and insolencies, against all which the present Forces cannot in reason be thought a suitable Security. And considering the many frequent and renewed professions this Kingdom hath made, with their lives and fortunes to serve His Majesty, in the maintenance of His Honour, and Greatness; And that there is a new opportunity offered to them to make good the professions of their zeal, dury, and affection In recognisance whereof, and in humble acknowledgement of the same, & that His Majesty may be the better enabled to raise more Forces for securing this His Ancient Kingdom, against all forraign Invasions & Intestine Commotions; And to the end, they may be maintained by equal & regular wayes: And to let the world see the unanimous affection of this His Maj. Ancient Kingdom, for the maintenance of His Majesties Royal Greatness, Authority, & Government, in Church & State, as it is now asserted, & established by the Laws of the Kingdom, & in order to the entertainment of such forces, as His Majesty shall raise for the defence thereof; The CONVENTION of ESTATES of this Kingdom, for themselves, and in name of, and as representing this His Majesties Ancient Kingdom, do humbly beseech His Majesty would be graciously pleased to accept the unanimous, ready, and cheerful offer, & humble tender

of a

of a new supply, of *Eighteen Hundred thousand Pounds Scots Money*, to be raised and payed forth of the Shires and Burghs of this His Majesties Ancient Kingdom, in the space of five years, according to the present valuations; and that as twenty five Moneths Cefs, in the whole, being five Moneths yearly, amounting to *three Hundred and sixty thousand Pounds Scots*, ilk year, at two terms in the year, by equal portions; beginning the first terms payment, being *One hundred and four score thousand Pounds*, at the Feast and Term of Martimas next to come, for the half year immediatly preceeding, commencing from the Term of Whitson-day last in this year of God, One thousand, six hundred, seventy and eight years, and so forth to continue, and paying termly the foresaid sum, of *one hundred and four score thousand Pounds Scots*, until the Term of Whitson-day, One thousand, six hundred, eighty and three years *inclusive*, which is hereby declared to be the last term of the saids five years, within which space, the said sum of *Eighteen hundred thousand Pounds Scots*, is due and payable; and that at the proportions underwritten *respective*, being five Moneths Cefs yearly, by the foresaid space of five years, which is two Moneths and one half Moneths Cefs for every Term; That is to say;

The Sheriffdom of *Edinburgh*, the sum of three thousand, one hundred, and eighty three pounds, eight shillings Scots money, Monethly, for the saids five Moneths, for ilk year, during the said space of five years.
The Sheriffdom of *Haddington*, the sum of two thousand, seven hundred, eighty two pounds, and six shillings.

The Sheriffdom of *Berwick*, the sum of two thousand, eight hundred, thirteen pounds, and one shilling.
The Sheriffdom of *Roxburgh*, the sum of three thousand, six hundred, eighty six pounds, seventeen shillings, and six pennies.

The Sheriffdom of *Selkirk*, the sum of nine hundred, four pounds, and nine shillings.

The Sheriffdom of *Peebles*, the sum of one thousand, fourty two pounds, and eight shillings.

The Sheriffdom of *Lanerk*, the sum of three thousand, ninety one pounds, and twelve shillings.

The Sheriffdom of *Dumfries*, the sum of two thousand, seven hundred, twelve pounds, and seventeen shillings.

The Sheriffdom of *Wigton*, and *Stewartrie* of *Kirkcudburgh* two thousand, six hundred, seventy nine pounds, and six shillings.

The Sheriffdom of *Air*, the sum of three thousand, eight hundred, seventy pounds, and five shillings.

The Sheriffdom of *Dumbarton*, the sum of seven hundred, sixty four pounds, and ten shillings.

The Sheriffdom of *Bute*, the sum of three hundred, eight pounds, eight shillings, and three pennies.

The Sheriffdom of *Renfrew*, the sum of one thousand, three hundred, fifty three pounds, and seven shillings.

The Sheriffdom of *Striveling*, the sum of one thousand, seven hundred, fifty four pounds, four shillings and six pennies

The Sheriffdom of *Linlithgow*, the sum of one thousand, one hundred, sixty nine pounds, and eighteen shillings.

The Sheriffdom of *Perth*, the sum of five thousand, thirty eight pounds, and fourteen shillings.

The Sheriffdom of *Kincardine*, the sum of nine hundred, eighty four pounds, and one shilling.

The Sheriffdom of *Aberdeen*, the sum of four thousand, seventy seven pounds, and nineteen shillings.

The Sheriffdom of *Inverness* and *Ross*, the sum of two thousand, five hundred, ninety pounds, and nineteen shillings, to be proportioned and divided betwixt them, according to the division, in the year, one thousand, six hundred, and sixty seven.

The Sheriffdom of *Nairn*, the sum of two hundred, seventy seven pounds, and sixteen shillings.

The Sheriffdom of *Cromarty*, the sum of sixty eight pounds, and five shillings.

The Sheriffdom of *Argyle*, the sum of one thousand, nine hundred, fourty seven pounds, ten shillings, and nine pennies.

The Sheriffdom of *Fife* and *Kinross*, the sum of five thousand, one hundred, seventy two pounds.

The Sheriffdom of *Forfar*, the sum of three thousand, two hundred, seventy three pounds, and fifteen shillings.

The Sheriffdom of *Bamff*, the sum of one thousand, one hundred, fifty pounds, and four shillings.

The Sheriffdom of *Sutherland*, the sum of three hundred, thirty six pounds.

The Sheriffdom of *Caitness*, the sum of five hundred, ninety nine pounds, and five shillings.

The Sheriffdom of *Elgin*, the sum of one thousand, fifty nine pounds, and five shillings.

The Sheriffdoms of *Orkney* and *Zetland*, the sum of one thousand, eighty eight pounds, and ten shillings.

The Sheriffdom of *Clackmannan*, the sum of three hundred, fifty two pounds, seven shillings, and three pennies, Scots money.

B U R G H S.

The City of *Edinburgh*, the sum of four thousand pounds.

The Burgh of *Perth*, the sum of four hundred, sixty two pounds.

The Burgh of *Dundee*, the sum of seven hundred, thirtie two pounds.

The Burgh of *Aberdeen*, the sum of eight hundred, and forty pounds.

The Burgh of *Striveling*, the sum of two hundred, and sixteen pounds.
 The Burgh of *Linlithgow*, the sum of two hundred, and four pounds.
 The City of *S. Andrews*, the sum of two hundred, seventy eight pounds.
 The City of *Glasgow*, the sum of one thousand, four hundred, and forty pounds.
 The Burgh of *Air*, the sum of two hundred, and eight pounds.
 The Burgh of *Haddingtown*, the sum of two hundred, & sixteen pounds.
 The Burgh of *Dysert*, the sum of ninety six pounds.
 The Burgh of *Kirkaldy*, the sum of two hundred, seventy six pounds.
 The Burgh of *Montrose*, the sum of two hundred, twenty eight pounds.
 The Burgh of *Cowper*, the sum of one hundred, and twenty pounds.
 The Burgh of *Austruther Easter*, the sum of twenty four pounds.
 The Burgh of *Dumfries*, the sum of two hundred pounds.
 The Burgh of *Inverness*, the sum of two hundred, and sixteen pounds.
 The Burgh of *Burnt-Island*, the sum of one hundred, thirty eight pounds.
 The Burgh of *Inverkeithen*, the sum of forty eight pounds.
 The Burgh of *Kinghorn*, the sum of fifty four pounds.
 The Burgh of *Brechen*, the sum of sixty six pounds.
 The Burgh of *Irwin*, the sum of one hundred, and eight pounds.
 The Burgh of *Leith*, the sum of one hundred, and eight pounds.
 The Burgh of *Kirkcudbright*, the sum of ninety six pounds.
 The Burgh of *Wigton*, the sum of fourscore four pounds.
 The Burgh of *Pettenweem*, the sum of fourscore pounds.
 The Burgh of *Dumfermling*, the sum of ninety six pounds.
 The Burgh of *Austruther Wester*, the sum of thirty pounds.
 The Burgh of *Selkirk*, the sum of fourscore pounds.
 The Burgh of *Dumbarton*, the sum of sixty pounds.
 The Burgh of *Renfrew*, the sum of forty eight pounds.
 The Burgh of *Dumbar*, the sum of seventy two pounds.
 The Burgh of *Lanerk*, the sum of seventy two pounds.
 The Burgh of *Arbrothock*, the sum of fifty four pounds.
 The Burgh of *Elgin*, the sum of one hundred, and twenty pounds.
 The Burgh of *Peebles*, the sum of seventy two pounds.
 The Burgh of *Crail*, the sum of one hundred, and eight pounds.
 The Burgh of *Tayne*, the sum of forty two pounds.
 The Burgh of *Culreys*, the sum of forty eight pounds.
 The Burgh of *Bamff*, the sum of forty eight pounds.
 The Burgh of *Whithorn*, the sum of twelve pounds.
 The Burgh of *Forfar*, the sum of twenty four pounds.
 The Burgh of *Rothesay*, the sum of thirty six pounds.
 The Burgh of *Nairne*, the sum of eighteen pounds.
 The Burgh of *Forres*, the sum of thirty pounds.
 The Burgh of *Rutherglen*, the sum of eighteen pounds.
 The Burgh of *North-berwick*, the sum of six pounds.
 The Burgh of *Cullen*, the sum of twelve pounds.
 The Burgh of *Lawder*, the sum of thirty six pounds.
 The Burgh of *Kintore*, the sum of twelve pounds.
 The Burgh of *Kilrenny*, the sum of twelve pounds.
 The Burgh of *Annand*, the sum of twelve pounds.
 The Burgh of *Lochmaben*, the sum of twelve pounds.
 The Burgh of *Sanguhar*, the sum of twelve pounds.
 The Burgh of *Galloway*, the sum of six pounds.
 The Burgh of *Dingwall*, the sum of twelve pounds.
 The Burgh of *Dornoch*, the sum of eighteen pounds.
 The Burgh of *Queens-Ferry*, the sum of sixty pounds.
 The Burgh of *Portrose*, the sum of thirty pounds.
 The Burgh of *Cromartie*, the sum of thirty pounds.
 The Burgh of *Inverurie*, the sum of eighteen pounds.
 The Burgh of *Weik*, the sum of twenty pounds.
 The Burgh of *Inverbervy*, the sum of six pounds.
 And the Burgh of *Kirkwall*, the sum of sixty pounds Scots money.

IT Is alwayes hereby provided, that if the proportion payable at the *Martimas* yearly, be payed before the last of *November* the said year, and that the proportion payable at *Whitsonday*, be payed before the last of *June*, the same shall be sufficient. And it is hereby Declared, That all persons having real Estates of Lands, Teinds, Annualrents due by Infeftments, Tack-duties, Few-duties, and others of that nature, are, and shall be lyable to the foresaid supply, unless the granters of the saids Rights, be obliged to relieve the receivers thereof, of publick Burdens, and all other Impositions of this nature; Excepting alwayes such real Rights and Infeftments as are secured to the Creditors by their Debtors, for which they have only their ordinary Annualrent free, which are hereby declared not to be lyable to any part of this supply: Excepting also all Rents belonging to Colledges and Hospitals, provided this exemption of Colledges and Hospitals, shall not burden the Shires for any Rent mortified to them, since the year, one thousand, six hundred, fifty six. And it is hereby declared, That the Rents of the Arch-bishopricks, and Bishopricks, shall be lyable in a proportion of this Supply, according to the present Valuation. And to the end the foresaid Supply may be duly Raised and Payed, the Kings *Majesty*, with Advice of His Estates, doth Nominat, and Appoint, the Lords of His Majesties Privy Council, the Senators of the Colledge of Justice, within the severall and respective Shires, where any part of their Lands or Estats ly: And also the persons underwritten, within the severall Shires, to be Commissioners to the effect after-specified, *viz.*

For the Shire of Edinburgh.

The Earl of Louthian, the Earl of Dalhousie, the Viscount of Oxford, the Lord Torphichen, the Lord Forrester, Richard Maitland of Over-gogar, Sir Archibald Primrose of Carington, Sir John Wauchope of Niddrie, Sir John Nicolson of that Ilk, Sir John Couper of Nether-gogar, Sir John Foulis of Raveltoun Younger, Sir William Purves of that Ilk, Sir Mark Cals of Cockpen, Sir William Sharp of Stonyhill, Mr. Alexander Gibson of Pentland, the Laird of Dalmahoy Younger, Sir William Binning of Wallyfoord, Patrick Hamiltoun of Little-preftoun, Sir John Young of Leny, Robert Baird of Sauchtounhal, Mr. James Rothead of Innerleith, John Skeen of Halyards, John Hall of Graycruik, John Biggar of Wolmet, James Dundas of Arnistoun, Sir William Murray of Newtoun, Sir James Ramsay of Whitehil, Sir William Murray of Dreghorn, Mr. David Watson of Sauchtoun, John Cunningham of Woodhal, James Dick of Priestfield, John Brown of Gorgymiln, Alexander Henderfon Portioner of New-haven, Little of Over-libbertoun, Scot Bailzie of Dalkeith, Brand of Babertoun younger, the eldest Bailzie of Musselburgh, William Baird younger of Newbaith, John Foulis younger of Ratho, Mr. James Deans of Woodhouilly, Charles Scot of Bonington, Sir James Foulis of Collington to be Conveener.

For the Shire of Haddingtoun.

The Earl of Roxburgh, John Earl of Tweddale, Alexander Viscount of Kingstoun, the Viscount of Oxford, the Lord Yester, the Lord Elibank, Sir William Ruthven of Dunglass, Francis Kinloch of Gilmertoun, Sir James Hay of Linplum, Sir Robert Hepburn of Keith, Sir Alexander Morison of Prestoun-grange, John Seaton of St. Jermans, Hepburn of Smeatoun, Mr. Thomas Hay, of Bailie of Lamingtoun, Richard Cockburn of Clerkingtoun, Adam Hepburn of Humble, Patrick Brown of Colstoun, Sir Robert Sinclair of Stevinftoun, Bannatine of Newhal, William Murray of Spot, Robert Hamiltoun of Presmenin, David Oswald of Eastbarns, Sydsers of Ruchlaw, John Pringle of Wood-head, Congletoun of that Ilk, Seaton of Garletoun, Seaton of Barns, Sir William Primerofs of Chester, William Robertoun Bailzie of Prestoun, David Hepburn of Randerstoun, Mr. George Purves portioner of Belhaven, Sir Robert Sinclair of Lochend, Sir William Hamiltoun of Prestoun, Sir John Nisbit of Duletoun, Sir Andrew Ramsay of Wauchtoun, William Baird younger of Newbaith, John Wedderburn younger of Gosfoord, Sir James Stampfield of New-milnes, James Home of Gamelsheils, Robert Archison of Sydsers, Alexander Douglas of Blaikerftoun, Hepburn of Beenftoun, Mr. John Bain of Pitcairly, Robert Hepburn of Beerfoord, Haliburntoun of Eglefcairn, Fletcher of New-cranftoun, Major Banks of Lenchy, Hepburn of Craig, John Auchmoutie of Carver, the Laird of Colstoun Corveener.

For the Shire of Berwick.

The Earl of Home, Sir Archibald Cockburn of Langtoun, Sir John Nicolson of Cockburnspeth, Sir James Cockburn of that Ilk, Sir Alexander Don of Newtoun, Sir Hary Home of Herdrigs, Sir Alexander Home of Rentoun, Sir William Purves of that Ilk, the Laird of Wedderburn, the Laird of Eccles, Alexander Home of Linthil, Mr. James Rothead of Darnchaster, the Laird of Edingtoun, Sir James Cockburn of Ryfelaw, Sir William Scott younger of Harden, Sir Laurence Scot of Eymouth, the Laird of Pranderghast, the Laird of Lambertoun, the Laird of Billie, the Laird of Wedderly, the Laird of Tofts, Mr. Alexander Swintoun of Merfingtoun, the Laird of Longformacus younger, Patrick Boig of Burnhouses, the Laird

Laird of Earnslaw, the Laird of Blaikertoun, the Laird of Kaimes, Mr. Patrick Home of Brownsbank, the Laird of Halyburtoun, the Laird of Manderstoun, James Peter of Chappel, the Laird of Bassenden, the Laird of Moristoun, the Laird of Thornydykes, the Laird of Greweldikes, David Home of Newton, the Bailzie-depute of Lauderdale, the Earl of Home Sheriff, Conveener, or the Sheriff-depute.

For the Shire of Roxburgh.

The Earl of Roxburgh, the Earl of Louthian, the Earl of Tarras, the Lord Cranstoun, the Lord Jedburgh, the Master of Cranstoun, Sir Thomas Ker of Cavers, Robert Ker of Gairshaw, Henry McDowgal of Miskertoun, John Rutherford of Edgarstoun, Mr Gilbert Eliot of Craigend, John Ker of Frogden, William Ker of Sunderlandhal, Henry Ker of Lintoun, Robert Pringle of Stichel, Robert Pringle of Cliftoun, Sir John Scot of Ancrum, Sir Alexander Don of Newtown, Andrew Ker of Littelden, John Rutherford Provest of Jedburgh, Mr. Charles Ker of Abursrule, Sir William Eliot of Stobs, Sir Francis Scot of Thirlestane, Walter Scot of Harwood, Charles Murray of Hadden, Wauchop of Niddrie younger, Andrew Plumber of Midlesteed, George Rutherford of Fairingtoun, Francis Pringle of Rolvistoun, the Bailzie of Kelfo, Mr. Archibald Dowglas tutor of Cavers, Robert Scot of Horsliehil, William Eliot of Grainge, Patrick Scot of Longirtoun, John Halyburtoun of Morislaw, Mr George Scot of Bonraw, Thomas Rutherford of Cousnath, Uchtred McDowgal of Hakburn, Henry Eliot of Harwood, Thomas Scot of Whitlaid, Henry Ker of Graden, Sir John Scot of Ancrum Conveener.

For the Shire of Selkirk.

The Earl of Traquair, the Lord Elibank, James Murray of Philiphaugh, John Riddel of Haining, Thomas Scot of Whitlaid, Patrick Murray of Dewchar, Thomas Scot of Todrig, John Riddel of Muslie, George Pringle of Torwoodlie, Alexander Pringle of Whitebank, Hugh Scot of Gallowshiels, Ker of Sunderland-hal, Sir William Scot younger of Harden, Pringle of Blindie, the Laird of Middlesteed, Gideon Murray of Sundhope, the Duke of Buccleuch's Bailzie for the time, the Laird of Philiphaugh to be Conveener.

For the Shire of Peebles.

The Earl of Traquair, the Earl of Tweeddale, the Lord Yester, William Hay of Drumallier, Sir Archibald Murray of Blackbarony, Sir William Murray of Stenhope, John Veitch of Dawick, Sir Michael Nasmith of Posfo, John Veitch younger of Dawick, Robert Hunter of Polmud, William Horsburgh of that ilk, John Murray of Romanno, Mr. John Dickfone of Whitlait, Alexander Bailie of Callends, Mr. John Hay of Haytoun, John Hay younger of Haytoun, William Brown of Stevingstoun, John Porteous of Halkshaw, George Brown of Scotstoun, James Lawfon of Cairnmuire, George Bailie of Manerhil, William Govan of Cardrona, Robert Burnet of little Ormiltoun, James Hamiltoun of Caldecoat, David Murray of Stenhope, James Nasmith of Posfo, Alexander Murray of Halmyre, James Geddes of Kirkurd, Richard Murray of Spittlehaugh, James Murray of Skidding, John Murray of Cringletie, William Burnet of Banns, William Dickfon of Kilbocho, William Murray of Cardon, Sir James Dowglas of Smithfield, James Dowglas his son, James Chisholme of Hairhope, Sir William Murray of Stenhope Conveener.

For the Shire of Lanerk.

The Duke of Hamiltoun, the Earl of Carnwath, the Lord Blantyre, the Lord Carmichael, Alexander Menzies of Culterawes, Inglis of Eastshiels, Bailie of Walfstoun, George Weir of Blaikwood, Lindsay of Covington, James Lockhart of Cleghorn, Sir William Fleeming of Farm, Mr Archibald Robertoun of Bedlay, Walter Corbet of Towcorfs, James Dunlap of Gairnkirk, George Luke of Dalbeith, Sir Archibald Stewart of Castlemilk, James Hamiltoun of Manor-Elelstoun, James Stewart of Torrens, James Hamiltoun of Woodhal, Claud Murehead of Lauchop, Mr. William Cochran of Roehsoles, Sir Alexander Hamiltoun of Haggis, Mr. Andrew Hay of Infchnoch, Gawin Hamiltoun of Raploch, Hamiltoun of Raploch younger, John Bailie of Shirlil, John Bell of Hamiltoun-Farm, Sir Robert Hamiltoun of Silvertounhil, Sir Daniel Carmichael of Maulsly, Sir James Carmichael of Bonninoun, William Bailie of Lamingtoun, Sir William Hamiltoun of Prestoun, Sir John Harper of Cambusnethem, Sir John Whitefoord of Mylntoun, William Hamiltoun of Orbistoun, William Hamiltoun of Wifhaw, Alexander Hamiltoun of Dalvel, James Hamiltoun of Aikenhead, James Weir of Stainbyers, William Stewart of Allanroun, Mr. John Bailie of Jervistoun, Thomas Stewart of Cultnefs, James Murehead of Breadtholme, James Cleiland of that ilk, Cromwel Lockart of Lie, Sir William Maxwell of Calderwood, Sir William Lockhart of Carstairs, Walter Lockhart of Kirktoun, Robert Lockhart of Birkhill, Mr. Robert Bailie of Jerveswood, Mr. Andrew Hay of Craignechem, John Hamiltoun of Barnecluch, Mr. Archibald Nisbet of Carfin, James Young of Linbank, the Marques of Dowglas Conveener.

For the Shire of Dumfries.

The Earl of Nithisdale, the Earl of Queensberry, Sir Robert Dalryel of Glennae, Sir Alexander Jarden of Aplegirth, Robert Greifson of Lagg, Thomas Kilpatrick of Clossburne, James Menzies of Enoch, Robert Lawrie of Maxwellton, George Maitland of Eccles, John Dowglass of Stenhouse, John Grierfon of Capinoch, Robert Forguson of Craighdaroch, Robert Maxwell elder of Cairnsfaloch, Dougal Maxwell of Cowhill, James Johnston of Corthead, John Johnston of Easthies, James Carruthers Stewart of Annand, John Alison of Glencorfs, Gawin Brown of Bishoptoun, John Carruthers of Holm-ends, Sir Patrick Maxwell younger of Springkel, Thomas Charteris of Empsfield, the Duke of Buccleuch's Bailzie for the time, the Earl of Queensberry Conveener, or the Sheriff-Depute.

For the Shire of Wigtoun.

The Earl of Galloway, Sir Andrew Agnew of Lochnaw, Sir Godfray McCulloch of Mertoun, Sir John Dalrymple younger of Stair, Sir David Dumbar elder of Baldoon, Dumbar younger of Baldoon, Robert Stewart of Ravingstoun, William Stewart of Castle-Stewart, James Dumbar of Mochrum, Richard Murray of Brughtoun, William Gordon of Craichlay, Patrick McDougal of Logan, George Stewart of Dindargy, William Stewart of Egernefs, William Lin of Larg, James McDougal of Gillespick, Sir Andrew Agnew Conveener.

For the Shire of Air.

The Earl of Cassils, the Earl of Dumfries, the Earl of Lowdown, the Earl of Kilmarnock, the Lord Montgomerie, the Lord Crichtoun, the Lord Cochran, the Lord Cathcart, the Lord Bargenie, the Master of Cathcart, Sir John Cochran of Ochiltrie, the Laird of Blair, Sir John Cunningham of Lambrughroun, the Laird of Celnock, the Laird of Gadgirth, David Boswell of Auchinleck, William Crichton Sheriff-depute of Air, David Blair of Adamton, the Lairds of Enterkin elder and younger, William Campbell of Glasnock, Campbell of Shankstoun, Archibald Kennedy of Collen, Mr. Thomas Kennedy of Balterfan, Alexander Kennedie of Kilheugie, James Whitefoord of Dunduff, James Crawford of Ardmillan, John Cathcart of Carletoun, John Boyll of Kelburn, Sir Robert Barclay of Pearstoun, the Laird of Skelmorlie, Crawford of Kerfs, Ross of Galfstoun, Mr. James Cunningham of Towre, Sir John Kennedy of Girvan-maines, William Wallace of Shewaltoun, John Schaw of Sornbeg, John Melvain of Grinat younger, Hugh Montgomery of Bridgend, Hugh Blair of Blairstoun, Mr. John Boyd of Trochrig, Sir John Dalrymple younger of Stair, John Muir of Auchindrain, Alexander Ferguson younger of Kilkerran, William Cunningham of Brown-hill, the Laird of Bishoptoun, David Montgomery of Langshaw, Robert Wallace of Holmstoun, William Wallace younger of Craigie, Kennedy of Kirkunchel, Mr. William Fullartoun of Corsbie, John Hamiltoun of Inschgottrick, the Laird of Blair Conveener.

For the Shire of Dumbarton.

The Earl of Kilmarnock, the Lord Lorn, John Napier of Kilmahew, William Buntine of Airdoch, Archibald Stewart of Scotstoun, James Fleming of Oxbang, Mr. James Fleming of Barlochan, John Cunningham of Achinbarn, William Denistoun of Cougrain, Archibald Buchanan of Drumhead, Claud Hamiltoun of Barns, William Stirling of Lav, James Colquhoun of Balvie, David Watson of Achintoshan, John Colquhoun of Camstroden, John Zuil of Darleirh, John Noble Fiar of Ardardan, John Campbell of Carrick, Duncan Mcfarlane of Clackan, Andrew Mcfarlane of Arquhart, William Mcfarlane of Drumfad, Walter Grahame of Calmgad, the Earl of Wigtoun, or Sheriff-depute Conveener.

For the Shire of Bute.

William Duke of Hamiltoun, Hector Bannatine of Kaimes, the Bailzie of Arran, Sir Robert Montgomery of Skelmorlie, John Boyl of Kelburn, Ninian Bannatine of Kaimes, James Stewart of Ambrismore, Mr. John Stewart of Afcog, William Campbell of Shalint, Archibald Bannatine of Lubas, Robert Stewart of Marknocho, William Stewart of Lenuchail, Donald Meneil of Kilmory, Archibald Stewart of Kilichinlik, Mr. Robert Stewart uncle to the Sheriff of Bute, Ninian Bannatine of Kaimes Conveener.

For the Shire of Renfrew.

The Lord Montgomery, the Lord Cochran, the Lord Blantyre, the Master of Ross, Sir Patrick Howstoun of that ilk, Sir Archibald Stewart of Blackhall, Sir George Maxwell of New-wark, Sir Archibald Stewart of Castlemilk, John Maxwell of Pollock, Cunningham of Craigends, James Brisbane of Bishop-

Bishoptoun, George Howfoun of Johnstoun, William Hamiltoun of Orbistoun, Fleming of
 Barrichan, Sir John Schaw of Greenock, John Schaw his Son, Crawfurds of Jordanhill Elder
 and younger, James Bannatine of Kelly, James Dunlap of Houshil, Thomas Crawford of Curtsburn, Gavin
 Cochran Brother to the Earl of Dundonald, Francis Semple of Beltrees, Colin Campbel of Blythwood,
 John Brisbane of Frierland, Ludovick Stewart of Darnley, John Howfoun of wester Southbar, the Sheriff-
 Depute of Renfrew, Sir Archibald Stewart of Blackhal, Conveener.

For the Shire of Stirling.

The Duke of Hamiltoun, the Earl of Callender, the Lord Fortester, Sir John Stirling of Keir, James Sea-
 roun of Touch, Richard Elphingfoun of Airth, Hadden of Glenagies, Michael Elphingfoun
 younger of Quarrel, William Bruce of Newtoun, James Bruce of Powfoules, Alexander Bruce of Kinnaird, Wil-
 liam Buchannan of Drumnakil, Livingfoun of wesi Quarrel, Mr. Thomas Napier, William Ed-
 monstoun of Broich, David More of Lecky, David Stirling of Carden, Norman Livingfoun of Milnhils,
 Mcfarlan of Kirkfoun, Stirling of Halbertshire, Hugh Paterson of Bannockburn, Captain
 Stirling, Sir Robert Elphingfoun of Quarrel, the Laird of Polmaise, John Murray of Livlands,
 Campbel younger of Gargunnoch, Mr. James Hunter of Carsbank, Cunninghame
 of Buchan, John Buchannan of that ilk, Alexander Monro of Bearcrofts, Alexander Glaes of Sauchy, Mr. A-
 lexander Nairn of Green-yards, Mr. Andrew Oswald of Dalderfe, James Guidlet of Abbotsbaugh, the Laird
 of Hoptoun, Walter Rankine of Orchartoun, Alexander Livingfoun of Parkhal, Sir William Bruce of Sten-
 houfe, John Bruce of Castlecairy, the Laird of Touch Conveener.

For the Shire of Linlithgow.

The Duke of Hamiltoun, the Viscount of Oxfoord, the Lord Livingfoun, the Lord Torphichen, General
 Dalryel, William Sharp of Howfoun, James Cornwal of Bonhard, Sir Alexander Livingfoun of Craigingath,
 James Hamiltoun of West-port, John Dundas of Maner, George Drummond of Carlowrie, James Monteith
 of Oldecath, Campbel of Kilpont, Richard Elphingfoun of Airth, Alexander Cochran of Barbach-
 lie, Walter Sandilands of Hilderfoun, Sir John Dalrymple of Newlistoun, Mr. John Hay of Woodcokdale,
 Mr. John Fairholm of Craigihil, Sir Archibald Primerofs, of Caringtoun, Robert Hamiltoun of Dechmont,
 James Dundas of Philipfoun, John Hope of Hoptoun, Baillie of Polkenner, Dundas
 of Dudingfoun, Marjoribanks of Balbairdy, Carmichael of Pottishaw, Mr. William
 Dundas of wester Kincavel, James Johnstoun of easter Kincavel, Mr. John Eleis of Eleifoun, Robert Miln of
 easter Binnie, Colonel William Borthwick, the Earl of Linlithgow Conveener.

For the Shire of Perth.

The Marquess of Montrose, the Lord Maderty, the Lord Rollo, the Lord Ruthven, the Lord Bruntisland,
 Sir David Ogilvy of Clova, the Laird of Keir, the Laird of Glenagies, the Laird of Abercainry, Laird of
 Weems, Sir Patrick Kinnaird, the Laird of Gairntully younger, the Laird of Lawers, John Hope of Hoptoun,
 Sir Laurence Oliphant of Gask, Sir William Murray of Ochertyre, the Lairds of Kinlands elder and younger,
 Grahame of Urchil, Sir Colin Campbel of Aberurquhil, Patrick Stewart of Ballachen, the Laird
 of Glenlyon, George Drummond of Blair, Colin Campbel of Munzie, the Laird of Keithick, John Murray
 tutor of Stormont, John Campbel of Edinample, Henry Murray of Lochlan, David Toshoch of Monyvaird,
 Drummond of Comry, George Drummond of Milnab, James Menzies of Culdares, George
 Campbel of Crunan, the Laird of Balgirfo, Robert Campbel of Glenfallor, Drummond of Inner-
 may, Sir Alexander Blair of Balbhayock, James Grahame of Monorgan, David Kinloch of Aberbothry, David
 Kinloch of Gowrdy, Fullartoun of that ilk, the Laird of Fittendiens, Sir Patrick Threpleand of
 Fingask, Patrick Murray of Keillor, Andrew Blair of Inshyray, Mr. John Blair of Batnigle, John Murray of
 Piculan, John Buchannan of Ardinpryor, Patrick Hadden of Lanrek, Mr. James Edmonstoun of Newtoun,
 James Perfon of Kipperrofs, John Drummond of Machany, William Drummond of Cromlix, John Murray
 of Strowan, John Drummond of Pirkellany, James Ramsay of Bamff, James Rattray of John Gra-
 ham of Burgowan, James Murray of Arthustain, Mr. Robert Ross of Innerneathy, Sir George Kinnaird Con-
 veener.

For the Shire of Kincardin.

The Earl of Southesk, the Earl of Middleton, the Earl of Kintore, the Viscount of Arbuthnet,
 the Lord Roschil, the Lord Hackertoun, Sir Alexander Frazer of Dors, the Laird of Lowriston, Sir
 Alexander Falconar of Glentarguhar, Sir John Falconar of Bomakelly, Thomas Burnet of Lyes,
 Sir Charles Ramsay of Balmayne, Robert Grahame of Morphy, Bannerman of Ellick.
 John Barclay of Johnstoun, William Rate of Halgreen, Wood of Balbegno, Sir Alexander
 Carney

Carnegy of Pitroar, *Mr. William Ramfay of Woodstown*,
 Falconer of Pheldo, *Major George Keith of Whiterigs*,
 Irving of Kincoffie, *Mr. Robert Petrie of Portlethem*, *the Laird of Bogny*, *Mr. James Douglas*, George
 Keith of Knox, Robert Keith of Breddelo, Burnet of Glenbervy, Andrew Middletoun of Pit-
 garvy, William Barclay of Balmakewen, *the Sheriff principal of Kinkardin, or the Sheriff-depute Conveener.*

For the Shire of Aberdeen.

George *Marquess of Huntly*,
 Master of Saltoun, William Frazer *son to the Master of Saltoun*, Sir George Gordon of Haddo, Alexander
 Irvin of Drum, Adam Urquhart of Meldrum, Sir Richard Maidland of Pittrichie, James Gordon of Lefmore,
 James Frazer of Tyrie, John Fularton of Dudwick, Sir George Gordon *younger of Geight*, John Gordon
 of Fechly *younger*, Elphinstoun of Glack, Sir Robert Innes of Pitfour, Patrick Lesly of Balquhoun,
 John Gordon of Knockaspick, Arthur Forbes of Brux, Mr. Thomas Gordon of Buthely, James Urchquart
 of Knockleith, Francis Abereromby of Feterneir, Sir John Forbes of Craigivar, Adam Gordon of Achanachy,
 Forbes of Lesly, Francis Rofs of Achlossin, Simeon Frazer of Innerallachy, Mr. Alexander
 Cumming of Birns, Udney of *that ilk*, George Skeen of Fintry, Patrick Lesly of Kincragie,
 Mr. George Nickolson of Clunie, David Edie of Newark, David Tyrie of Drumduy, Mr. Patrick Sandilands
 of Cottoun, Patrick Cheine of Ardmurdo, John Gordoun of Achinchove, George Gordoun of Edinglassie,
 John Lindsay of Tyrie, Gordoun of Badinfeorth, Adam Gordoun of Glenbuket, Mr. Alexander
 Forbes of Ardo, James Keith of Tilligony, Skeen of *that ilk*, Robert Udney of Achirral-
 lan, Alexander Forbes of Ballogie, Patrick Dun of Tarty, William Forbes of Campbel, James Chalmers
 of Balbeithan, Sir William Keith of Ludquharn, Thomas Frazer of Streichen, Areskine of Pit-
 rodrie, John Forbes of Pitnacaddel *younger*, Gordon of Lefmore *younger*, James Forbes *Tutor*
 of Wattertoun, Mr. Thomas Forbes of Rabshaw, Sir John Forbes of Monimusk, Burnet
 of Leyes, Burnet of Craigmyle, Burnet of Sachen, Arbuth-
 net of Cairngal, Andrew Frazer of Kinmundie *younger*, George Keith of Lentuth, Monison
 of Bogney, Baird of Achmeddin *younger*, Sir Hary Guthrie, Walter Forbes of Blacktoun,
 George Keith of Knock. *The Earl of Errol, or Sheriff-Depute of Aberdeen, Conveener.*

For the Shire of Inverness.

The Marquess of Huntley, the Lord Down, the Lord McDonald, John Mcleud of Dunevegan, Sir Donald
 McDonald of Slait, Hugh Frazer of Balladrum, Lachlan McIntosh of Torcastle, Donald McIntosh of Kel-
 lachy, *the Laird of Moydart*, John Forbes of Culloden, *the Laird of Streichin*, Hugh Frazer of Kinnaries,
 Lachlan McIntosh of Abivarden, Duncan Mcpherson of Cluny, McIntosh of Barlum, Alex-
 ander Bailie of Dinneans, Sir Hugh Campbel of Caddel, Thomas Frazer of Bewtort, *the Sheriff principal*
of Inverness, or Sheriff-depute, Conveener.

For the Shire of Nairn.

Sir Hugh Campbel of Caddel, Hugh Rofs of Kilraoch, Hugh Rofs of Claycock, John Rofs of Braidley,
 Duncan Forbes of Culloden, James Dumber of Boath, John Hay of Lochloy, Alexander Brody of Lethem,
 John Hay of Brishmonie, Sutherland of Kingstary, Donald Campbel of Boghol, William Campbel
 of Delneis, *Sheriff-depute of Nairn, Sir Hugh Campbel of Caddel Conveener.*

For the Shire of Cromarty.

The Laird of Cromarty, Alexander Urquhart of Newhal, George Dollas of St. Martines, Hugh Dollas of
 Glenurquhart, Alexander Cluneys of Neilson, Colin Dumber of Rosafolis, John Urquhart of Newhal *younger*,
the Laird of Cromarty Conveener.

For the Shire of Argile.

The Lord Lorn, the Lord Neill Campbel, Sir Hugh Campbel of Caddel, Donald Campbel of Pabreck,
 Sir Duncan Campbel of Aehinbreck, Neil Campbel of Duntroon, Ronald Mcalaster of Tarbet, Donald
 Campbel Captain of Craigneish, Archibald Melachlan of Craightarve, Alexander Campbel of Kilmartine,
 Angus Campbel of Kilberrie, Colin Campbel of Glenan, Gory Mcalaster of Loup, Walter Campbel of
 Skepniish, Melachlan Captain of Inishconil, Duncan McCorquodail of Phantalownes,
 Collin Campbel of Ardkinlafs, Lachlan Melachlan of *that ilk*, John Campbel Captain of Carrick,
 John Campbel Captain of Dinnoon, James Campbel of Glenderowel, Collin Campbel of Otter, Archibald
 Campbel of Orundail, John Campbel of Ardintennie, John Mearther of Arthurhal, *the Bailzie of Kintyre*
for

for the time, Duncan Campbel *Bailzie* of Jura, Alexander Campbel of Lochnell, Alexander Campbel Captain of Dunstaffnage, Alexander Campbel of Burchaltoun, Archibald Campbel of Inneraw, John Campbel of Inneryeldes, the *Earl of Argyll*, or *Sheriff-Depute of Argyll*, *Conveener*.

For the Shire of Fyfe,

The *Earl of Southesk*, the *Earl of Balcarras*, the *Lord Dunkel*, the *Lord Burnt-Island*, the *Master of Burleigh*, the *Laird of Lundy*, the *Laird of Anstruther*, the *Laird of Earlelhal*, Sir William Sharp of Scotiscraig, Sir Michael Balfoure of Denmylne, John Malcome of Balbedie, James Law of Brintoun, the *Laird of Wormestoun*, the *Laird of Forthar*, Sir John Aitoun, the *Laird of Durie*, the *Laird of Hal-yards*, Mr. David Weymes of Balfarg, James Carmichael, Mr. John Dempster of Pitliver, Mr. James Robertson of Newbigging, the *Laird of Fordell*, the *Laird of Rosslyth*, Mr. James Cheap of Rossie, the *Laird of Pittreiv*, John Geddy of St. Nicolas, Sir Charles Halket of Pitfirren, Sir William Bruce of Balcaskie, Sir Alexander Bruce of Broomhal, the *Sheriff principal*, or *Sheriff-depute Conveener*.

For the Shire of Bamff.

The *Marquess of Huntly*, the *Earl of Findlator*, David Lord Ogilvie, the *Master of Saltoun*, Sir Patrick Ogilvie of Boyn, Andrew Watson of Perthhead, Sir Alexander Abercromie of Birkinboig, Sir James Baird of Achmedden, Sir Hary Guthrie of Kingsward, James Gordon of Rothemay, John Gordon younger of Rothemay, John Ogilvie of Kincardin, Walter Ogilvie of Ragwel, George Gordon of Thornibank, Mr. John Abercromie of Glaslie, James Baird younger of Achmedden, George Gordon of Edinglassie, Lesly of Knivvy, Hay of Rames, Anderson of Westertoun, Alexander Hay of Armbath, Alexander Ogilvie of Fordland, Alexander Duff of Braco, Alexander Gordon of Arradoul, Alexander Gairn of Troup, George Keith of Northfield, John Innes of Edingeth, Mr. John Lesly of Tulloch, John Campbel of Friertoun, Alexander Abernethy of Achnacloch, Lachlan McIntosh of William Lesly of Burdsbank, the *Laird of Auchmedden*, *Sheriff-principal*, or his *Deputes to be Conveener*.

For the Shire of Forfar.

The *Earl of Southesk*, the *Earl of Panmure*, *Viscount of Arbuthnet*, Lord Ogilvie, Lord Rosehill, Sir David Ogilvie of Clova, James Carnagie of Pbinhaven, David Erskin of Dun, Sir David Ogilvie of Innerquharity, the *Laird of Pitcur*, the *Laird of Edzel*, Sir John Wood of Bonnitoun, David Fotheringham of Wester-powrie, James Carnagie of Balamoon, John Graham of Fintie, James Creightoun of Rnthven, Sir Francis Ogilvie of Newgrange, John Grahame of Claverhoufe, William Fullartoun of that Ilk, James Grahame of Monorgan, John Ogilvie of Pitmowies, John Ogilvie of Balfour, Patrick Weyntoun of Strickmartine, John Gairden of Laton, John Achterlony of Guynde, John Lyon of Cossens, *Laird of Nevoy of that Ilk*, William Lyon of easter Ogil, George Lyon of wester Ogil, William Gray of Inner-rightie, John Scrimgeour of Kirktoun, Durhame of Grange, John Ogilvie of Peil, Robert Carnegy of Newgate, Durhame of Ardowny, Mr. Patrick Lyon of Carls, John Carnagy of Wedderburn of Blacknefs, John Ogilvie of Colstoun, Ogilvie of Logie, Cocktoun, Scot of Logie, Scot of Rossie, Robert Fletcher of Ballinshoe, Lyel of Murshil, the *Laird of Oldbar younger*, John Ramsay of Acharrach, the *Laird of Boysack younger*, Sir John Falconar of Galray, the *Laird of Findowrie*, the *Laird of Balyordie*, the *Laird of Balfownie*, Mr. John Lammie of Dunkenny, Yeaman of Dryburgh, Alexander Wedderburn of easter Pourie, Duncan of Lundie, the *Laird of Kincaldrum*, Bower of Kinnetles, the *Laird of Achinleck of that Ilk*, the *Laird of Dyfart*, the *Laird of Cairnie*, Alexander Murray of Melgum, the *Laird of Stracathrow*, Carnegie of Balmachie, the *Laird of Innergowrie*, George Innes of easter Dunoon, David Lyon of Whitewals, Kid of Craigie, Livingstoun of Memufs, Henry Crawford of easter Seaton, Guthrie of wester Seaton, the *Laird of Pitcandleie*, Thomas Nairn of Bank, Ramsay of Bamsbreich elder, Ramsay of Bamsbreich younger, the *Earl of Strathmore Conveener*.

For the Shire of Orkney.

The *Stewart of Orkney*, Robert Stewart of Newark, Kenneth Mckenzie, Hary Grahame of Breknefs, Arthur Baillie of Tankernefs, Mr. Alexander Mckenzie Son to the *Bishop of Orkney*, Grahame of Grahamshal, the *Stewart*, or his *Depute Conveener*.

For Zeatland.

The Stewart of Orkney, Arthur Sinclair of Howes, Laurence Sinclair younger of Quendale, Andrew Bruce tutor of Munes, William Bruce of Soundburgh, Hugh Sinclair of Burgh, Thomas Lesly of Uftaines, George Monat of Hamnavoe, the Stewart, or his Depute Conveener.

For the Stewartry of Kirkcudburgh.

The Earl of Nithisdail, the Viscount of Kenmuir, Sir David Dumbard of Baldoon, Richard Murray of Brughtoun, Sir Godfray McCulloch of Mertoun, Sir Robert Maxwell of Orcharroun, Alexander McGie of Balmagie, Roger Gordon of Troquhan, Grierison of Bargarton, William McGuffock of Rufco, Thomas Lidderdale of Ifles, the Laird of Park, William Gordon of Earleloun, John Muir tutor of Calfincary, the Stewart principal, or his Depute Conveener.

For the Shire of Sutherland.

The Earl of Sutherland, the Lord Duffus, the Master of Rae, the Laird of Balnagowan, Robert Gordon of Skibo, William Gordon of Delfolly, Robert Gordon of Carrel, John Gordon of Garty, John Gray of Arbo, William Baillie of Brora, Sir Robert Gordon of Embo, William Sutherland of Skelbo, John Sutherland of Clyne, John Gordon younger of Carrell, Robert Gordon of Rodgait, the Sheriff-Principal, or Sheriff-Depute, Conveener.

For the Shire of Cathness.

Sir William Sinclair of May, John Sinclair of Murthil, William Sinclair of Dumbaith, Mr James Innes of Sandfide, James Sinclair of Feswick, John Sinclair of Brims, William Dumbard of Hemprigs, Francis Sinclair of Stirkak, John Sinclair of Ulbstar younger, David Murray of Clarden, Colin Campbell of Carquhin, David Sinclair of Southdun, Alexander Smart of Welter, Patrick Sinclair of Ulbstar, the Sheriff-depute of Cathness for the time, the Bailties of Thurlo for the time, the Earl of Cathness, or Sheriff-depute of Cathness Conveener.

For the Shire of Elgin.

James Lord Downe, James Lord Duffus, Sir Robert Innes of that Ilk, Alexander Innes of Cockstoun, Alexander Dowglas of Spynie, Thomas Dumbard of Grainge, Sir Robert Dumbard of Graingchil, David Dumbard of Dumphail, James Calder of Muirtoun, Thomas Kinnard of Cowbin, John Cumming of Logie, David Stewart of Newtoun, the Laird of Innes to be Conveener.

For the Shire of Clackmannan.

The Laird of Clackmannan, the Laird of Tullicoultrie, the Laird of Tullibody, John Keiry, George Stirling, the Laird of Alva, Master Francis Maltertoun of Parkmiln, the Laird of Clackmannan Conveener.

For the Shire of Ros.

David Ros of Balnagown, John Monro of Foulis, Sir George Monro of Culrain, Colin McKenzie of Reidcastle, Roderick McKenzie of Kinwhillidrum, Mr. Rodcrick McKenzie of Findorn, Mr. John Bayne of Delmy, Sir Kenneth McKenzie of Coull, Alexander McKenzie of Coull, younger, George Paterfon of Seafield, John Ros of Collace, Alexander McKenzie of gearwall, Donald Bayne of Tulloch, Alexander McKenzie of Kilrane, Kenneth McKenzie of Suddie, Hugh Monro of Newmuire, Sir George McKenzie of Tarbit Conveener.

AND ORDAINS the first meeting of the Commissioners for the several Shires, to be at the Head-burghs thereof, upon Wednesday the fourth day of September next; and appoints the Major part of the saids Commissioners, named for the respective Shires, to be a *Quorum*, at their first meeting, who are to appoint the next dyet of meeting, and the Major part of such as shall meet at the second dyet, or upon advertisement from the Conveener, at any other dyet, to be a *Quorum*: With power to the saids Conveeners, for the saids Shires respective, to call the Commissioners foresaid, at such dyers hereafter as they shall find necessary, for the effectual execution of this Act; and remits to His Majesty's Privy Council, to nominate such other persons to be Commissioners of Assessment, as they shall see cause.

And for the Burghs, His Majesty with advice foresaid, nominats and appoints the Magistrates of the same, for the time being, with power to them to choose Stent-masters, within their respective bounds: Which Commissi-

Commissioners, are hereby ordained to accept and discharge their trust, as they will be answerable; and that at their acceptation thereof, to take the Oaths of Allegiance; and for doing their duty faithfully in the matter of this administration: and to sign the Declaration appointed by Act of Parliament, to be signed by all persons in publick Trust. And His Majesty, with advice foresaid, doth hereby empower the saids Commissioners, to prescribe and set down such rules and orders within the respective Shires and Burghes, as may be most effectual for the speedy and easie raising, levying, and bringing in of the said supply, and ordaining and doing every other thing that may concern the same: And particularly, with power to them to choose their own Collectors, for ingathering of the said supplie, for whom they are to be answerable; and to allow them, and their Clerks, such Fies (to be payed by the Shires and Burghes) as they shall think fit. And which Fies are hereby declared, to be over and above the foresaid supply, and no part of the same: and which Collectors, and Clerks, are to take the Oaths, and sign the Declaration foresaid.

And the Kings MAJESTY, with advice and consent of His Estates, Ordains all execution, real and personal, to pass at the instance of the Collector General, and the Collectors of the respective Shires, and Burghs, against all persons deficient in payment of their proportions as formerly. And also impowers the Commissioners by their Officers, to arreast, poind, and distrenzie, the Goods, and imprison the Persons, of the deficientis, ay and while they make payment of their just proportions, and necessary expenses. And for the more ready and effectual payment, doth also empower the Commissioners, and Collector General, to Quarter upon Deficients, with this expresse *proviso*, that every Horse-man that shall be upon the place, shall have only free single Quarter allotted to him upon the persons Deficient, or by Quartering in Burghs and Villages, as the Commissioners shall appoint to be satisfied, and payed, by the Deficients, and not by these on whom they are Quartered, except where they themselves are Deficient: and in that case, to have fifteen shillings Scots a day, from the time of presenting the Order to the Collector, upon whom they are to Quarter, until he give them a list of the Deficients, and the sums wherein they are Deficient, and thereafter to Quarter upon the Deficients: And each Dragowner, to have ten shillings Scots a-day: And each Foot-man to have four shillings Scots, or his Diet, as the Commissioners shall order; and the Commander of the Party of Horse, Dragowns, or Foot, to have only double Quarter, or pay of an Horse-man, Dragowner, or Foot-man, as he serves. And declares, that in order to the Quarters, and matters relating to the in-bringing of this supply, any three of the Commissioners shall be a *Quorum*, and who are empowered to proportion upon, and raise from the Deficients, the expence and charge of their deficiency; and to see payment made to these on whom the Souldiers are Quartered, who were not Deficient. And further, His Majesty, for satisfaction of His good Subjects, is graciously pleased to declare, that all Officers and Souldiers, Horse-dragowners, and Foot, shall make due and punctual payment of their Quarters, Local and Transient, as the same shall be appointed by the foresaid Commissioners, according to the Rates of the Countrey: And in case the Souldiers do not pay their Quarters, that the Quarters be staired betwixt the Quarter-masters, or other Officers, and any two of the Commissioners: And the accompts being staired, and fitted, that they be payed, or allowed by the respective Collectors, in the first end of what is due by the Shire, or Burgh, where the saids Quarters are owing, Providing the saids Quarters exceed not two parts of their Pay; and which staired Accounts are to be allowed to the respective Collectors, by the Collector General, and to be by him retained off the first end of the Troops, or Companies Pay. And in case the Officers remove before their Accounts can be staired, in that case the Collectors of the Shires, and Burghs are to retain what after tryal the saids three Commissioners shall find resting, till the Accounts be staired in manner foresaid; and the said retention for Quarters to Commence from the last of November next, in this instant Year, one thousand, six hundred, seventy and eight. And His Majesty, with advice of the saids Estates, doth declare, that no Persons lyable in any part of this Supply, shall be holden to produce their Discharges, or Receipts of the same, after the tenth day of June, one thousand, six hundred, and eighty six Years, unless where diligence hath been done by denunciation, before elapsing of the said tenth day of June, one thousand, six hundred eighty six. And the *Convention of Estates* doth declare, that this supply now granted to His Majesty, is over and above the former Supply, of four hundred, and fourscore thousand Pounds, granted by the Parliament, in the Year, one thousand, six hundred, sixty one, to His Majesty yearly, during His Life-time; and al's by and attour the remainder of any other Supplies, formerly granted, yet resting unpaid. And Ordains these Presents to be Printed and Published.

T H E
L A W S and **A C T S**
 Made in the **F I R S T**
P A R L I A M E N T
Of Our Most High and Dread SOVERAIGN
J A M E S V I I.

*By the Grace of GOD, King of SCOTLAND, ENGLAND,
 FRANCE and IRELAND, Defender of the Faith.*

Holden at EDINBURGH the 23. of April 1685.

*By His Grace WILLIAM Duke of Queensberry, Marquess of
 Dumfreis-Shire, Earl of Drumlanrig, and Sanquhar, Viscount of
 Nith, Torthorwald, and Ross, Lord Dowglas of Kinmount,
 Midlebie, and Dornock, &c. Lord High Treasurer of Scotland.*

*His Majesties High Commissioner for holding this Parliament, by vertue of
 a Commission under His Majesties Great Seal of this Kingdom.*

With the special Advice and Consent of the Estates of Parliament.

*Collected and Extracted from the Registers and Records of Parliament, by GEORGE Viscount of
 Tarber, Lord McLeod, and Castle-haven, &c. Clerk to His Majesties Council, Registers, and
 Rolls, &c.*



E D I N B U R G H,
 Printed by the Heir of *Andrew Anderson*, Printer to His most Sacred Majesty, Anno DOM, 1685.
Gum Privilegio.

GOD SAVE KING

JAMES THE SEVENTH.



L A W S and A C T S

Made in the FIRST

P A R L I A M E N T

Of Our most High and Dread SOVERAIGN

J A M E S V I I.

*By the Grace of GOD, King of SCOTLAND, ENGLAND,
FRANCE and IRELAND, Defender of the Faith.*

Holden at EDINBURGH the 23. of April 1685.

I.

ACT For Security of the Protestant Religion.

April 28. 1685.



OUR SOVERAIGN LORD, with Consent of the Estates of Parliament Convened,
Ratifies and Confirms, all the Acts and Statutes formerly past, for the Securitie,
Liberty, and Freedom of the true Church of God, and the Protestant Religion,
presently professed within this Kingdom, in their whole Strength and Tenor, as if
they were here particularly set down and exprest.

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II.

A Declaration and Offer of Duty by the Kingdom of Scotland, with an Annexation of the Excise to the Crown.

April 28. 1685.



THE ESTATES OF PARLIAMENT now Conveened by His Majesties Sovereign Authority, Taking into their Consideration, how this Nation hath continued now upwards of Two Thoulard Years in the unaltered Form of Our Monarchical Government, under the un-interrupted Line of One Hundred and Eleven Kings, whose Sacred Authority and Power hath been upon all signal Occasions, so owned and assisted by Almighty God, that Our Kingdom hath been protected from Conquest, Our Possessions defended from Strangers, Our Civil Commotions brought into wished Events, Our Laws vigorously Executed, Our Properties legally Fixed, and Our Lives securely Preserved; so that We and Our Ancestors have enjoyed those Securities and Tranquillities, which the greater and more flourishing Kingdoms have frequently wanted; Those great Blessings we owe in the first place to Divine Mercy; and in dependance on that, to the Sacred Race of Our Glorious Kings, and to the solid, absolute Authority wherewith they were Invested by the first and fundamental Law of Our Monarchy; nor can either Our Records, or Our Experience instance Our being deprived of those happy Effects, but when a Rebellious Party did by Commotions and Seditions Invade the Kings Sovereign Authority, which was the cause of Our Prosperity, yet to so far hath Our primitive constitution, and fundamental Laws prevailed against the Innovations and Seditions of turbulent Men, as that these Interruptions never terminated, but either in the Ruine, or at least the Suppression of these who at any time did Rebel or Rise in Opposition to Our Government. And since so many Ages hath assured to Us the great advantages, which flow down to all Ranks of People from the happy Constitution of Our Monarchy, and that all Our Calamities have ever arisen from seditious Invasions upon these Sacred Rights; THEREFORE, The Estates of Parliament for themselves, and in name of the whole Kingdom, judge themselves obliged to Declare; And they Do Declare to the World, that they abhor and detest, not only the Authors and Actors of all preceeding Rebellions against the Sovereign, but likewise all Principles and Positions which are contrary, or derogatory to the Kings Sacred, Supream, Absolute Power, and Authority, which none, whether Persons, or Collective Bodies can participat of, any manner of way, or upon any Pretext, but in Dependance on him, and Commission from him. And as their Duty formerly did bind them to owne and assert the just and legal Succession of the Sacred Line as unalterable by any Humane Jurisdiction; So now, They hold themselves on this occasion obliged for themselves, and the whole Nation Represented by them, in most humble and dutiful manner, to Renue the hearty and sincere Offer of their Lives and Fortunes, to Assist, Support, Defend, and Maintain King *James the Seventh*, their present Glorious Monarch, and His Heirs, and lawful Successors, in the possession of their Crowns, Sovereignty, Prerogatives, Authority, Dignity, Rights, and Possessions, against all Mortals: And withall, to assure all His Enemies, who shall adventure on the Disloyalty of disobeying his Laws, or on the Impiety of Invading his Rights, that such shall sooner weary of their Wickedness, then they of their Duty, and that they firmly Resolve to give their intire Obedience to His Majesty without Reserve, and to concur against all His Enemies, Forraign or Intestine. And They solemnly Declare, That as They are bound by Law, so they are voluntarily and firmly Resolved, that all of this Nation, betwixt Sixty and Sixteen, Armed, and Provided according to their Abilities, shall be in readines for His Majesties Service, where, and as oft as it shall be His Royal Pleasure to Require them.

And since the Excise of Inland and Forraign Commodities granted to King *Charles the Second*, of ever Blessed Memory, by the 14. *Act* of the *Parliament* 1661, during all the days of his Lifetime, and Prorogate by the 8. *Act* of the *Parliament* 1681, for Five Years thereafter, will shortly Terminat. And the Estates of Parliament Considering the usefulness of this Grant, to Support the Interest of the Crown, Do as the first Evidence of their Sincerity in the foresaid Tender of their Duty, Humbly and Unanimously Offer to His most Sacred Majesty King *James the Seventh*, their present Monarch, and to His Lawful Heirs, and Successors, in the Imperial Crown of *Scotland*, the said Excise of Inland and Forraign Commodities, exprest in the said 14. *Act* of *Parliament* 1661 to be Collected in the manner prescribed by the said 8. *Act* of the *Parliament* 1681. for ever. And His Majesty, and Estates of Parliament, by the force of this *Act*, have United, Annexed, and Incorporated; and Unites, Annexes, and Incorporates the same to the Crown of this Realm, to Remain therewith in annexed Property in all Time coming: And in respect that the alteration in the method of Collecting the Inland Excise from what it was by the *Act* 1661, to that prescribed by the 8. *Act*, *Parliament* 1681. will require some time to Establish it in Collection. THEREFORE, His Majesty, with Consent of the Estates, Continues the Collection prescribed by the 14. *Act*, *Parliament* 1661, for the said Inland Excise for Six Moneths, from the first of May next allanerly.

III. ACT.

III.

ACT Concerning Citations in Processes for Treason.

May 1. 1685.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Do hereby Ratifie and Approve, the former Custom used by His *Majesties* Commissioners of Justiciary, in proceeding against Pannals already in Prison, and Indicted for Treason, upon Twenty Four Hours; but for the future, His *Majesty* allows such Pannals to be Cited on Fourty Eight Hours, And if the Pannals Represent such Deferences to the Commissioners of Justiciary within that time, as may need an Exculpation, His *Majestie* with Advice foresaid, allows the saids Commissioners to delay the Trial till the days elapse, to which the Exculpation is to be rais'd.

IV.

ACT Concerning Witnesses in Processes for Treason.

May 1. 1685.



OUR SOVERAIGN LORD, and Estates of Parliament, Do Statute and Ordain, That such as being Cited to be Witnesses in the Cases of Treason, Field, or House Conventicles, or Church Irregularities, do refuse to Depone, they shall be Lyable to be Punished as Guilty of these Crimes respectively, in which they refuse to be Witnesses: It being alwayes hereby Declared, that these Depositions so emitted, shall not militate against the Deponent himself any manner of way.

V.

ACT Declaring it Treason to Take or Owne the Covenants.

May 6. 1685



OUR SOVERAIGN LORD, and Estates of Parliament, Do hereby Declare, that the Giving, or Taking, of the National Covenant, as Explained in the Year 1638. Or of the League and Covenant, (so commonly called) or Writing in Defence thereof, or Owning of them as lawfull, or Obligatory on themselves or others, shall infer the Crime and Pains of Treason.

VI.

ACT obliging Husbands to be liable for their Wives Fynes.

May 6. 1685.



OUR SOVERAIGN LORD, Considering, that the Lords of His Privy Council, and others Commissionated by His *Majestie* and them, have Fyned Husbands for their Wives withdrawing from the Ordinances, Doth with Advice and Consent of the Estates of Parliament, Declare the said Procedure to have been Legal, and Ordains the same to be Observed in all time coming; And Ratifies all Decrees and Sentences granted against Husbands for such Fynes: Reserving alwayes Power to the Lords of His *Majesties* Privy Council, to Absolve, or Mitigate the Fynes of such Husbands as are known to be of Loyal Principles.

VII. ACT

VII.

ACT Anent Porterfield of Duchall, And Concealing of Supply given to Rebels.

May 6. 1685:



OUR SOVERAIGN LORD, and Estates of Parliament, Do Ratifie, Approve, and Confirm the Sentence of Forfaulture pronounced by the Commissioners of Justiciary against *John Porterfield*, sometime of *Duchall*, and the Interlocutors, and whole Procedure of the saids Commissioners in that Process. And Declares that the same was conform to the Laws of this Kingdom. And in general, Statutes and Declares, that the Concealing, and not Revealing of Supplys Given to, or Demanded for Traitors Forfaulted for Treason against the Kings Person or Government, is Treason, and to be Judged accordingly.

VIII.

ACT Against Preachers at Conventicles, and Hearers at Field-Conventicles.

May 8. 1685.



OUR SOVERAIGN LORD, Considering the Obstinacy of the Fanatical Party, who notwithstanding all the Laws formerly made against them, Persevere to keep their House and Field-Conventicles, which are the Nurseries and Rendezvous of Rebellion. **THEREFORE**, His Majesty, with Consent of His Estates in Parliament, Doth Statute and Ordain, That all such as shall hereafter Preach at such Fanatical, House, or Field-Conventicles; As also, such as shall be present as Hearers at Field-Conventicles, shall be Punished by Death, and Confiscation of their Goods.

IX.

ACT For the more effectual Payment, and Inbringing of His Majesties Rents and Revenues.

May 8. 1685.



OUR SOVERAIGN LORD, and the Estates of Parliament, Considering the great Neglect and Remissness of the Sheriffs, Stewarts, Baillies of Bailliarries, and Regalities, and their Deputs, in their Discovering, Collecting, and Inbringing of His Majesties Rents and Revenues Constant and Casual; And of the Feuars and other Vassals, who are lyable for the Rents and Duties of His Majesties Property, and the Chamberlains thereof, whereby the Payment of the same is fallen very much in arrear; And the Compting yearly in the moneth of *July*, according to former Acts of Parliament, is greatly neglected. **THEREFORE**, the better to prevent the same for the future, His Majesty, with Advice and Consent of the Estates of Parliament, not only Ratifies and Approves all former Laws and Acts of Parliament made for In-bringing His Majesties Rents, and particularly the 15th Act, 3d Session of the first Parliament K. Charles the 2d, Ordaining the same to be put in full Execution, Conform to the Tenor thereof; But likewise, further Statutes and Declares, That in all time coming, whatsoever Sheriff, Stewart, Baillie of Bailliarie, or Regality, or their Deputs, or Chamberlains of His Majesties Proper Rents *respective*, shall delay, or neglect to Compear and Compt yearly in Exchequer, in the Moneth of *July*, and accordingly receive their *Aques*, and Exoneration of all that can be Charged on them, as due and payable by them to His Majesty; That immediatly after they shall be Charged and Denounced for the same, at the Mercat Cross of *Edinburgh*, Conform to the former Laws and Practice; And the Horning and Denunciation shall be duely Registrat, that Persons so Denounced and Registrat, shall *ipso facto*, amit, los and tyme (during their life-time) their Offices of Sheriffship, Stewartry, Bailliary, or Chamberlanry, whether the same be Heretable, or during Life, or Pleasure; And it shall not be lawful for them by themselves, or their Deputs, to Exerce, or Officiat therein at any time thereafter; but the same shall vaik and fall in His Majesties hands, without any Declarator, or Process of Law: As also that all Feuars, and other Vassals of His Majesties Property, who shall neglect, or delay to compear yearly in the said Moneth of *July*, in Exchequer, and make Compt and Payment of the Feu, Blench, or Taxt-ward-duties and others, due

due and payable by them, and receive their *Æquies* and Exonerations thereof accordingly; So as two years thereof shall run together unpaid, and that they shall be therefore Charged, Denounced, and Registrat, as is abovementioned, that immediately after the said Denunciation, and Registration, they shall be lyable for the double of the whole Feu, Blench, Taxt-ward, or other Duties, then due and payable by them, and all Execution shall passe against them therefore, Sicklike as if the same were mentioned, and contained in the Reddenoes of their Insements; And that by and attour, and but prejudice of the penalties formerly Imposed, and payable by the said Non-accomptants, conform to former Laws. And it is further Statute and Ordained, That be holden and obliged, to send Lists from time to time to the Lord High Thesaurer, Thesaurer Deput, or Clerks of Exchequer, of all Wairds and Marriages, as well Simple as Taxt, that shall happen to fall and vaik in time coming, or that are already fallen within their respective Jurisdiccions, bearing the time of the Decease of the Person by whom the same vaiks, and of the Successor, and their Age, and whether Married or not; Certifying all such Clerks, as shall not, before the first day of *November* next to come, report in Exchequer the Lists under their hands, of all such bygone Casualties fallen, proceeding the date hereof, and thereafter from time to time, within six moneths after the same shall happen to fall and vaik, if the persons die within the Kingdom; That they shall amit, lose and tyne their Office of Clerkship, to be immediately disposed on; by these who shall have right thereto, without any Declarator, or other Process whatsoever; And to the effect, they may the better know the tenor of the holding of all Lands within their respective Jurisdiccions, His Majesty, with Advice forsaide, Ordains the saids Sheriffs, Stewarts, Baillies of Bailliarries, and Regalties, and their Deputs, at the next Michaelmas Head-Court, and at such other Dyets, as they shall think convenient, to cause all the Vassals within their respective Jurisdiccions produce before them their Charters, to the effect the Clerks may record the Reddenoes thereof in their Books, who are ordered immediately thereafter to return them to the Parties, without payment of any money for the same. And Ordains Letters of Horning to be directed against those who shall fail to produce their Charters, as laid is: And it is hereby declared, that in all time coming, when poynding is used for the Kings proper Rents, the Apprising of the Goods poynded may be als Legally done upon the Ground of the Lands allenarly, as if the same were Apprifed at the Mercat Cross of the head Burgh of the Jurisdiction, notwithstanding of any Law, or Practice in the contrary.

X.

ACT Concerning Judicial Confessions before the Commissioners of Justiciary.

May 8. 1685.



THE KINGS MAJESTY, and Estates of Parliament, Do hereby Statute and Declare, all Confessions of Parties, after they have received an Incidment in the Case of Treason against the Kings Person or Government allenarly, Emitted before the Commissioners of Justiciary, Sitting in Judgment, and Subscribed by the Pannal, or by the saids Judges, in the Case where the Pannal owns the Confession, as it is Reduced in Writ, and yet either cannot, or refuses to Subscribe, shall be Considered as a Judicial Confession, and shall be as Probative to Assizes, as if the same had been Emitted in presence of the Assize, notwithstanding of the 90. *Act* of the 11. Parliament of King James the Sixth, and that it Assizers Assoillzie, notwithstanding of such Confessions, they shall be lyable to a Process of Errour; and this Law to be of force only to the next Session of Parliament; and the 90. *Act* of the 11. Parliament of King James the Sixth, is to continue in its full force as to all the rest of its Tenor and Contents,

X I.

ACT obliging Persons to Accept Offices.

May 8. 1685.



OUR SOVERAIGN LORD, With Advice and Consent of His Estates of Parliament, Do hereby Statute and Declare, That if any of His Majesties Subjects within this His Ancient Kingdom, shall Refuse to Accept the Office of Magistrats, Justices of Peace, Constables, Officers in the Militia, or any other Employment laid on them by the King or Council, They shall be Fyneable for their said Contempt, unless they can propone such reasonable Excuses as may satisfie the Lords of His Majesties Privy Council, to whom the Execution of this Act is Remitted; And this without Prejudice of any former Right or Priviledge given to the Royal Burrows for Obliging Burgeses to Accept of Offices and Employments within Burgh.

B

XII. *ACT*

XII.

ACT of Supply.

May 8, 1685.



THE ESTATES OF PARLIAMENT, Calling to mind the many great Blessings they have, and do enjoy, under the Protection of the Royal Government, and especially by the many Deliverances from the Rebellious Insurrections, and Designs of Fanatical Traitors, from whom they could expect no less than Confusion in Religion, Oppression in their Estates, and Cruelty against their Persons and Families: And that the terror of His *Majesties* Forces hath been very Instrumental for procuring our present Security; But considering, that not only these Enemies continue their inveterate hatred against King and People, but that their frequent Disappointments have heightened their Malice to Despair; and that the present Forces may be too few to undergo all the Fatigue which His *Majesties* Service, or the Protection of the Countrey doth Require. And to demonstrate to all Seditious Men, that this Nation is resolved to bestow all they have in the Kings Service, rather than to be exposed to the least of their Insults. Do therefore, for themselves, and the Nation represented by them, Make a hearty and dutiful Offer to His *Majesty* of Two Hundred and Sixteen Thousand Pounds yearly, payable at two Terms, *viz.* *Whitsunday* and *Martmas*, each year, beginning at *Whitsunday* next 1685, and so forth Termly, and that over and beside the Five Moneths Cels already Imposed on this Kingdom by the 3. *Act* of the *Parliament* 1681, whereby there will be Four Moneths Cels payable at each Term hereafter, beginning at *Whitsunday* next 1685. And as a further evidence of their entire Affection to the Sacred Person of His present *Majesty*, they humbly and heartily offer a Continuation and Prorogation of the said Four Moneths Cels termly, from the said Term of *Whitsunday* 1685 *inclusivè*, during all the Terms of His *Majesties* Lifetime (which God Almighty long preserve,) that being the greatest of our Earthly Wishes, as it is the chief of our Temporal Felicity and Glory. And for the better and more speedy inbringing of Payment of the said Eighth Moneths Cels, the Kings *Majesty*, with Advice and Consent of the Estates of Parliament, Nominats, Appoints, and Ordains the Persons underwritten to be Commissioners within the respective Shires, for Ordering and Uplifting of the said Eighth Moneths Cels, *viz.*

For the Shire of Edinburgh.

The Earl of *Lawderdale*, the Earl of *Lothian*, the Viscount of *Oxswird*, the Viscount of *Tarbet*, the Lord *Torphichen*, the Master of *Balmerinoch*, the Lord Advocate, the Lord Justice Clerk, the Lord *Reidsford*, the Lord *Edmingsfoun*, the Lord *Newbyth*, Sir *John Maitland* of Ravelrig, Sir *John Dalmaïor* of that ilk, Sir *William Nicolson* of that ilk, Sir *John Fowles* of Ravelstoun, Sir *Alexander Gibson* of Pentland, Sir *John Clerk* of Pennycook, Sir *William Drummond* of Hathorndean, Sir *Patrick Nisbet* of Dean, Sir *John Young* of Leny, Sir *William Murray* of Newtown, *Hugh Wallace* of Inglisfhill, Sir *William Binning* of Wallyford, Sir *James Dick* of Priestfield, *Henry Trotter* of Mortounhall, *Thomas Craig* of Riccartoun, *Alexander Nisbet* of Craightintny, *Robert Miln* of Barntoun, *Patrick Hamilton* of Falla, *John Cunningham* of Woodhall, Mr. *Walter Pringle* of Grayercruik, Mr. *James Deans* of Woodhouselie, Mr. *Roderick Mackenzie* of Prestounhall, Mr. *David Watson* of Sauchtoun, *John Fowles* of Ratho, *James Baird* younger of Sauchtounhall, *James Murray* younger of Deuchar, *Charles Murray* of Hadden, Sir *William Hope* of Grantoun, Mr. *James Hunter* of Murrays, the eldest Baillie of *Muskelburgh* for the time, the eldest Baillie of *Dalketh* for the time; The Earl of *Perth*, Sheriff-Principal, Conveener, and in his absence the Lord *Collington*.

For the Shire of Haddingtoun.

The Earl of *Wintoun*, the Earl of *Tweddale*, Lord *Yester*, Lord *Elbank*, Lord *Belhaven*, Sir *John Sinclair* of Lochead, *Archibald Murray* of Spott, Mr. *Robert Lawder* Portioner of Belhaven, *Archibald Sydejerf* of Roughlaw, Sir *Andrew Ramsay* of Waughtoun, *Francis Kinloch* of Gilmertoun elder, Sir *William Baird* of Newbyth, *Patrick Brown* of Colstoun, *James Dowgall* of Nunland, *Robert Hepburn* of Beertoorad, *John Seaton* of Barns, Sir *Robert Sinclair* of Stevinson, Sir *James Stansfield* of Newmilns, *Richard Cockburn* of Clerkingtoun, Sir *James Hay* of Linplum, *George Swintoun* of Chesters, Mr. *George Halyburton* of Eggleseairney, Sir *John Lawder* of Fountainhall, *George Brown* younger of Colstoun, *Adam Cockburn* of Ormsloun, *Adam Hepburn* of Humble, *David Hepburn* of Randerstoun, *John Wedderburn* of Gosford, Sir *John Nisbet* of Dirltoun, *William Congleton* of that ilk, Sir *George Sutie* of Balgone, Sir *John Ramsay* of Westerfalside, *John Seton* of St. Germans, Sir *William Hamilton* of Prestoun, *George Morison* of Prestongrange, *John Sleich* Provost of Haddingtoun, *William McCall* Baillie there, *James Forrest* Baillie in Dumbar, *Charles Maitland* Baillie in North-Berwick, the Earl of *Wintoun* Conveener, and in his absence *George Brown* younger of Colstoun.

For

For the Shire of Berwick.

James Earl of Hume, the Lord *Harcars*, Mr. *Charles Home* of Aytoun, Sir *William Nicolson* of Cockburniel path, Sir *John Sinclair* of Lonformagus, Sir *Alexander Don* of Newtoun, Sir *John Hume* of Blackader, Sir *James Cockburn* of that ilk, *Archibald Cockburn* of Borthwick, Sir *Patrick Hume* of Burns-bank, *John Rentoun* of Lambertouh, Sir *James Cockburn* of Kiselaw, *John Ker* of West-Nisbit, Mr. *Alexander Brown* of Thorny-Dykes, *William Ramsay* younger of Edrington, *John Edgar* of Wedderly, *Henry Trotter* of Mortounhall, *Andrew Ker* of Moristoun, *Andrew Ker* of Little-Dean, *James Nicolson* of Trabroun, *John Dunce* of Growel-Dykes, *John Hall* of Old Cambus, *James Cockburn* of Whin-rigg, *William Cockburn* of Caldera, Mr. *Henry Hume* of Keams, *Joseph Douglas* of Edrington, *Henry Sinclair* of Woulfordland, *George Hume* of Saint-Leonards, Mr. *Patrick Craw* of Heugh-head, *Charles Swinburn* younger of Merfington, *James Brown* younger of Blackburn, *James Pringle* of Ruthchester, *Thomas Rockhead* of Whitfumbill, *James Peter* of Chapel, *Thomas Falconer* of Kincoth, Mr. *James Douglas* of Earnslaw, Mr. *John Cockburn* of Easter-Winshill, Mr. *Duncan Forbes* of Uxstoun, *John Storch* of Engelt; Sir *Archibald Cockburn*, elder of Lantoun, or in his absence his eldest Son, Conveener.

For the Shire of Roxburgh.

The Earl of *Lothian*, the Lord *Cranstoun*, the Lord *Jedburgh*, the *Lo. Newbottle*, Sir *William Ker* of Gretnhead, Sir *Francis Scot* of Thirlestane, Sir *William Elliot* of Stobs, Sir *William Bennet* of Grubit, *Henry McDougall* of Mckerstoun, Sir *John Scot* of Ancrum, Sir *Robert Pringle* of Stichel, Sir *Patrick Scot* of Laingnewtoun, *William Ker* of Chatto, *Francis Scot* of Gorron-berry, *John Ker* of Frogton, *William Scot* of Raeburn, *Andrew Ker* of Little-Dean, *Charles Murray* of Hadden, Mr. *Patrick Don* of Advocat, *Robert Scot* of Horsthill, *Thomas McDougall* younger of Mckerstoun, *John Scot* of Rennel bourn, *George Rutherford* of Fairminton, *James Don* of Smelholm, *John Halyourton* younger of Murchouelaw, *Thoma Rutherford* of Knowlouth, *Gledistoun* of that ilk, *Andrew Arnsey* of Black-hill, the Provost of *Jedburgh*, *Robert Fae* of Melrois, *Robert Elliot* of Midlemish, *Robert Elliot* of Lairistoun, *Thomas Scot* of Quillet, *William Murray* younger of Hadden, Mr. *Francis Pringle* Sheriff deput, *William Elliot* of Grange, *Langludge* of that ilk; Sir *William Douglas* of Cavers, Conveener.

For the Shire of Selkirk.

The Earl of *Traguir*, the Lord *Elibank*, Mr. *William Hay* of Drumelzier, Sir *Francis Scot* of Thirlstain, *James Murray* of Philip-hauch, Sir *Patrick Murray* of Deuchar, *Thomas Scot* of Whitlad, *John Riddel* of Trayning, *Hugh Scot* of Gallothells, *Alexander Pringle* of Yair, *James Murray* of Deuchar younger, *James Scot* of Bowhill, *Thomas Scot* of Todrig younger, *William Scot* of Braidindows, *Ker* of Sunderlandhall, *Grason Murray* of Sundhope, *Francis Scot* of Gilmanfeleuch, *Andrew Plumber* of Middlefield, *John Currer* of Howden, *William Mithill*, late Baillie in Selkirk; The Laird of *Drumelzier* Conveener.

For the Shire of Peebles.

James Earl of Mortoun, *James Lord* Aberdour, *Charles Earl* of Traguir, *John Earl* of Tweeddale, *John Lord* Yester, Colonel *James Douglas* of Skirling, *William Hay* of Drumelzier, Sir *Archibald Murray* of black-barony, Sir *William Murray* of Stainhope, *John Vitch* of Davick, *Richard Murray* of Spittle-hauch, *James Goddes* of Kirkkoord, *John Hay* of Haytoun, *William Turret* of Burns; *James Williams* of Cordon, *John Brown* of Scottoun, *John Dykes* of Whitlad, *George Hunter* of Pollwood, *David Pleidherk* of Blyth, *William Burnet* of Keilzie, *Alexander Horsburgh* younger of that ilk, *James Nasmyth* of Poffo, *Alexander Murray* of Hallmyre, *John Murray* of Girdgilly, *John Balfour* of Kilzia, *Robert Burnet* of Little-Orinstoun, *William Horsburgh* of that ilk, *Lawton* younger of Cairnmore, the Provost of Peebles for the time, *Alexander Baillie* younger of Cullands, *James Russell* of Shipperfield, *Alexander Hamilton* of Coldwall, *James Chisholm* of Tayhope, *Pennicook* of Romano, *William Morison* of Prestoungrange; Colonel *James Douglas* of Skirling Conveener.

For the Shire of Lanerk.

William Duke of Hamilton, *James Marquess* of Dowglas, *James Earl* of Arran, *Alexander Lord* Blantyre, *John Hamilton* of Elderhew, *John Hamilton* of Kilkerrleuch, *William Baillie* of Littlegill, *John Carmichael* of Bonington, *Alexander Menzies* of Culteralloes, Mr. *Andrew Brown* of Dolphington, *James Moorhead* of Perlelands, *Christopher Baillie* of Walfstoun, *James Somervell* of Gladstones, Sir *George Lockhart* of Canewath, *John Somervell* of Spittel, *James Lockhart* of Cleghorn, the Laird of Lee, *Menzies* of Castlehill, *Gavin Hamilton* of Raploch, *John Hamilton* of Broomhill,

William Hamilton younger of Raploch, *Sir Robert Hamilton* of Silvertoun-hill, *John Robertson* of Ernock, *James Oswald* of Fingaltoun, *John Hamilton* of Barncluth, the Bailies of Hamiltoun for the time, *John Hamilton* of Blantyre-ferm, *Sir William Maxwell* of Calderwood, *Alexander Stewart* of Torrens, *Robert Cunningham* younger of Gilbert-field, *Sir William Fleming* of Fairholm, The Bailie of the Regality of Glasgow for the time, *Mr. Hugh Corbet* of Hardgray, *Corbet* of Tollerose, *Mr. Archibald Robertson* of Bedlay, *James Dunlop* of Gardenkirk, *James Muirhead* of Bradetholme, *William Cleiland* of Faskine, *Cochran* of Kuch-foals, *Alexander Cleiland* of that ilk, *John Hamilton* of Wood-hall, *George Muirhead* of Stevinstoun, *Sir John Harper* of Cambushnetern, *William Hamilton* of Wishaw, *Patrick Hamilton* of Green, *Alexander Hamilton* of Dalzell, *William Inghs* of Murdochstoun, *William Cleiland* younger of Hainshaw, The Duke of Hamiltoun Conveener.

For the Sheriffdom of Nithsdail and Dumfreis

William Duke of Queensberry, *James Earl* of Drumlanrig, *John Earl* of Carnwath, *William Earl* of Annandale, *Lord William Douglas*, *Sir Robert Dalzell* of Glenae, *Sir James Douglas* of Kelhead, *Sir Robert Greirson* of Lagg, *Sir Thomas Kirk* Patrick of Ciosburn, *Sir Robert Lourie* of Maxwelltoun, *Sir James Johnston* of Wasteraw, *Sir Patrick Maxwell* of Springkell, *Thomas Charters* of Ammifield, *John Carruthers* of Holl-mayns, *William Douglas* of Dornock, *John Dalzell* younger of Glenae, *John Ferguson* of Craigdorroch, *James Johnston* of Corre-head, *Donald Maxwell* of Cowhill, *Robert Maxwell* of Carnalloch, *George Maitland* of Eccles, *John Greirson* of Cappinoch, *William Crichton* of Crawford-toun, *Matthew Hairstains* of Craigs, *John Craik* of Stewartoun, *James Merzies* of Enoch, *James Carruthers*, Chamberlain to the Earl of Annandail, The Sheriff deput of Dumfreis for the time; The Provost of Dumfreis for the times, The Duke of Queensberry Conveener.

For the Sheriffdom of Wigtoun:

The Earl of Galloway, *Robert Stewart* of Reavingstoun, *Sir Andrew Agnew* of Lochnaw, *William Stewart* of Castle-Stewart, *Sir Charles Hay* of Park, *Sir Godfrey Maculloch* of Myrtoun, *Sir William Maxwell* of Murreth, *Sir David Dumbair* of Baldoun, *James Dumbair* of Mochrum, *Patrick McDougal* of Logan, *William McDougal* of Gaiseland, *John Stewart* of Phisgil, *James Agnew* of Lochnaw, *Sir John Dalrymple* of Stair, *John Blair* of Dunsey, *Andrew Agnew* of Sheuchan, *George Stewart* of Tonderghie, *John Vane* of Barnbarroch, *John Ferguson* of Doweltoun, *James Gordon* of Craiglaw, *William Coultran*, Provost of Wigtoun, *Gilbert Neilson* of Craigcastle; the Earl of Galloway Conveener.

For the Sheriffdom of Air.

The Earl of Dumfreis, the Lord Boyd, the Lord Cochran, the Laird of Craigie, the Laird of Blair, *John Chalmers* younger of Gaitgirth, *Major Thomas Kennedy* of Balterfane, *William Wallace* of Sewaltoun, *Mr. Rorie McKenzie* of Dalvenan Bailie of Carrick, *James Whiteford* of Dunduff, *John Hamilton* of Inchgoterick, *John Wallace* of Cames-skan, *William Stewart* of Showood, *Hugh Wallace* of Galrigs, *Hugh Kennedy* of Donan, *Robert Fullartoun* of Craigihall, the Lord Montgomery, the Lord Creichtoun, the Lord Bargany, the Laird of Culzean, *Sir David Cunningham* of Robertland, *Alexander Kennedy* of Kilhenize, *Cathcart* of Carletoun, *Hugh Wallace* of Inghistoun, the Laird of Penultoun, *John Boyd* of Kelburn, *Andrew Brown* of Boghead, *Robert Wallace* of Underwood, *Robert Cranford* of Crawfordstoun, the Provost and Bailies of Air for the time, the Provost of Irwing for the times the Earl of Dumfreis Conveener.

For the Sheriffdom of Dumbartoun.

The Laird of Luss, the Laird of Ardingaple, the Laird of Kilmahew, the Laird of Ardoch younger, the Laird of Colgrean, *Mr. James Smollet* of Stainflat, *Robert Grahame* of Callingade, *Alexander Macaulay* of Durcling, *Gland Hamilton* of Cochnay, *William Bontair* of Mildiving, *Walter Macaulay* of Stuck, *John Kirkmichael*, Chamberlain to the Earl of Wigtoun, the Magistrates of Dumbartoun for the times; the Laird of Orbistoun Conveener.

For the Sheriffdom of Bute.

The Duke of Hamilton His Grace, the Bailie in Arran for the time, the Earl of Eglington, *Ninian Bannatyne* of Kames, *Charles Stenart* of Killcarton, *John Foyl* of Kellburn, *Mr. John Stewart* of Ascog, *Mr. Robert Stewart* Advocat, *Archibald Stewart* of Kinwhinlick, *Ninian Stewart* of Largiezi, Sheriff-deput of Bute, *Robert Ballantine* of Lewbas, the Magistrates of Rothesay for the time, *Sir James Stenart*, Sheriff of Bute, Conveener.

For the Sheriffdom of Renfrew.

The Earl of Glencairn, the Earl of Dundonald, the Lord Montgomery, the Lord Cochran, the Lord Ross, the Lord Blantyre, the Laids of Houstoun elder and younger, the Laird of Blackhall, the Laird of Orbistoun, the Laird of Johnstoun, the Laird of Bishoptoun younger, the Laids of Greenock elder and younger, the Laird of Hellie, the Laird of Barrochan, *Thomas Crawford* of Carlburn elder, *Thomas Crawford* of Carlburn elder, the Laird of Scottoun, the Laird of Jordon-hill, younger, *James Oswald* of Fingaltoun, *Colin Campbell* of Fergussly, *John Hamilton* of Barr, *Robert Lawder* of Auld-houfe, the Laird of Fullbar, *William* younger, the Laird of Glanderstoun, the Laird of Dargwell younger, the Laird of Cathcart Renfrew for the time, the Bailies of Paisley for the time, *John Pollock* of Falside, the Lord Montgomery, Conveener.

For the Sheriffdom of Striveling.

The Duke of Hamilton, the Earl of Callender, the Lord Elphinstoun, *Mr. William Livingston* of Kilsyth, *James Seton* of Touch, *John Murrays* of Polmaise elder and younger, *Michael Elphinstoun* of Quarrel, *James Bruce* of Pow-fowlis, *Alexander Bruce* of Kinnaird, *James Livingston* of Westquarter, *Archibald Stirling* of Carden, *Hugh Paterson* elder and younger of Bannockburn, *John Stirling* of Craigbonet, *James Forsyth* of Taylortoun, *Robert Bruce* of Achenbowie, *David Moir* of Leckie, *James Edmonstoun* of Broich, *William Buchanan* of Drumakeil, *George Stirling* of Herbertshire, *Mr. Adam Campbell* of Gargannock, *Sir Hope* of Carle, *Alexander Napier* of Culcreuch, *Sir Charles Areskin* of Alva, *James Bell* of Auchtermory; the Earl of Mar Conveener.

For the Sheriffdom of Linlithgow.

William Duke of Hamilton, *James Earl* of Arran, *George Lord Livingston*, *Walter Lord Torphichen*, *General Dalzel*, *Walter Dundas* of that ilk, *Thomas Drummond* of Riccartoun, *James Cornwal* of Bonhard elder, *Walter Cornwal* of Bonhard younger, *James Hamilton* of Bancrief, *Alexander Hamilton* of Grange, *Patrick Murray* of Livingston, *Alexander Cochran* of Babachlaw, *William Sharp* of Houstoun elder, *Thomas Sharp* of Houstoun younger, *James Dundas* of Philipstoun elder, *James Dundas* of Philipstoun younger, *Sir Alexander Livingston* of Craigingal elder, *Alexander Grantoun*, *Mr. William Dundas* of Kincavil, *Captain Dalzel* of Binns, *James Monteith* of Old-cathies, *John Hamilton* of Dachmont, *Mr. John Fairholm* of Craigiehall, *Mr. John Hay* of Woodcockdale, *George Drummond* of Carlourie, *Alexander Miln* of Carriden, *Robert Miln* of Barn-toun, *John Dundas* of Manners, *Baillie* of Polkennet, the Earl of Linlithgow, Conveener.

For the Sheriffdom of Perth.

James Earl of Perth, *Lord High Chancellor* of Scotland, *John Marquess* of Athol, *Lord Privy Seal*, *Patrick Earl* of Strathmore, *John Earl* of Broad-Albion, *David Viscount* of Stormount, *Andrew Lord Rollo*, *George Lord Kinnaird*, *Patrick Master* of Kinnaird, *Lieutenant General Drummond* of Cromlix, *James Grahame* of Orcholl, *John Drummond* of Deanstone, *John Hadden* of Glenagies, *Sir John Drummond* of Machinnie, *John Drummond* of Pitkellonie, *Sir Robert Murray* of Abercainny, *Sir Patrick Murray* of Auchtertyre, *Gavin Drummond* of Belliclon, *Sir George Drummond* of Milnab, *Thomas Grahame* of Balgown, *Thomas Hay* of Balhouffie, *John Stewart* younger of Cairnully, *George Drummond* of Blair, *David Drummond* younger of Invermay, *Thomas Moncrief* of that ilk, *Mr. Robert Ross* of Invernethy, *Mr. Patrick Ker* of Kilmount, *Mr. Alexander Carnegie* younger of Kintauns,

Sir Patrick Threepland of Fingask, Patrick Hay of Kirkland, Sir Alexander Lindsay of Evelick, Thomas Blair of Balthaick, Mr. John Blair of Balnyle, Andrew Blair of Inchshiral, Sir John Hay of Murry, Mr. Francis Montgomery of Inchlelly, David Kinloch of Bardoch, James Ramsay of Bamff, James Ogilvie of Clunie, William Stuart of Balid, Thomas Stuart of Stentone, Patrick Stuart of Bellichen, Sir James Campbell of Lawers, Sir John Murray of Drumcairn, Sir Colin Campbell of Aberuchill, Colin Campbell of Monzie, Thomas Stuart of Ladywell, Menzies younger of Weem, David Haliburton of Pitcur, John Gray of Crichtie, Haliburton of Fothrens, James Blair of Ardblair, John Mitchell of Byres, James Grahame of Garvoch, Patrick Smith of Methven, Walter Stuart of Kincarrathie, John Murray of Pitculcan, Mr. James Elphinstoun of Comrie, John Buchannan of Arnpriyer, Alexander Stuart of Annat, Mr. David Grahame Tutor of Gorthie, John Murray of Stravan, William Paton of Pannols, John Williamson of Barnhill, John Murray of Arthursfoun, Mr. Patrick Murray of Dollary, Charles Stewart of Rotnell, Alexander Robertson of Struan, Sir William Stirling of Ardoch, Adam Drummond of Meginch, John Stuart of Fafs, Kinloch of Gourdie, Patrick Murray of Keiler, Donald Robertson of Kilachangie, James Stuart younger of Orart, Henry Murray of Lochlans The Marquess of Athol Conveener.

For the Sheriffdom of Kincardin.

The Earl of Marischal, the Earl of Southesk, the Earl of Middleton, the Viscount of Arbutnot, the Lord Halcartoun, the Lord President of the Session, Sir Charles Ramsay of Balmain, Sir Alexander Falconer of Glenfarquhar, Sir David Carnegie of Pittarow, the Laird of Laurenstoun, the Laird of Lyes, the Laird of Balbegno, the Laird of Halgreen, the Laird of Ellick, the Laird of Pitgarvie, George Keith Sheriff Deput, Mr. James Falconer of Pheldo, John Douglas of Tilliwhillie, William Barclay of Balmaqucen, William Ramsay of Woodstoun, John Barclay of Johnstoun; the Earl of Marischal Conveener.

For the Sheriffdom of Aberdeen.

George Duke of Gordon, John Earl of Errol, George Earl Marischal, William Lord Keith, Charles Earl of Mar, James Earl of Dumfries, George Earl of Panmure, John Earl of Kintore, William Lord Inverury, George Earl of Aberdeen, William Lord Forbes or the Master his Son, Alexander Lord Salton, or the Master of Salton, Alexander Lord Pittligo, or the Master his Son, the Lord Frazer, Alexander Irving of Drum, Sir Alexander Seton of Pitmedden, Sir George Nicolson of Kemnay, Sir John Forbes of Craigyvar, Sir James Baird of Auchmedden, Sir George Gordon of Edinglassie, John Gordon of Rothemay, John Gordon younger of Fechill, Alexander Gordon Tutor of Pitlurg, John Gordon of Knockpack, Sir James Gordon of Lefsmoir, the Laird of Udney younger, Robert Udney of Auchterellon, Sir George Skeen of Fintray, Patrick Dun of Taartie, Mr. Alexander Cuning of Birnesh, Mr. Alexander Forbes of Foverane, Samuel Forbes younger of Foverane, John Rofs of Rosehill, Alexander Frazer of Streichen, Sir Henry Guthrie of Kinnedward, William Mowat of Balquholly, James Keith of Tilligonie, Sir William Keith of Ludwhairn, John Forbes of Lefly, Sir John Forbes of Monymusk elder, William Forbes of Monymusk younger, Patrick Lefly of Buchquhain, Leith of Whitehaugh, Alexander Cuning of Coulter, Elphinstoun of Glack younger, the Laird of Dyce younger, Mr. James Gray of Balgony, Alexander Skein of that ilk, Sir Thomas Burnett of Lyes, Sir George Gordon of Geight, Sir Alexander Burnett of Craigmyle, Robert Gordon elder of Clunie, Robert Gordon younger thereof, James Urquhart of Knockleith, Menzies of Pitfodels, James Innes of Drumgask, Adam Gordon of Acbainachie, Francis Rofs of Achlossin, Gordon of Kochlarachie, Sir Robert Innes of Kinnermonie, John Gordon of Braichley, Mr. Thomas Gordon of Buthley, Francis Dugit of Auchinboove, Forbes younger of Echt, David Edie of New-wark, Mr. Thomas Gordon of Crimomnagate, Gordon of Badaiscoth, William Gray of Creichie, Robert Rofs younger of Achlossin, William Thiores younger of Muresk, John Gordon of Nethermoor, Thomas Forbes of Watertoun, Charles Gordon of Brelack, Adam Gordon of Glenbuckit, Gordon of Tarperfie, Mr. Alexander Irving of Lennie, John Gordon of Hallhead, Mr. Robert Irving of Cults, Forbes of Tulloch, Bisset of Lessindrum younger, James Gordon of Bodome, Frazer of Streichen, Caddel of Assiwanly, John Gordon of Cairnborrow, Francis Gordon younger of Craig, Sir Charles Maitland of Pittrichie, Thomas Forbes elder of Echt, George Morison of Pitture, Arthur Forbes of Brux, George Garioch younger of Kinstaret, James More of Stonywood, Mr. James Elphinstoun of Logidurno, Patrick Lefly of Kincraigie, Alexander Rofs of Tilliesnaught, William Forbes of Campbel, Mr. James Keith of Anquhorsk, Andrew Watson Baillie in Peterhead, William Gordon of Newtyle, Alexander Donaldson of Little Drumwhindle, Mr. Richard Irving of Kirkfoun, James Gordon of Daach, Robert Burnett of Elrick, James Forbes of Savock, the Laird of Fetterneir, John Logie of Boddome, Leith of

of Newlands, *Lelly of Little Warthell*, the Laird of *Craigvar* younger, Robert Simpson of *Thornstoun*, James Chalmers of *Balhirthno*, the Laird of *Balfig* younger, George Paton of *Grandon*, Thomas Menzies of *Kimmundie*, Mr. George Richard of *Aldnigh*, Henry Forbes of *Boyn-day*, John Udney of *Cultercullen*, Mr. Robert Innes of *Blairtoun*; The Earl of *Errol* Conveener.

For the Shire of Innerpefs.

The Duke of *Gordon*, the Earl of *Murray*, the Lord *Doun*, the Lord *Lovat*, the Laird of *Meina*, tosh, the Laird of *Meleod*, the Laird of *Grant*, the Laird of *Glengerrie*, Sir Donald McDonald, the Laird of *Kilravock*, the Laird of *Clava*, Hugh Frazer of *Belladrum*, Alexander Frazer of *Kinnaries*, John Grant of *Corrimoney*, Donald McIntosh of *Kellochy*, William Frazer of *Daltulich*, Donald McQueen of *Corribroch*, James Frazer of *Rilik*, Alexander McIntosh of *Farr*, Angus McIntosh of *Kellochie* younger, John McIntosh of *Dalmegotter*, Farquhar McIlvray of *Dunmackglafs*, McDonald of *Castletoun*; The Lord *Lovat* Conveener.

For the Sheriffdom of Nairn.

The Laird of *Calder*, or in his absence his eldest Son, the Laird of *Kilravock*, or in his absence his eldest Son, Alexander Rose of *Clava*, Duncan Forbes of *Culbodin*, Alexander Brodie of *Leathine* James Dunbar of *Boath*, David Sutherland of *Kinfertie*; The Laird of *Calder* Conveener.

For the Sheriffdom of Cromarty.

George Viscount of *Tarbat*, John Master of *Tarhat*, the Chamberlain of *Cromarty* for the time, Sir George McKenzie of *Rosehaugh* His Majesty's Advocate, his Chamberlain for the time, Alexander Urquhart of *Newhall*, and John Urquhart Fiar thereof his Son, George Dallas of *St. Martins*, and Mr. James Dallas younger thereof his Son, William Urquhart of *Braelangwell*, Alexander Clunes of *Dunskeith*, Andrew Frazer of *Bannance*; The Viscount of *Tarbat* Conveener.

For the Sheriffdom of Argyle.

The Earl of *Perth* Lord High Chancellor, John Marquess of *Athol*, the Earl of *Broad-Alhion*, Camphel of *Lochneil*, the Laird of *Melean*, Lachlan Melean of *Brolas*, Lachlan Melean of *Torlusk*, Melean of *Argour*, Melean of *Lochbui*, Meclaster of *Tarbet*, McDonald of *Largie*, the Laird of *Lamont*, the Laird of *Menaughtain*, the Laird of *Calder* elder and younger, John Menaughtain Sheriff Deput of *Argyle* Shire, Stuart of *Apin*, or his Tutor, Archibald Lamont of *Silvercraig*, John Camphel of *Carrick*, John Camphel of *Duncen*, John Camphel of *Glendarnel*, Archibald Melachlan of *Craiginterrie*, Archibald Camphel of *Invera*, Donald Camphel of *Craignish*, Alexander Camphel of *Dunstaffish*; The Laird of *Brolas* Conveener.

For the Sheriffdom of Fife.

Colin Earl of *Belcarras*, John Lord *Lindores*, David Lord *New-wark*, the Lord *Dunkell*, Sir David Balfour of *Forret*, Sir Thomas Stuart of *Balcaskie*, Sir Andrew Ramsay of *Abbotshall*, Sir Charles Halket of *Pittfirmin*, Sir William Bruce of *Kinross*, Sir Henry Wardlaw of *Pittrevie*, George Durie of *Pituskar*, Alexander Spittel of *Leuchat*, Robert Moutray of *Roscobie*, Sir Alexander Bruce of *Broom-hall*, Mr. James Robertson of *Newhigging*, Mr. James Alexander of *Kinglassie*, John Skeen of *Halyards* younger, Mr. Alexander Malcolm of *Lochor*, David Beaton of *Balfour*, James Beaton of *Curden*, Sir John Malcolm of *Innertick*, Robert Bailie of *Balmeddieside*, George Moncreif of *Reidie*, James Prestoun of *Dumhrea*, Sir John Aitoun of that Ilk, Michael Malcolm of *Neth-hill*, James Carmichael of *Bamhlea*, the Master of *Burley*, James Crawford of *Monquhey*, Scot of *Pitloch-y*, John Skeen of *Halyards*, Sir Thomas Hope of *Craighall*, John Balfour of *Ferm*, Sir Philip Anstruther of *Ilk*, Arthur Forbes of *Rires*, Lindsey of *Wormountoun* elder, Robert Smith of *Giblistoun*, Sir Alexander Areskin of *Cambo*, David Scot of *Scots-Tarhet*, John Cunningham of *Barns*, Hamilton of *Kilhrakmont*, Andrew Bruce of *Earlshaugh*, Sir William Sharp of *Scotsraig*, Robert Trotter of *Lawhill*, Didinstoun of *Samford*, William Anstruther Fiar of that Ilk, Mr. James Balfour of *Randerstoun*, Alexander Monipenny of *Pitmills*, Forbes younger of *Rires*, David Balcanquell of that Ilk, David Balfour of *Grange*, Sir Michael Balfour of *Denmiln*, Stuart of *Rolyth*, Sir David Arnot of that Ilk, James Arnot of *Woodmiln*, Mr. Archibald Hope of *Rankilor*; The Earl of *Belcarras* Conveener.

For the Shire of Kinross.

John Lord Bnighlie, Sir David Arnot of that ilk, Robert Dowglas of Kirknefs, Sir John Malcolm of Innerreil, John Halyday of Tilliboll, Mr. Alexander Crawford of Claslochie, James Banken of Colden, George Berill Portioner of Kinneswood, Patrick Robertson of Smiddiehill, the Baillie of *Kinross* for the time, Sir William Bruce of Kinross Sheriff Principal, or his Deputs Conveener,

For the Sheriffdom of Forfar.

The Earl of *Strathmore*, and Lord *Glames*, the Earl of *Southesk*, and Lord *Carnegie*, the Earl of *Airly*, and Lord *Ogilvy*, the Earl of *Pannmure*, the Earl of *Northesk*, the Earl of *Midlton*, the Viscount of *Arbuthnot*, the Lord *Lindores*, Sir David Falconer President of the Session, Sir George McKenzie of Rosehaugh, His Majesty's Advocat, Sir Patrick Lyon of Cars, Mr. James Maule of Balmby, Mr. Henry Maule of Kelly, Mr. James Carnegie of Phinheaven, David Lindsay of Edzell, James Carnegie of Balnamoon, David Haliburton of Pitcur, Collonel John Grahame of Claverhouse, James Scot of Logie, David Fotheringham of Powrie, Sir John Wood of Bonytoun, William Durhame, sometime of Ardown, now of Grange, James Crichtoun of Ruthven, Gilbert Auchinleck of that ilk, John Guthrie of that ilk, Alexander Carnegie Sheriff Deput of Forfar, John Ouchterlany of Guynd, Mr. John Wihart of Balgavie, one of the Commissars of *Edinburgh*, Robert Young of Auldbar, John Ogilvie of Pirmeves, David Grahame of Fintie, Gray of Crichtie; The Earl of *Southesk* Conveener.

For the Sheriffdom of Bamff.

The Duke of *Gordon*, the Earl of *Airly*, the Earl of *Finlater*, the Lord *Oliphant*, the Lord *Bamff*, Sir Patrick Ogilvie of Boyn, Sir James Baird of Achmeddine, Sir George Gordon of Edinglassie, the Laird of Troup, George Keith of Northfield, Sir Henry Guthrie of Kinnedward, Grant of Deaulus, Walter Stuart of Bog, James Ogilvie of Poldavie, Thomas Ogilvie in Bogtoun, Alexander Hay of Atmbath, Mr. John and Alexander Abercrombies elder and younger of Glassach, George Gordon of Thornybank, Patrick Gordon of Claitstirum, Alexander Gordon of Glengerrack, John Ogilvie of Kimpcairn, Ogilvie younger of Kimpcairn, Innes of Edinkeith, of Kilmach, Anderson younger of Westertoun, John Grant of Balindalloch, the Laird of Park-Gordon, Provost Stuart, Baillie Fife, Baillie John Gordon, the Laird of Grant, Patrick Grant of Elchies, Alexander Duff of Kethmore, John Gordon younger of Edinglassie, Alexander Duff of Braco, James Gordon of Camdell, Patrick Stuart of Tanachie, Hay of Raneies, John Gordon of Baldornie, Francis Gordon of Achintoul, Ogilvie of Cantly, John Gordon of Auchynachie, John Gordon of Rothemay, John Gordon of Dallouchy; The Duke of *Gordon* Conveener.

For the Sheriffdom of Kircudbright.

The Viscount of *Kenmore*, Sir David Dunbar of Baldoon, Sir Robert Grierson of Lagg, Sir Robert Lowrie of Maxwelltoun, Sir Godfrey McCulloch of Myrtoun, Sir Robert Maxwell of Orchartoun, Rodger Gordon of Torquhen, Grierson of Bargaraton, Muir of Carsincurrie, M'guffock of Rusco, Thomas Lidderdale of Isle, Richard Murray of Brochtroun, Andrew Herron of Keruchtrie, David Dunbar of Machnemore, Maxwell of Newlaw, Hugh Wallace of Ingliftoun, John Megie of Balmagie, William Stuart of Levinftoun, Gordons elder and younger of Shirmeirs; The Laird of *Lag* Conveener.

For the Sheriffdom of Sutherland.

John Lord *Strathnaver*, the Lord *Rea*, James Lord *Duffus*, the Laird of *Balnagown*, Sir Robert Gordon younger of Gordinfroun, Sir George Monro of Culrain, Sir John Gordon of Doll, Sir Robert Gordon of Embo, Robert Gordon of Rogart, Rodorick McLeod of Cambuscurrie, Adam Gordon of Dalpholly, the Laird of Bighoufe, Aeneas McLeod of Leadmore, Robert Gordon of Carrel, Robert Gray of Skibo, Patrick Dumber of Sudderay, Mr. Alexander Gordon of Rovie, John Dumber of Forrobol, Hugh Monro of Eriboll, John Monro of Inveran, John Gray of Arboil, Mr. John Gordon younger of Carrel, Sheriff Deput, M'key of Skeray, William M'key of Borrey, Hugh M'key younger thereof; The Lord *Strathnaver* Conveener.

For the Sheriffdom of Caithness.

The Earl of *Broad-Albion*, John Lord *Glenmurchy*, Sir James Sinclair of May, Sir George Sinclair of Clyth, John Sinclair of Muckle, William Sinclair of Dumbeath, Sinclair of Brimes, David Murray of Clerden, Mr. James Innes of Sandside, Mr. Alexander Calder of Ayvingail, Robert Campbel of Breanegleis, John Sinclair of Frefwick, Laurence Calder of Lyneger, George Sutherland of Fors, John Sinclair of Ulbster, Robert Sinclair of Durren, Robert Campbel of Dalagavich, the Sheriff Deput of Caithness for the time, Alexander Smart of Wester, the Baillies of Thurso for the time, the Earl of *Broad-Albion* Chamberlain in *Caithness* for the time, William Dumber of *Hempries*, John Sinclair of *Strico*, James Sutherland of *Ausadal*, Mr. Robert Dumber of *Orkingail*, Alexander Sinclair younger of *Dunbath*, Patrick Sinclair of *Southain*, Sinclair of *Brabster*, Sinclair of *Hemister*, James Sinclair of *Lybster*, James Sinclair of *Hoy*; The Earl of *Broad-Albion*, or the Sheriff Deput of *Caithness* for the time Conveener.

For

For the Sheriffdom of Murray.

The Duke of Gordon, the Earl of Murray, the Earl of Dumfermling, the Lord Duffus, the Lairds of Innes, the Laird of Coxtoun, the Laird of Cubin elder, the Laird of Muirtoun, the Laird of Gordinstoun younger, the Laird of Brodie, Sir Robert Dumbard of Grangehil, the Laird of Grant, the Laird of Easterelchis, the Laird of Dunfai elder, the Laird of Grange, Charles McKenzie of Earnside, Thomas Tulloch of Tanochie, David Steuart of Newton, Alexander Dowglas of Spyny, the Laird of Bellandolloch, John Innes of Quadrain, Walter Innes of Black-hills, Alexander Innes of Dunkintie, John Cumming of Logie, John Dumbard of Boges, William Brody of Coufield, the Lord Doun Conveener;

For the Sheriffdom of Orkney and Zetland.

The Stewart for the time and his Deputs, Archibald Steuart of Burrow, William Dowglas of Egle-shay, William Craigy of Cairsay, James Grahame of Gramt-hall, William Ballenden of Stenhoufe, Henry Grahame of Brecknesh, Robert Steuart of New-wark, George Balfour of Pharay, Steuart of Burgh, James Steuart of Grahamsay younger, William Mudy of Melletter, David Craigy of Oversandy, the Commissar of Orkney for the time, James Baikie of Tankernes, John Buchannan of Sandylife, George Grahame of Grahametoun, George Trayl of Holland, Andrew Bruce Tutor of Munis, Laurence Stuart of Bigtoun, Laurence Sinclair of Quandel, George Seen of Effilmonth, Arthur Sinclair of Housle, Robert Hunter of Luna, Patrick Umphra of Sand; the Stewart-Principal, or his Deput, Conveener.

For the Sheriffdom of Clackmannan.

The Earl of Mar, George Viscount of Tarbat, the Laird of Ava, John Kirie of Gogour, Robert Miln of Tiliellan, George Abercrombie of Bruce of Kenet, The Laird of Tilli-coutry, the Laird of Tillibody, Mr. Francis Maltertoun of Parkmiln, George Stirlings, the Baillie of Alloway for the time, the Laird of Ava Conveener;

For the Sheriffdom of Ross.

The Earl of Seaforth, the Viscount of Tarbat, the Master of Tarbat Sir George Monro of Culrain, Sir George McKenzie of Rosehauch, the Laird of Belnagoun, the Laird of Foulis younger, Sir Alexander McKenzie of Cull, Murdoch McKenzie of Fairburn, Mr. Rodorick McKenzie of Kinchuldram, Sir Rory McKenzie of Findon, Alexander McKenzie of Kilcovy, Kenneth McKenzie of Suddy, Sir Donald Bain of Tulloch, Alexander McKenzie of Belmaduffie, Rodorick Melod of Cambiscuirie, Alexander McKenzie of Bellon, John Munro of Fyres, Lachlan McIntosh of Kintara, Alexander McKenzie of Gairloch, Mr. John Bain of Delnies, Colin McKenzie younger of Kincraigie, Hugh Munro of Newmore, Kenneth McKenzie of Scatwall, William Ross of Invercharron, Alexander McKenzie of Aplecorfs, William Ross of Kindies, Mr. George Paterson of Seafield, George Ross of Moringy, Rory McKenzie younger of Redcastle, Donald McKenzie of Meddat, Alexander McKenzie of Ardloch, Mr. James Maculoch of Baliquich, Alexander Ross of Liuletarré, Matthew Robertson of Dochcarty, Alexander Sutherland of Inchfuir, Murdoch McKenzie of Ardros, Kenneth McKenzie of Dochthaloag, Robert Barber of Mulderg, Alexander Ross of Eastfiskin, Hugh Monro of Teaninik, David Ferne of Tarlogie, James Ross of Mount-eye; the Earl of Seaforth Conveener, or in his absence the Master of Tarbat.

AND Ordains the first Meeting of the saids Commissioners, for the severall Shires, to be at the Head-burghs thereof, upon the day of next, and appoints the major part of the saids Commissioners, named for the respective Shires, to be a *Quorum* at their first meeting, who are to appoint the next Dyet of meeting, and the Major part of such as shall meet at the second Dyet, or upon advertisement from the Conveener, at any other Dyet, to be a *Quorum*: With power to the saids Conveeners, for the saids Shires *respectiv*, to call the Commissioners soe saids, at such Dyets thereafter as they shall think necessary, for the effectual execution of this Act; And Remits to His Majesties Privy Council, to nominate such other persons to be Commissioners upon the death of any of the fore-named persons.

And for the Burghs, His Majesty with Advice foresaid, Nominats and Appoints the Magistrats of the same, for the time being, with power to them to choose Stent-masters within their *respective* bounds, which Commissioners of Shires and Burghs, are hereby Ordained to Accept, and Discharge their Trust, as they shall be answerable, and that at their Acceptation thereof, to take their Oaths of Allegiance, Supremacy, Declaration and Test, and Oath *de fidei administratione*. And His Majesty, with Advice foresaid, Doth hereby Impower the saids Commissioners to prescribe and fet

down such Rules and Orders within the respective Shires and Burghs, as may be most effectual for the speedy and easie Raising, Levying, and bringing in of the said Supply; and Ordaining, and doing every other thing that may concern the same: And particularly, With power to them to choose their own Collectors, for In-gathering of the said Supply, for whom they are to be answerable, and other Officers (except the Clerks who are to be named by the Clerk of Register;) And Ordains that no Clerk shall officiate in the said Office, either in Shire or Burgh, without a new Deputation from the said Clerk of Register: And that the saids Commissioners shall at the first meeting, choose their Collectors, for In-gathering of the said Supply. And the saids Commissioners are hereby Ordained to receive the saids Collectors and Clerks accordingly, and to allow them such Fees to be payed by the Shires and Burghs, as they shall think fit; And which Fees are hereby Declared to be over and above the foresaid Supply, and no part of the same: And which Collectors and Clerks are to take the Oaths appointed by Law.

AND the Kings *Majesty*, with Advice and Consent of His Estates, Ordains all Execution, real and personal, to pass at the Instance of the Collector General, and the Collectors of the respective Shires and Burghs, against all persons deficient in payment of their proportions as formerly. And also, Impowers the Commissioners by their Officers, to Arrest, Poynd and Distrenzie the Goods, and Imprison the persons of the Deficients, ay and while they make payment of their just proportions, and necessary expences. And for the more ready and effectual payment, Doth also Impower the Commissioners, and Collector-General, to Quarter upon Deficients, with this expresse *Proviso*, That every Horse-man that shall be upon the place, shall have only free single Quarter allotted to him upon the persons Deficient, or by quarrelling in Burghs and Villages, as the Commissioners shall appoint to be satisfied, and payed; by the Deficients; and not by these on whom they are quartered, except where they themselves are Deficient, and in that case to have fifteen shilling Scots a-day; from the time of presenting the Order to the Collector upon whom they are to quarter, until he give them a List of the Deficients, and the sums wherein they are Deficient, and thereafter to quarter upon the Deficients; and each Dragoon, to have ten shilling Scots a-day, and each Foot-man to have four shilling Scots, or his Dyer, as the Commissioners shall Order; And the Commanders of the Party of Horse, Dragoons, or Foot, to have only Double-quarter, or pay of an Horse-man, Dragoon, or Foot-man, as he serves. And Declares, That in Order to the Quarters, and matters relating to the In-bringing of this Supply, any three of the Commissioners shall be a *Quorum*, and who are Impowered to proportion upon, and raise from the Deficients, the Expence and Charge of their Deficiency, and to see payment made to these on whom the Souldiers are Quartered, who were not Deficient. And further, His *Majesty*, for satisfaction of His good Subjects, is graciously pleased to Declare, That all Officers and Souldiers, Horse, Dragoons and Foot, shall make due and punctual payment of their Quarters, local, and transient, as the same shall be appointed by the foresaid Commissioners, according to the Rates of the Countrey; and in case the Souldiers do not pay their Quarters, that the Quarters be stated betwixt the Quarter-masters, or other Officers, and any two of the Commissioners; And the Accompts being stated and fitted, that they be payed, or allowed by the respective Collectors, in the first end of what is due by the Shire, or Burgh, where the saids Quarters are owing: Providing the saids Quarters exceed not two parts of their Pay; And which stated Accompts are to be allowed to the respective Collectors, by the Collector-general, and to be by him retained off, the first end of the Troops, or Companies Pay. And in case the Officers remove before their Accompts can be stated; In that case, the Collectors of the Shires and Burghs, are to retain, what after tryal, the saids three Commissioners shall find resting, till the Accompts be stated in manner foresaid.

And His *Majesty*, with Advice of His Estates, Doth Declare, That no persons lyable in any part of this Supply, shall be holden to produce their Discharges, or Receipts of the same, after ilk fifth year, Commencing from the Date of this Act, unless where Diligence hath been done by Denunciation, before elapsing of the said fifth year.

XIII.

ACT For Taking the Test.

May 13. 1685.



OUR SOVERAIGN LORD, With Consent of the Estates of Parliament, Statutes and Ordains, That all Protestant Heritors, Liferenters, and Others having Right to Liferents, *Fore Mariti*, Wodletters, Tacksmen, having Tacks for longer time than for Eighteen Years: All Masters of Ships, and such other Burgesles, and Inhabitants of Bugh, whether of Royalty, Regality, or Barrony, as are not Heritors, and who shall be Appointed by the Privy Council, shall take the Test Prescribed by the sixth Act of the Parliament 1681. Before the First Day of *November*, for all such as Live be-south the River of *Tay*, and before the first day of *January* next, for all be-north *Tay*. And for that end, that all Noblemen, and their Eldest Sons above the Age of Eighteen Years, shall Compear before His *Majesties* Privy Council: All Masters of Ships, and Burgesles aforesaid, shall Compear before the Provost or Bailliffs of the Bugh to which they belong, and

all others foresaid, before the Sheriff of the Shire where they live, at some time before the said *Days*; And there shall swear and Subcrive the said Test before the Judge and Clerk of the Court, with Certification, that such as fail in Swearing and Subscribing the Test as said is, shall be Punished in such Pecunial Sums as the Secret Council shall Determine; To be Disposed of by His *Majestie*, at His Royal Pleasure. It is alwayes Declared, that this Act Extends not to Women; And all Clerks are hereby Ordained, to send in Lists of such as have taken the Test, within their Respective Jurisdictions, to the Clerks of His *Majesties* Privy Council, before the First Day of *February* next to come, under the pain of losing their Office, and to be Punished otherwayes as the Privy Council shall Determine: But such as have already Sworn and Subscribed, shall not be Obligated to Renew it on this Occasion. And further, His *Majesty* with consent foresaid, Doth Ratifie and Approve what is already done, in offering the Test by His *Majesties* Privy Council, Justice Court, or any Commissionate from any of them, or by Sheriffs, and other Magistrats, Declaring the same to have been good Service to the King and Countrey.

XIV.

ACT Explaining the Ninth Act of the Parliament 1669, Concerning Prescriptions;

May 13. 1685.



OUR SOVERAIGN LORD, Considering, That at making of the Ninth Act of the 1. Session of the 2. Parliament of King *Charles* the 2. Concerning Prescriptions, in that part of it relating to Actions proceeding upon Warnings, Spulzies, Ejections, Arrestments, or for Ministers Stipends, and others foresaid; the Cases that existed before that Act were not taken into Consideration: Therefore, His *Majesty* with Consent of His Estates of Parliament, Statutes and Ordains, That all such Actions proceeding upon any Diligence mentioned in that Act, already intended either before the said Act 1669, or since, shall prescribe within five Years after the Date of this Act, if they be not Wakened within that time: And all Actions to be raised hereafter upon the foresaid grounds shall prescribe in five Years, if they be not Wakened within that time. And His *Majesty* Wills and Declares, the foresaid 9th Act to stand in full force as to the rest of the tenor thereof.

XV.

ACT Explaining the Tenth Act of the Parliament 1669, Anent Interruptions.

May 13. 1685.



OUR SOVERAIGN LORD, Considering, that the Clause concerning Citations uled for Interruption, mentioned in the 10. *Act* of the 1. *Session* of the 2. *Parliament* of King *Charles* the 2. Hath left the Case of such Citations before the said A^t undetermined. His *Majesty* therefore, with Consent of His Estates of Parliament, Statutes and Ordains, that all Citations uled for Interruptions preceeding that A^t, shall prescribe within seven Years after the Date of this A^t, if they be not Renewed within that time. And further Statutes and Ordains, that in Citations for Interruption as to Rights of Lands and Wakenings thereof, Copies of the Citation shall be affixed on the most patent Door of the Paroch Church, and that over and beside what is required by the said A^t anent these Executions,

XVI.

ACT Anent Justices of Peace.

May 13. 1685.



OUR SOVERAIGN LORD, Considering the many Advantages which His Leiges might have had, if the Justices of Peace had exerceed their Function, with that diligence which the Law required, and the many Evils, especially in Ecclesiastick Disorders and Irregularities, which might have been prevented by their care. For Remeid whereof in time to come, His *Majesty*, with the Consent of His Estates in Parliament, Doth hereby Ratifie, Approve, and Confirm the 8. *Act* of the Parliament 1617, Intituled, *Act anent the Justices for keeping of the Kings Peace and Constables*. The 25. *Act* of the Parliament 1633. And the 38 *Act* of the Parliament 1661, Intituled, *Commissions and Instructions to the Justices of Peace and Constables*, in the whole Heads, Articles and Clauses contained in them. And further, His *Majesty* Gives full Power, Authority and Commission to the saids Justices, to put the Laws in Execution against all who shall be Guilty of Conventicles, Irregular Baptisms and Marriages, withdrawing from Church Ordinances, and other such Disorders, in so far as they are not Capital, Conform to the Laws made thereanent; And where the Crime is Capital, they are to secure the persons, and acquaint the Sheriff, or other Judge ordinary thereof: And it is Declared, That in their proceedings against Church Irregularities, Baptisms, Marriages and Conventicles, The Justices may proceed immediately without waiting any time after the Crimes are committed, and their Clerk is appointed to send Information of their proceedings once in the Quarter, to the Clerks of the Council, as they will be answerable. And for their further Encouragement, His *Majesty* allows unto the saids Justices of Peace, the Fynes of all, except Heritors, which shall arise from these Delinquencies judged by them, to be employed for Explicating of their Jurisdiction as they shall think fit, and for Discovering of what the Fynes of Heritors shall amount to. The Clerks of these Courts are hereby appointed to send a subscribed List of them to the Clerks of Exchequer, in the first week of November yearly, under the pain of Deprivation: And His *Majesty* with Advice foresaid, allows the Justices to Nominat their own Clerks at their first meeting. Attour, His *Majesty* and Estates foresaid, Give full Power, Authority and Commission, to the Lords of His *Majesties* Privy Council, upon the Decays of any of the Justices of Peace, to nominat others in their place, and to set down and Impose Penalties upon such of the Justices as shall not keep and observe the Dyets prefixed for their several and particular Meetings, according to former A^{ts}, and an A^t made in this Parliament; And with power likewise to the saids Lords of Privy Council to Enlarge and Amplify the Power and Authority of the saids Justices of Peace, if they shall find it necessary and expedient: And what the Council shall Decreet and Determine thereanent, Find and Declare, that the same shall have the Force, Strength and Power of an A^t of Parliament. It is alwayes Declared, That Sheriffs, Stewarts, and Bailies of Bailliaries, Regalities, and Baronies, are to Remain in the Possession and Exercise of their former Rights, according to the Laws of the Kingdom: Any thing in this A^t notwithstanding.

XVII. ACT

XVII.

ACT For Taking the Oath of Allegiance.

May 22. 1685.



OUR SOVERAIGN LORD, With Consent of the Estates of Parliament, Doth Ratifie, Confirm, and Approve what hath been done by His Majesties Privy Council, Justice Court, and these Commissionat by them, In Banishing, Imprisoning, or Fyning such as Refused to Take and Swear the Oath of Allegiance, And to Assest the Royal Prerogatives mentioned in the *11. Art, Parliament 1.* of King Charles the Second. And further Ordains all the Subjects of this Kingdom to Take and Swear the Oath of Allegiance, and to Assest the said Prerogatives, when- ever they shall be Required, either by the Privy Council, Justice Court, or any Commissionat by them, and that under the pain of Banishment, Imprisonment, or such other Pains and Punishments as shall be Determined by the Privy Council, Justice Court, or Commissioners foresaid, not reaching to Life or Limb.

XVIII.

ACT Concerning Vacant Stipends.

May 22. 1685.



OUR SOVERAIGN LORD, With Consent of the Estates of Parliament, Statutes and Declares, That the Vacant Stipends of all Churches in time coming, shall be Employed on pious Uses within the respective Paroches by the Patron, and more particularly for the Building and Repairing of Bridges, Repairing of Churches, or Entertainment of the Poor, as the Patron shall determine Yearly; and if he fail therein, he shall lose his right of Presentation for the next Vice. It is always Provided, that the Vacant Stipends in the Diocesses of *St. Andrews, Edinburgh, Dunkel, Dumblain, and Breichen*, for Five Years, shall be Employed for Repairing of the *Gair-bridge, Crawmond-bridge, and New-Liston-bridge*, and for the use of the University of *St. Andrews*; The Vacant Stipends of the Diocesses of *Glasgow, and Galloway*, for the same number of Years, to the use of the Colledge of *Glasgow*; And these Vacant Stipends within the Diocess of *Aberdene*, and Diocesses be-north the same, for the use of the Old and New Colledges of *Aberdene*, and Repairing of the Bridges within these Diocesses; Excepting the Vacancies of the Diocess of *Orkney* (which are hereby Ordained to be Applied for Reparation of the Cathedral Church of *Kirkwall*, during the the said Five Years;) And that at the Determination and Appointment of such Persons as shall be Nominat by the Privy Council, for Overseeing thereof: Which Five Years aforesaid, shall Commence from this present Year 1685, and so Continue consequitively, during the said Space: And His Majesty, With Consent foresaid, Declares, that after Expiring of these Five Years, the Vacant Stipends do belong to the Patrons, to be Employed by them for pious Uses within the respective Paroches aforesaid; But prejudice always of the Maintainance of the Ministers Manse, during the time of the Vacancy, out of the first and readiest of the Vacant Stipends; Conform to former Acts of Parliament; and that not only during the said Five Years, but in all time coming. It is always hereby Declared, That this Act is not to be extended to the Vacancies of these Churches whereof the Kings Majesty is Patron, nor to Mensal and Patrimonial Churches belonging to Bishops.

XIX. ACT

XIX.

ACT Ratifying the Priviledges of the Senators of the Colledge of Justice.

May 22. 1685.

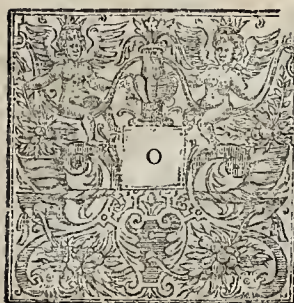


OUR SOVERAIGN LORD, With Advice and Consent of His Estates of Parliament, Doth Ratifie, Approve and Confirm, all Priviledges, Liberties, Freedoms and Immunities, Given and Granted by His Majesty's Royal Predecessors, to, and in Favours of, the Ordinary Senators of the Colledge of Justice, and whereof they are in Possession; and all Acts of Parliament Made and Conceived in their Favours, and speciallie but prejudice of the Generality foresaid, doth Ratifie the 8. *Act* of the 2. Session of the 2. Parliament of King Charles the second, Concerning the Immunity of the Ordinary Lords of Session, from all Burdens Imposed, or to be Imposed by the Parliament: And Declares, that this Ratification shall be as sufficient and effectual, as it all these Priviledges and Immunities, and Acts of Parliament concerning the same, were specially express, and at length insert herein.

XX.

ACT For Preserving Game.

May 27. 1685.



OUR SOVERAIGN LORD, And Estates of Parliament, now presently Conveened, Taking to their Consideration, the great Decay of Game in this His Ancient Kingdom, especially in the Low Countries, notwithstanding of all the Laws and Acts of Parliament, and Acts of Privy Council made thereanent by His Royal Predecessors, which does principally proceed through the not vigorous Execution of the said Laws and Acts, and not Exacting of the Fines and Penalties therein-contained. THEREFORE, Our Sovereign Lord, With Advice and Consent of the Estates of Parliament now presently Conveened, Does Revive, Renue, Ratifie, and Approve all the former Laws and Acts of Parliament made for preserving of the Game, and the *Act* of His Majesties Royal Brother (of blessed Memory) King Charles the Second, with the Advice of His Privy Council, of the date the 9. day of June, 1682 years, with the

whole Laws and Acts of Parliament therein-narrated, of which *Act* the Tenor follows, *A Proclamation, Reviving the Laws anent Hunting, Hawking, Fishing: and appointing Masters of the Game.* CHARLES, by the Grace of God, King of Great-Britain, France, and Ireland, Defender of the Faith; To

Macers of Our Privy Council, or Messengers at Arms, Our Sheriffs in that part, conjunctly and severally, specially constitute, Greeting; We taking to Our Consideration the great prejudice the Kingdom doth sustain in the Decay of Deer, Roes, and Wild-fowl, and that there is not only danger of an utter decay of so useful Creatures, but the Manly exercises of Hunting and Hawking, is like to be altogether neglected; And albeit Our Royal Progenitors have made many good Laws to prevent and repair this great evil and mischief, and against the destroying of Smolts and Trouts with Creels, and other Engines, anent Cruives and Zairs, steeping of Lint in Rivers, Lochs and Burns, where Fishes are; which good Laws, although they be yet in force unrepealed, yet by the distraction of the late Times, they have been less regarded these many Years by gone, to the enmoleison of Our People, and contempt of Our Authority: Have therefore, with Advice of Our Privy Council, thought fit to Revive all the Laws that stand yet unrepealed or innovate, for preserving of Doe, Roe, Hares, and Wild-Fowl, and especially the 31 *Act* of the 23 Parliament of K. James the sixth, whereby all Persons who are not Heretors, are prohibited to Hunt or Hawk, and that neither Heretor or other shoot Deer or Roe in time of Snow: As also, the 11 *Act* of the 4 Parliament of K. James the fifth, and 210 *Act* of the 14 Parliament of K. James the sixth, by which, Letters are ordained to be directed, charging all Keepers of His Majesties Forrests, to permit no Pasturage within the Marches of the Forrests, but that they seize and escheat them, under the pain of loss of their Office; and that Forresters of Forrests belonging to privat Men, shall apprehend such as travel with Guns or Dogs in Forrests, and carry them to the nearest Sheriff, Stewarts of Stewartries, Baillies of Bailliaries and Regalities, or Justices of Peace, to be secured, to answer as accords of the Law; and that all such of the Leidges who shall be required

to concur to apprehend such Persons, give ready Obedience, as is ordained by the Forrest Laws, *cap. 15.* and *cap. 22.* and these who conceal them, be fined as Art and Part of the said fault. And to ther, We do hereby forbid all shooting of Hares, or Herron at any time, under the pains contained in the Acts of Parliament made thereanent. *Item,* That all Persons forbear to slay any Muir-fowl, Heath-fowl, Partridge, Quail, Duck, or Mallard, Tale or Atale, or Tormichan, from and after the first day of *Lent*, fowl with Hawks in Dredging-time. *Item,* The 23 *Act, Parl. 16. K. James 6.* Forbidding the killing of Muir-fowl-pouts before the first of *July*, Heath-pouts before the first of *August*, or Partridge or Quail before the first of *September* yearly. *Item,* We Revive the 48 *Act, Parl. 4. K. James 4.* Forbidding Muirburn after the last of *March*, and the Masters to be lyable for all upon their Land. And furthermore, We considering that Setting-Dogs, and other Engines for killing of Fowl, is a great cause of the less he be an Heretor of one Thousand Pound of valued Rent, and have express License of the Masters of Our Game within their several Bounds, under the pain of Five Hundred Merks, *toties quoties*, in case of default they be Domestick-Servants to Noblemen or Gentlemen, who are Heretors of One Thousand pounds *Scots* of valued Rent, to have or make use of Setting-Dogs, or Fowling-pieces, under the pain of forfeiture of such Dogs of Guns, and imprisonment of their persons for the space of six Weeks, *toties quoties*. *Item,* We Revive the 210 *Act, Parl. 14. K. James 6.* Whereby Shooting, Hunting, or Hawking within six Miles of Our Palace are Prohibited, under the pains therein contained, without express License of the Masters of the Game: And seeing the Fowls, Hares and Roes are already so far destroyed, that there is ground to fear a total decay thereof, We therefore with Advice foresaid, Do Revive the 23 *Act, Parl. 16. K. James 6.* Forbidding all selling or buying of Deer, Roe, Hares, Muir-fowl, Tormichan, Heath-fowls, Partridge, or Quail, for the space of seven Years next ensuing the 20 day of *June* instant Year 1682, under the pains contained in the said Act; And for the better discovery of the Contraveeners, We do hereby give Warrant to the Masters of Our Game, their Deputs, or others empowered by either of them in their respective Bounds, to make search for any of the saids Deer, Roe, Hares, Muir-fowl, Tormichan, Heath-Fowl, Partridge, or Quail so killed in any suspect place, within or without Burgh, as well the Buyers, as Sellers in Mercat, or outwith the same, or Fowlers, and to seize, search, secure and confiscate the same for their own use. *Item,* We do hereby Revive the 51 *Act, Parl. 6. Q. Mary,* Forbidding Hunting on other Mens Ground without leave of the Owner. And whereas by the 12 *Act, Parl. 1. K. James 1.* Cruives and Zairs set on fresh Water without express Inseftments of Salmond-fishing, are ordained to be destroyed and put away for ever, and that where Cruives are allowed by Inseftments, that ilk Heck be three Inch wide, which is ratified by the 73 *Act, Parl. 10. K. James 3.* And by the 87 *Act, Parl. 14. K. James 2.* It is statute that no Man set Vessels, reels, Weirs, Nets, or any other Engine to hinder Smolts from going to the Sea, and that Coups, Masses, Nets, Prins set on Waters that has course to the Sea be destroyed, and who holds them up, to be lyable as destroyers of red Fishes. *Item,* That all Millers that slays Smolts or Trouts with Creels, or any other Engine; or any who Dams or Laves, shall be punishable as Slayers of Red-Fish, conform to the 73 *Act, Parl. 5. K. James 3.* and where the Transgressours has no Means, they are appointed to be put in Prison, Irons, or Stocks, for the space of one Moneth upon their own Expenses, and if they have it not of their own, to be fed on Bread and Water, conform to the 89 *Act, Parl. 6. K. James 6.* And by the 13 *Act, Parl. 18. K. James 6.* The steeping of Lint in Rivers, Lochs, or Burns where Fishes are, is discharged, and that under the pain of fourty Shilling *Scots, toties quoties*, and confiscation of the Lint: Which good and ancient Laws yet standing unrepealed or innovate, We have thought fit hereby to Revive and Ordain to be put in Execution; Ordaining hereby the Masters of Our Game to require all Heretors and others, to throw down all Cruives and Zaires set on fresh Waters, without express Inseftment of Salmond-fishing, betwixt and the first day of *July* next, under the pain of an hundred pounds *Scots*, to be uplifted off these who refuse, and the Sheriffs and their Deputs to give speedy Justice therefore, when desired by the Masters of the Game, or their Deputs. And We appoint the several Sheriffs and their Deputs, Stewarts of Stewartries, Bailiffs of Regalities and their Deputs, and Magistrats of the next adjacent Burrows to concur with the Masters of Game, for throwing down of the saids Cruives, Creels, Nets, and Engines, when they shall be required; and it the saids Judges be found negligent, that the foresaid Penalty be uplifted off themselves, according to the 68 *Act, Parl. 9. of Q. Mary.* And to the effect the saids Laws may receive the more vigorous Execution, We do hereby Commissionate the Persons following to be Masters of Game, within the respective Bounds after-specified, *viz.* Our Chancellor for the time being, for the three *Lothians*, and Town of *Edinburgh*, and Shire of *Bathgate*; The Earl of *Mar*, for *Stirling* Shire; Sir *George Mackenzie* of *Tarbet*, Lord Clerk Register, for *Clackmannan* Shire; The Earl of *Balcarras*, for *Fife*; and Sir *William Bruce* of *Balcaskie*, for *Kinross*; the Marquess of *Athol*, Lord Privy Seal, for *Perth* Shire; the Earl of *Perth*, for the Stewartries of *Strathern*, *Monieith*, and *Balquhadder*; the Earl of *Southesk*, for *Forfar* Shire; the Earl of *Marischal*, for the Shire of *Kincardin*, and for all below *Mormouth Hill*, and the Water of *Eugie* in *Bamff* Shire;

and the Earl of *Airly*, for all the rest of *Bamff* Shire; the Earl of *Dumfermling*, for all betwixt *Crathus*, *Bannachie*, and the Sea in *Aberdeen* Shire; the Earl of *Kintore*, in all above that in the said Shire; the Earl of *Murray*, for all from *Spey* to *Ness*, high and low, comprehending *Elgin*, *Nairn*, and *Inverness* Shire, to *Lochness*; The Earl of *Seaforth*, from *Ness* to *Conan*, high and low, comprehending *Cromarty* Shire; *Sir George Mackenzie* of *Tarbet*, Lord Clerk Register, from *Conan* to *Portnaculter*, and *Okel-Water*, and on the West from *Lochew* to *Cuilisenuack*; the Lord *Duffus*, for *Sutherland*, excepting *Afint*, which is in the last Division; the Earl of *Caithness*, for *Caithness*; the *Stewart of Orkney*, for *Orkney*; for *Argile* and *Bute*, the Sheriff for the time being; the Earl of *Horne*, for the Shire of *Berwick*; the Sheriff of *Roxburgh*, for the Shire of *Teviotdale*; the Lord Duke of *Hamilton*, for *Lanark* Shire; the Earl of *Kilmarnock*, for the Shire of *Air*; the Lord of *Tetter*, for *Peebles* Shire; the Earl of *Glencairn*, for the Shire of *Renfrew*; the Marquess of *Montross*, for the Shire of *Dumbarton*; the Laird of *Burghoun*, for the Shire of *Wigtoun*; the Earl of *Galloway*, for the Stewartry of *Kirkcudbright*; and the Marquess of *Queensberry*, Lord High Thesaurer, for the Shire of *Dumfries*. Hereby Impowering and Warranting them to put the standing Laws in Execution, in so far as concerns the preserving of Forrests, Wild-fowl, and Fishing, especially the Laws and Ordinances above-specified. And We Require all Our Judges ordinar, in their respective Bounds and Jurisdictions, to give speedy Justice thereupon, in favours of the saids Masters of Our Game, or their Deputs, when they de-late or pursue Delinquents before them, as they will be answerable upon their Duties and Offices. And all Sheriffs, Mayors, other Officers, and Fiscals of their respective Courts, are Ordained to cite Delinquents before these Courts, as they shall be informed thereof, and Witnesses to prove the same, and to prosecute them until final Sentence be pronounced against them, and thereafter see these Sentences put to due and lawful Execution, the Expenses whereof is to be payed out of the first and readiest of the Fines of the Delinquents so uplifted, at the sight of the respective Masters of Game, under the pain of Deprivation, and further Censure in case of neglect, as Our Council shall find cause. And for further enabling Our saids Masters of Game, We Impower them to appoint Deputs, one or moe, for whom they are to be answerable, as well for their Diligence as Fidelity. And that their saids Deputs themselves, nor none by their connivance, take upon them to contravene this Proclamation, and destroy the Game; And to encourage them in so good Service to Us, and Our People, We hereby allow Our parts of all Fines and Unlaws due to Us by Our Laws, for the Crimes relating to Forrests, Game, and Fishing, in favours of the saids Masters of Our Game, within their respective Bounds, and during the time We shall think fit to employ them in the said Service; Withall certifying them, that if they be remiss or negligent in their Duty, they are to be discharged of their Offices, and fined by Our Privy Council, as they shall find cause. And We declare Our said Commission is to continue and endure for the space of seven years after the date hereof, and until We, or Our Privy Council think fit to recall the same. And that We have recalled Our former Proclamation anent Game of the Fourth of *March*, 1680. Our Will is hereof, and We Charge you strictly, and Command, that incontinent, these Our Letters seen, ye pass to the Mercat-Cross of *Edinburgh*, and other Mercat-Crosses of the Head-Burghs of the several Shires of this Kingdom, and other places needful, and there by open Proclamation, make Publication of the Premises, that none pretend Ignorance. Given under Our Signet at *Edinburgh*, the 9. day of *June*, 1682 years. And of Our Reign the thirtieth and fourth Year. And Does strictly Require and Command all Our Masters of Game, Sheriffs, and other Magistrats, and their Deputs, and all Heretors, and Liferenters, and proper Wodletters, within their respective Bounds, to be diligent and vigilant in Time coming, in putting the saids Acts and Laws therein contained to full and due Execution. And Does hereby Require all Our Judges, before whom Our Masters of Game, or others, shall Pursue the Contraveeners, to give them full and speedy Justice, as they shall be answerable. And for the Preservation and Increase of Partridge, Muir-fowl, Heath-fowl, and Quails (which are so much decayed of late,) Our Sovereign Lord, with Consent foresaid, Does Statute and Ordain, That no Person or Persons whatsoever shall make use of Setting-Dogs with Nets, for taking or killing of Partridges, Muir-fowls, Heath-fowls, or Quails, within any part of this Our Ancient Kingdom, for the space of Seven Years, immediately after the Publication hereof, under the Penalty of Fourty Merks *Scots* for each Fowl that shall be so killed, or taken, to be payed by the Killers or Takers to Our Masters of Game, and their Deputs, or others who pursues the same: And whoever shall Shoot Hares, shall pay Fourty Merks *Scots* for each Hare that he shall shoot,

XXI.

ACT Against Stealing of Dogs and Hawks

May 27. 1685.



OUR SOVERAIGN LORD, and Estates of this present Parliament, Taking to their Consideration, the great Prejudice and Inconveniencies that has, and does dayly fall out through the Stealing and Keeping of Hawks and Dogs that has strayed and got away from their rightful Owners, by Persons that has no right or interest to do the same, Does Statute and Ordain, That whosoever hereafter shall Steal a Hawk out of the Nest, or Air, or take a Collar from a Dogs Neck, or Vervel from a Hawk with the Masters Name or Style thereon, shall be Fined in the Sum of Five Hundred Merks *Scots*; And whosoever shall give away, or sell any Hawk, or Dog, which is not his own, shall be Fined in the Sum of One Hundred Pound *Scots*; As also, that whosoever does get a Dog straying, having the Collar above-named, or Hawk with Bells or Vervels that has got away from her or his Master, and does take the said Hawk or Dog into his Possession, shall be obliged within Fourty Eight Hours after the said Dog or Hawk shall be so taken by him, to send and Book the same in the Sheriff-Clerk his Books, (where the Waithveis, if it have any, for which there shall be payed to the Sheriff Clerk Six Shillings Eight Pennies *Scots*, which the Owner of the Hawk or Dog shall be obliged to repay, together with Two Shillings *Scots* for each Mile that the Bearer shall be sent to the Sheriff-Clerk, or Booking of the said Dog or Hawk; And in case the Dog or Hawk shall not be Claimed by Letter, or otherways, by the just Owner, within Six Moneths after it shall be so booked in the Sheriff-Clerk of the Shire, where the Dog or Hawk shall be taken, his Books; Then and in that case, the Dog or Hawk shall belong and appertain in Property to the Possessor, and the Owners shall not be heard thereafter to Claim the same; And if the Taker and Keeper of any Hawk or Dog, shall failzie to cause Book the same in manner above-specified, he shall pay the Sum of Fourty Pounds *Scots* of Penalty to the Owners, if they shall pursue the same before any Judge competent.

XXII.

ACT Concerning Tailzies.

May 27. 1685.



OUR SOVERAIGN LORD, With Advice and Consent of His Estates of Parliament, Statutes and Declares, That it shall be lawful to His *Majesties* Subjects to Tailzie their Lands and Estates, and to Substitute Heirs in their Tailzies, with such Provisions and Conditions as they shall think fit, and to Affect the saids Tailzies with Irritant and Resolutive Clauses, whereby it shall not be lawful to the Heirs of Tailzie, to Sell, Annailzie, or Dispose the saids Lands, or any part thereof, or Contract Debt, or do any other Deed whereby the same may be Apprifed, Adjudged, or Evisited from the others Substitute in the Tailzie, or the Succession frustrate or interrupted, Declaring all such Deeds to be in themselves null and void; and that the next Heir of Tailzie may immediately upon Contravention, Pursue Declarators thereof, and Serve himself Heir to him who died last Infeft in the Fee, and did not Contravene, without necessity any ways to represent the Contraveener; It is always Declared, that such Tailzies shall only be allowed in which the foresaid Irritant and Resolutive Clauses are insert in the Procuratories of Resignation, Charters, Precepts, and Instruments of Seafing: And the original Tailzie once produced before the Lords of Session Judicially, who are hereby Ordained to Interpose their Authority thereto, And that a Record be made in a particular Register Book, to be kept for that effect, wherein shall be Recorded the Names of the Maker of the Tailzie & of the Heirs of Tailzie, and the general Designations of the Lordships and Barronies, and the Provisions and Conditions contained in the Tailzie, with the foresaid Irritant and Resolutive Clauses subjoyned thereto, to Remain in the said Register *ad Perpetuam rei memoriam*, And for which Record, there shall be payed to the Clerk of Register and his Deputs, the same Dews as is payed for the Registration of Seafings, and which Provisions and Irritant Clauses shall be Repeated

in all the subsequent Conveyances of the said Tailzied Estate to any of the Heirs of Tailzie; And being so Inset, His *Majesty*, with Advice and Consent foresaid, Declares the same to be real and effectual, not only against the Contraveners and their Heirs, but also against their Creditors, Compriers, Adjudgers, and other Singular Successors whatsoever, whether by Legal or Conventional Titles. It is always hereby Declared, that if the saids Provisions and Irritant Clauses shall not be Repeated in the Rights and Conveyances, whereby any of the Heirs of Tailzie shall brook or enjoy the Tailzied Estate, the said Omission shall Import a Contravention of the Irritant and Resolutive Clauses against the Person and his Heirs who shall omit to inset the same, whereby the said Estate shall *ipso facto* fall, accresce, and be devolved to the next Heir of Tailzie, but shall not militat against Creditors, and other Singular Successors who shall happen to have Contracted *bona fide* with the Person who stood Inset in the said Estate, without the saids Irritant and Resolutive Clauses in the body of his Right. And it is further Declared, That nothing in this Act shall Prejudge His *Majesty*, as to Confiscations or other Fines, as the Punishment of Crimes, or His *Majesty* or any other lawful Superior of the Casualties of Superiority which may arise to them out of the Tailzied Estate, but these Fines and Casualties shall Import no Contravention of the Irritant Clause.

XXIII.

ACT Ratifying the opinion of the Lords of Session, anent these who refuse to Depone anent the late Treasonable Proclamation, 1684.

June 2. 1685.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Ratifie, Approve and Confirm an Opinion given by the Lords of Council and Session, upon the day of November 1684. Whereby they find, that if any of His *Majesties* Subjects, being questioned by His *Majesties* Judges, or Commissioners, if they owne a late Traiterous Proclamation, in so far as it Declares a War against His Sacred *Majesty*, and asserts, *That it is lawful to Kill all such as Serve His Majesty, or who shall not disown the same;* are thereby guilty of High Treason, and are Art and Part of the said Treasonable Declaration: And also Ratifies, Approves and Confirms all Proceffes of Treason, Led, or to be Led thereupon in time coming.

XXIV.

ACT ordaining that Tennents be obliged by their Tacks to live Regularly:

June 2. 1685.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates Conveened in Parliament, Do Statute and Ordain, That all Masters, whether Heretors, Liferenters, proper Wodsetters, Tutors, Tack-men, Donators of Wards, or Liferents, shall in all time-coming, insert in all Tacks to be set by them to their Tennents, as well in Burgh as Landward, an expresse Clause, whereby the Tennent shall oblige himself, That he, his Family, Cottars and Servants, shall live Peaceably and Regularly, free of all Fanatical Disorders, under the pain of the Tennent, Cottar, or Servant Contravening, their losing the half of their Moveables respective, each for their own fault; And where there is no written Tack, that all the Tennents shall enact themselves in the Masters Court Book, or in the Town Court Books within Burgh, or give Bond, to that effect, and in the Tenor foresaid. Which Enrolment of Court is to be subscribed by the Tennent, or if he cannot write, by the Clerk of the Court in his name; and if the Master, or any of the persons foresaid shall fail herein, they shall pay an years Rent of the Lands, set otherwise; a third part whereof to the Discoverer, if he prove the same, and two parts to the Kings *Majesty*: And all Masters and others foresaid, who have Lands already set in Tack, without the saids Clauses, are hereby Ordained to renew the same, and inset the said Clauses in them, betwixt and *Whitsonday* one thousand six hundred eighty and six, or to take an obligation apart from the Tennent, bearing these Clauses, otherwise to remove summarly; such Tennents as refuse to accept them on the saids conditions, notwithstanding of any former Tacks, which in this case are hereby Declared void and null. And in case the Tennents will not immediately Remove, that the Master may commit them to Prison. And it is hereby Statute and Ordained, That if any Tennent shall refuse to renew his Tack, enact himself, or give Bond in the Terms foresaid, he shall be lyable to pay to his Master an years Rent of

of the Lands set to him. And this but prejudice or derogation to all former Acts of Parliament, whereby Masters are obliged for their Tennents, in the manner therein-specified.

XXV.

ACT Ratifying two Acts of Parliament and a Proclamation of Council, anent apprehending of Rebels.

June 2. 1685.



OUR SOVERAIGN LORD, with Advice and Consent of His Estates of Parliament, Ratifies and Approves the 124. *Act Par.* 12 of King James the sixth, Entituled, *Act Anent the Duty of Sheriffs and Judges ordinary, their Deputis and Clerks*: As also, the 144. *Act* of that same Parliament, Entituled, *Act for punishing the Refettors of Traitors and Rebels*, in the whole Heads, Clauses and Contents of them; Together with a Proclamation by His Majesties Privy Council, Dated the eight of July 1682. Entituled, *Anent the Discovery of persons in Arms, and Apprehending of Rebels*, in the whole Contents thereof: of which Proclamation the Tenor follows. A Proclamation, anent the discovery of persons in Arms, and apprehending Rebels and Fugitives. Charles, by the grace of God, King of Great-Britain, France and Ireland, Defender of the Faith, To

Our Lyon King at Arms, and his brethren Heralds, Macers of Our Privy Council, Purservants, and Messengers at Arms, Our Sheriffs in that part conjunctly and severally, specially constitute Greeting: Albeit by the blessing of Almighty God, upon Our Royal Endeavours, the many Attempts of His and our Enemies (made most impiously under pretence of Religion and Zeal, against the Laws of God, of Nature, of Nations, and of this Our Kingdom, designing the overthrow of Religion, Government, Liberty and Property) have been frequently Disappointed and Defeated, and their malice turned upon their own heads, and that the many *Acts*, both of Mercy and Justice, exerc'd by Us, conform to the Laws of God and the Kingdom; and the great Prudence, Vigilance, Moderation and Justice, of Our dearest and only Brother, during his abode in, and Government under Us, of this Our ancient Kingdom, have had such happy success, as to bring Our good Subjects to further abhorrence of Fanaticks and their Impieties, and most of these who were misled by the lying Spirit of some of their pretended Ministers, are shrunk from these wayes, whereof they are justly ashamed, so that Our people are brought nearer to that Dutiful and Peaceable Deportment which becomes Christians and Subjects: Yet some are so indefatigable in malice, as to continue and stir up others to Disturb that Peace and Tranquillity, which Our people may enjoy under Our Reign: In so much as of late, some Traitors, Runnagates, and Fugitives, have Convocat towards the number of eighty, with forbidden Weapons, and in unlawful manner, near to *Tala-lin*, in the Shire of Peebles, And the people in that Country, have been so Defective in the Duties of Loyal Subjects, or good Country-men, as to neglect giving timely notice of such Meetings or Actings, either to Our Council, the Sheriff of the Shire, or the Commanders of Our Forces, who were nearest to them; and this neglect of theirs being not only a breach of Duty in them, but of very bad example, and dangerous consequence, if practised by others on such Emergents; We therefore by Our Royal Authority, and also in conformity to the whole course of Our Laws, particularly to the 144. *Act* of the 12. *Parliament* King James the 6. And 7. *Act, Parliament* 1. King James 1. Do hereby strictly Require and Command, all the Subjects and Inhabitants within this Our Kingdom, whether in Burgh or Land, upon Knowledge or Information; that any number of men do Convocat unlawfully in Arms, or appear in company in any place, or where any one or two of such, as are Declared Traitors or Fugitives from Our Laws, on Treasonable accounts, shall repair, that they shall with all Diligence give Intimation therof to Our Chancellour, and such others of Our Secret Council, as shall be at *Edinburgh*: As also, without delay; that they give Information to any Commander of Our Forces, who shall be nearest to the place where the said unlawful Convocation, or such Traitors and Fugitives are, and to the Sheriff of the Shire, Stewart of the Stewartry, Bailie of the Regality, or Magistrates of Burrows, where the said Meeting, or persons appear, or are informed to be, and that within the space of one hour at most, for every three miles distance they are at the time from *Edinburgh*, or from the nearest Commander of the Forces, Sheriffs, and other Magistrates foresaid. And farther, We do hereby Require and Command Our said Sheriffs, Bailies, and Magistrates, upon any such Information given to them, that they call together competent numbers of Our good Subjects, and with these, do exact Diligence; at the utmost of their power, to Search, seek, and Apprehend these who are so met, and to present them to Justice, and to follow them until they be apprehended, or expelled out of their Jurisdiction.

on, and on their flight, they are immediately to acquaint the Magistrates of the next Shire, whither they are fled; who are hereby required to do the like Diligence; and so from Shire to Shire, until they be apprehended, or expelled forth of this Realm: And in case any hurt or skaith fall out in the Pursuit, or in apprehending of these so unlawfully convocat, the Actors thereof are to be free, and unpunished in any manner of way: With Certification, that these whoever fails in their said respective Duties, whether it be the Magistrates, in not pursuance, or Our other Subjects, in not giving timeous Information within the space foresaid, or in not rising with, and assisting the Magistrates in their forementioned Duties, they shall be held and reputed as Disaffected to Our Government and Service, and as Art and Part, and conspirers with them in their said unlawful Designs and Convocations, and undergo the punishment due to these who were of the said unlawful Convocation, by the Laws of this Our Kingdom. And We hereby of new, Intimat to all Our Subjects, that whoever shall Intercommune with, Refet, supply, shelter, or give any comfort to any declared Traitors or Fugitives; or who shall conceal, refet, or shelter any who do Convocat in manner foresaid; that such Refetters or Assisters, shall be proceeded against, as if they were guilty of the Crimes whereof these Traitors and Fugitives are guilty, according to the just rigor of Our Laws. Our Will is therefore, and We Charge you stridly and Command, that incontinent, these Our Letters seen, ye pass to the Mercat Cross of *Edinburgh*, and the whole Mercat Crosses of the Head Burghs, and whole Paroch Kirks of this Kingdom, and other places needful, and there, in Our Name and Authority, by open Proclamation, make publication of Our Royal Will and Pleasure in the Premises, that none may pretend ignorance, but give cheerful and punctual obedience thereto; The which to do, We commit to you conjunctly and severally, Our full power, by these Our Letters, Deliv'ring them by you duely execute, and indorsed again to the bearer. *Given under Our Signet at Edinburgh, the eighth day of July, One thousand six hundred eighty two years, and of Our Reign, the thirtieth and fourth year.* And Declares the same shall have the effect of an Act of Parliament. And ordains the saids Acts and Proclamation to be put vigorously in execution.

XXVI.

ACT Concerning Adjudications for Fines.

June 2. 1685.



OUR SOVERAIGN LORD, with Advice and Consent of His Estates of Parliament, Statutes and Ordains, That all Adjudications and Apprysings, Led, or to be Led for Fines Imposed, or to be Imposed by His Majesties Privy Council, Commissioners of Justiciary, or any other His Majesties Judges, for the Crimes of Refet, Intercommuning, Concealing of Treason, Conventicles, Irregular-Baptisms, Marriages, or other Church Disorders, or Irregularities, where the Adjudication or Comprysing does not exceed, or shall be restricted to Lands, not exceeding the value of the Fines Imposed, the Legal shall expire within year and day after Deducing of the Adjudication or Comprysing. And it is hereby Declar'd, that in case of Competition and Concourse of several Diligences, within year and day, betwixt the King or His Donator, and a Creditor, which by the Law comes in *pari passu*: The King or His Donator shall be preferr'd, and have His Election of His proportion of the Lands, of which the Legal shall expire within year and day, in manner foresaid; That proportion not exceeding the sum contained in the Adjudication. And it is hereby Declared, That this Act is only to be extended to Adjudications for Fines already Imposed, or to be Imposed betwixt and the next Session of Parliament.

XXVII.

ACT For Securing Sea-Passengers.

June 2. 1685.



OUR SOVERAIGN LORD, With Advice and Consent of His Estates of Parliament, Statutes and Ordains, That all Masters of Ships who bring Home any Passenger who is not a Sea-man and of his Ship-Company, shall at his Arrival, and before he suffer the saids Passengers to depart, bring them before the nearest Magistrat, that the saids Passengers may give account of themselves, so as to free them of all suspicion to the said Judge, who is to secure them until they give such an account: And also, Forbids a nProhibites any Master of any Ship, to export any Passenger who is not a Sea-man, and of their Ship-Company, until he bring the said Passenger before the next Magistrat, to whom they shall give account of themselves in manner foresaid, and the Master of the Ship shall have a Testificate of his so doing, under the said Magistrats Hand and Seal before whom he compares, (for which he shall pay only half a Merk,) under the pain of such Fines, and Personal Punishment as His *Majesties* Privy Council shall think fit to inflict on the Master of any Ship, who contraveens this Law. And this to continue during His *Majesties* Pleasure:

XXVIII.

ACT and COMMISSION For Plantation of Kirks, and Valuation of Teinds.

June 2. 1685.



INASMUCH, As His *Majesties* Father of ever blessed Memory, out of His Royal Care and Zeal for the Reformed Religion within this Kingdom, and the Maintenance and Provision of the Ministry and Churches thereof, and the Peace of the Kingdom, and for preventing and settling all Differences that did or might arise betwixt Titulars, and others having Right to Teinds, and Heretors, concerning the Leading and Drawing of their Teinds; And immediately after His Attaining and Succeeding to the Crown, Gave furth and emitted His Royal Declaration anent the Premises, and the other Particulars therein-specified; And in pursuance of the ends foresaid, divers Laws and Acts of Parliament were made in the Year of Our Lord 1633, His said *Majesty* being then present in His Royal Person; and since, divers Acts of Parliament, and Commissions have been made, given, and renewed to that purpose, and particularly by the 15 Act of the 3d Session of the 2d Parliament of K. Charles the Second, His *Majesties* Umquhile Royal Brother, of ever blessed Memory: And His *Majesty* being resolved, and desirous to prosecute to good a Work, for the universal good of His Subjects, and especially for the encouragement of the Ministers of the Gospel. THEREFORE, His *Majesty*, with Advice and Consent of His Estates of Parliament, Gives full Power and Commission to His *Majesties* Officers of Estate for the time being, and to the Arch-Bishop of St. Andrews, the Arch-Bishop of Glasgow, the Bishop of Edinlurgh, the Bishop of Dunkell, the Bishop of Galloway, the Bishop of Isles, the Bishop of Breichen, the Bishop of Dumblane, the Bishop of Aberdeen; the Duke of Hamiltoun, the Marquess of Douglas, the Earl of Errol, the Earl of Marischal, the Earl of Mar, the Earl of Strathmore, the Earl of Linlithgow, the Earl of Southesk, the Earl of Tweeddale, the Earl of Belcarras; the Lord President of the Session, the Lord Pitmedden, the Lord Forret, the Lord Reidsford, the Lord Boyne, the Lord Drumcarrin, the Lord Balaskie, Sir William Bruce of Kinross, Sir George Lockhart of Carnspath, Sir Archibald Cockburn younger of Lantonn, Hugh Wallace of Inghisboun; Sir George Drummond of Milnhab, Charles Murray of Hadden, Alexander Mill of Currin, Sir Alexander Bruce of Broomhall, Sir Patrick Murray, James Johnstoun Provost of Glasgow, Mr. Robert Innes Writer to the Signet, Sir George Skeen Provost of Aberdeen, James Fletcher Burgess of Aberdeen, John Dempster of Perth; or any Eleven of them; to be a Quorum, whereof Two of every Estate, to Meet and Conveen at Edinlurgh, the day of years, and such other Place or Places, Times or Diets, as they shall appoint, to value and cause be valued whatsoever Teinds, great or small, Parsonage, or Vicarage within this Kingdom, which are yet unvalued; Declaring, that where the Vicarage of any Paroch is a several Benefice and Title from the Personage, the same shall be severally valued, to the effect the Titulars or Ministers serving the Cure, having right to the said Vicarage, be not frustrated of the true worth thereof, with Power to the saids Commissioners, or Quorum foresaid, to appoint Committees, or Sub-Committees of their own number, and to grant Sub-Commissions, and to receive Reports from them, and to approve or disapprove the same as they shall find just, and to Rectifie whatsoever Valuations led, or to be led to

the enorm prejudice of the Titulars, or the hurt and detriment of the Church, and prejudice of the Ministers Maintenance and Provisions. Providing always, Likeas it is hereby expressly Provided and Declared, That where Valuations are lawfully led against all Persons having Interest, and allowed by former Commissions, the same shall not be drawn in Question, nor Rectified upon pretence of enorm lesion at the instance of the Minister (not being Titular,) or at the instance of His *Majesties* Advocat, in respect of His *Majesties* Annuity, except it can be proven that Collusion was used betwixt the Titulars and Heretors, or betwixt the Procurator Fiscal and the Heretors and Titulars, which Collusion is declared to be, when the Valuations are led with the diminution of the third part of the just Rent, which diminution shall be proven by the Parties Oath; and with Power to the saids Commissioners or *Quorum* foresaid, where Ministers are not already sufficiently Provided, or have not Localities already assigned to them for their Stipends out of the Teinds, within the Paroch, where they serve the Cure, in so far as the same will amount to, according to the Quantities, Proportions, and Rules contained in the 19 *Act* of the *Parliament* 1633, to Modifye, Settle, and Appoint constant Local Stipends to each Minister, out of the Teinds of the Paroch where they serve the Cure; With Power also to the saids Commissioners, to grant recompence by prorogation of Tacks to Parties for all Augmentations of Stipends which are granted since the Year 1630, or shall be granted, and that effecting to the Augmentations already granted, or to be granted, as the saids Commissioners shall think fit. And sicklike, To disjoyn too large and spacious Paroches, to cause erect and build new Churches, to annex and dismember Churches as they shall think convenient, and to take order that every Heretor and Liferenter shall have the leading and buying of their own Teinds, if they be willing, according to the Rules prescribed by the 19 *Act* and *Commission* granted by His *Majesty*, with Consent of His Estates of Parliament in anno 1633, and the Acts of Parliament therein-mentioned, with Power to Determine all Questions concerning the prices of Teinds betwixt Titulars and others having Right thereto, and the Heretors, and to appoint such Securities in favours of Titulars and others having Right to Teinds for their prices, to be granted to the Heretors and others lyable in payment of valued Duties, or Buyers of the saids Teinds, and in favours of the Ministers as to their Maintenance, as the saids Commissioners shall think fitting, according to the Rules set down in the said *Act* 1633; And each Heretor whose Teinds belongs to Titulars of Erection, to have power and liberty to buy the Teinds of his own Lands, whether valued or not, within the space of three years after the date of this *Act*: With this Declaration always, that in case the impediment during the time foresaid flow from the Titular by reason of his Minority, or other inability, in that case, the Heretor who offered to buy his own Teinds within the space foresaid, shall have place so soon as the impediment is removed to buy his Teinds, notwithstanding of the expiring of the years and space after-express; And it is Declared, That if the Heretor be Minor, and his Tutor neglect the buying of his Teinds within the foresaid space, the Minor shall have Action for two years after his Minority, to compell the Titular to sell his saids Teinds. And generally, with Power to the saids Commissioners to Decide, and Determine in all other points which may concern the Drawing or Leading of Teinds, the Selling or Buying of the same, or payment of the Rates thereof, contained in the former Acts of Parliament, or set down in the general Determination given out by His *Majesties* Royal Father, of blessed Memory. And if any Person or Persons shall find themselves grieved, and complain of the injustice or exorbitancy of any Decrees or Sentences given in any of the Commissions during the time of the late Troubles, With Power to the saids Commissioners to take the same to their Consideration, and Alter, Annul, or Allow the saids Decrees and Sentences, as they shall find just. And it is always Provided and Declared, That the Arch-Bishops and Bishops, and other Beneficed Persons, being Ministers, and their Successors, shall not be prejudged of the Rents whereof their Predecessors were in actual and real Possession, and which by the Laws of the Kingdom were due to them in anno 1637, or whereof they are presently in Possession; And that they shall be no further bound, but according to the Provisions and Conditions express in the Submissions made by the Bishops to His *Majesties* Royal Father, of blessed Memory, of the Date the _____ day of _____ 1628 years, and Registrat in the Books of Commission for Surrenders and Teinds, upon the Fifteenth day of July 1631. And whereas it may fall out, that some of the saids Commissioners may be unable to attend the Service, through Death, Sicknes, or other known Impediment, THEREFORE, His *Majesty* Declares, That He shall be careful to fill their places with other Persons qualified, whose Oaths (for faithful discharging of the same) shall be taken by the Lord Chancellor, or in his absence, by the Lord President of the Commission for the time. And Ordains this present Commission to endure ay and while the same be discharged by His *Majesty*, and the Acts, Decrees, and Sentences thereof, to have the force, strength, and effect of a Decreet or Sentence of Parliament, and the Lords of Session to grant Letters of Horning, Poynding, and other necessars to be direct upon the saids Decrees and Sentences in manner contained in the foresaid Commissions. And His *Majesty*, with Consent foresaid, hereby Discharges all former Commissions, Declaring the same to be expired.

XXXIX.

ACT Concerning Citations before Circuit Courts.

June 2. 1685.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Do hereby Ratifie and Approve the practice of the Circuit Courts, in citing persons even for Treason, upon Porteous Rolls by Messengers, or Sheriff-officers, without employing Heralds or Purfevants, which because of the Circumstances of the time, place and number of the Pannals cannot be done in Circuit Courts: And Declare that for the future, it shall be lawful to cite before Circuit Courts after that manner. It is alwayes hereby Provided, that in cases of Treason, the Messenger or Sheriff-officer, and Witnesses to the Citation shall be Sworn upon the verity thereof.

XXX.

ACT Approving the Narrative of the Plot.

June 4. 1685.



OUR SOVERAIGN LORD, with Advice and Consent of His Estates of Parliament, Having Read, Seen and Considered a Narrative of the late horrid inhumane Conspiracy by that Execrable Traitor, *Archibald Campbel*, sometime Earl of *Argile*, and others, and the Papers, Ciphers, and Instructions whereon the same is founded; They Do Find and Declare, that there has been a pernicious and treacherous Conspiracy, carried on by him and others; And they THEREFORE Approve the Discovery of the said Plot, by the extraordinary Pains, Exactness and Industry of the Lords of the Secret Committee; Together with the Narrative Drawn and Printed by Authority of the Lords of His *Majesties* Privy Council, as good and acceptable Service done by them for the Security of His Sacred *Majesty*, and this His ancient Kingdom.

XXXI.

ACT for Security of the Officers of State and others.

June 4. 1685.




OUR SOVERAIGN LORD, Considering the great and acceptable Services done to His *Majesty* by the Secret Committee, His *Majesties* Privy Council, and His other Judges and officers; And being desirous to Secure them for their Actings and Omissions in His *Majesties* Service, in most ample Form; Doth therefore, with Advice and Consent of His Estates of Parliament, Indemnifie and Secure all and every one of His *Majesties* present Officers of State, the Members of the Secret Committee, Lords of the Privy Council, and all His *Majesties* Judges, both Civil and Criminal, the Officers of the Army, and all others who have Acted by His *Majesties* Commissions, or by Commission from His Privy Council, against all Pursuits or Complaints that can be raised against them any manner of way, for their Actings in His *Majesties* Service: As likewise for their Omissions, and wherein they have fallen short of their Duty, and that as fully as if every particular Crime or Misdemeanour were particularly specified in a Remission under His *Majesties* Great Seal, or contained in an Act of Indemnity; Requiring all His *Majesties* Judges to Interpret this Indemnity in the most ample and favourable Sense, as they will be answerable.

XXXII.

ACT Concerning the Militia.


June 4. 1685.

 **OUR SOVERAIGN LORD**, with Consent of His Estates of Parliament, Considering that it may contribute for the ease of the people, to have the ordinary Rendezvouzes of Militia Discharged, unless extraordinary occasions should otherwise require : **THEIR** **MAJESTIES** **ROYAL PLEASURE**; and until His Pleasure be so Declared, that no Leaders, nor Assistants shall be lyable for furnishing, and contributing to buy or maintain Horse or Foot on that account; And they Recommend to the Secret Council to take such courses for disposing of the Militia Arms in the respective Shires, as shall seem most expedient for His *Majesties* Service; But prejudice alwayes of the continuance of the former, and present Constitution of the Militia, during the present Rebellion,

XXXIII.

ACT for Security of the Records.


June 4. 1685.

 **OUR SOVERAIGN LORD**, and Estates of Parliament, Considering of how great Importance it is to the Leidges, That the Records and Registers be securely Keaped; Do therefore Ordain, That all Clerks within the Kingdom, who keep such Registers as are, or have been in use to be delivered in to the Clerk Register, to be preserved in His *Majesties* General-Register-house, shall give in all their Registers and Books preceeding the first of *August* 1675. before the first of *November* 1685. To be kept by the Clerk of Register; And that hereafter they shall keep only ten years Records in their own hands, for the use of the Leidges; With Certification, that these who failzie, shall incur such pains and penalties as the Lords of Session shall think fit. And it is hereby Declared, That no privat Grant made by any Clerk Register, shall excuse them from obedience to this Act, which tends so much to the security of the people, and preservation of the Records,

XXXIV.

ACT for Poll-Money.

June 4. 1685.

 **OUR SOVERAIGN LORD**, with Consent of the Estates of Parliament, Statutes and Ordains, that for relief of Heretors, and others lyable in the Supply, Granted to His *Majesty* by this present Parliament, that their Vassals who pay no part of the Cess; and also their own, and their Vassals Tennents, Sub-tennents, and others living upon their Land, shall be Taxed, and pay in to the saids Heretors yearly, during the said Supply, the sums of Money following: *viz.* Each Gentleman, above the quality of a Tennent, a proportion to be appointed by the Heretor, not exceeding six pounds Scots yearly for himself, his Wife and Children; Each Tennent, and other Inhabitant, above the quality of a Trades-man or Cottar, a proportion not exceeding four pounds for themselves, their Wives and Children: And each Trades-man, Cottar or Servant, a proportion not exceeding twenty shilling Scots yearly for themselves, their Wives and Children; And it is Ordained that the Heretors shall have the same execution for raising of the saids sums, as for their Mails and Duties.

XXXV.

ACT anent Messengers Fees.

June 4. 1685.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Statute and Ordain, That it shall be in the power of the Sheriffs, Stewarts, Bailies of Regalities, Justices of Peace, and Magistrates of Burghs Royal *respective*, within whose bounds any Legal Diligences shall be used, to modify the Prices and Charges craved by Messengers, for execution of their Offices from any of His Majesties Leidges upon the Complaint of the Parties, either for, or against whom the Messengers were Employed.

XXXVI:

ACT anent the Address of the Estates of Parliament of His Majesties ancient Kingdom of Scotland, to His Sacred Majesty, against the arch-Traitor Archibald Campbel, sometime Earl of Argile:

June 11. 1685.



THE ESTATES of PARLIAMENT, Taking to their Consideration the great happines conferred on this Nation by Almighty God, in having been for so many Ages Governed and Protected by a long and continu'd Succession of Glorious and Just Monarchs, and when they had very just reason to expect a further continuance and increas in this happines, from the auspicious Entry of Your Sacred Majesty to the Possession of Your undoubted Right, and from your extraordinary Justice, Prudence, Courage and Conduct, They cannot but with horror reflect on the unparalleled Treachery of that Hereditary and Arch-Traitor, *Archibald Campbel*, late Earl of *Argile*, who after that Our late Merciful King had restored His Family, notwithstanding it had been guilty of a dreadful tract of Rebellion, Bloodshed, and Oppression, and had raised it to a greater Lustre and Estate than ever it had formerly arrived at; Yet he did employ that Power the King had invested him with, to support that Traite-

rous and Fanatical party, and to oppress all who had served the King against His Father in the late Rebellion; And being more led by the inveterat Treachery, in which he had been educated, then remembring the great favours so undeservedly bestowed upon him, he committed these Crimes for which he was justly forefaulted; And in prosecution of them, he has at last absolutely plucked off the mask, by Invading this Your Majesties ancient Kingdom, and his own Native Countrey. and by endeavouring to defame in a publick Proclamation, the late King and Your Sacred Majesty, Robbing and spoiling such Innocent and Loyal men as would not joyn with him, and associating to him these barbarous Miscreants, who did undertake to assassinate Your Majesty, and Your Royal Brother, as *Rumbold* the Maltster, now passing by the Name of *Bowls*, who at the Ry was to have committed the said horrid Assassination; These also who actually murdered *James* late Arch-bishop of *St. Andrews*, as *John Balfour* of *Kinloch*, *George Fleming* in *Balbuthy*, and these other Assassins who have rendered almost every mans life insecure: From all which just Resentments, We judged it our Duty in all humility, to Address to Your most Sacred Majesty, and with all earnestness to Implore, that the said *Archibald Campbel*, late Earl of *Argile*, that execrable Traitor, should be for ever secluded from Your Majesties favour, and that Your Majesty would be pleased to Declare, that he, his Family, and the Heretors, Ring-leaders and Preachers who have joyned with him in this Rebellion, should be for ever Declared incapable of Mercy, and bearing any Honours, or enjoying any Estate within this Kingdom, and to Discharge under all highest pains, all Your Majesties good Subjects to interceed for him or them, any manner of way; And that all such as shall interpose for their Restauration, shall incur the pain of Treason; and that Your Majesty would be pleased in Your Royal Prudence, to Inquire who have been the Assisters and Abaters, either at home or abroad, of this Treasonable Invasion, by which Your Majesties Govern-

ment has been so highly injured, and maliciously arraigned, and this your Kingdom, so Disturbed and Harassed; to the end Your Majesty may Declare Your high Displeasure against them, and every one of them, to the Terror and Example of others; In Return of all which, We the Estates of this Your Majesties ancient Kingdom, Do hereby most Cordially and Sincerely, Offer with our Lives and Fortunes, to assist Your Majesty against this, and all other Traitors, their Adherents and Associates.

XXXVII.

ACT for the Clergy.

June 13. 1685.



OUR SOVERAIGN LORD, Considering how just and necessary it is, and how much it imports the honour of His Government, That the persons of the Arch-Bishops and Bishops, and all others the Orthodox and Loyal Clergy, be protected from the Sacrilegious Assaults, Violence, Outrages and Assassinations of Fanatical, Impious and Bloody-men, who to the scandal of Religion and Humanity, do maintain the pernicious and horrid Principles of Rebellion, Violence, Murder and Assassination, and to practise accordingly; Doth with Advice and Consent of His Estates in Parliament, Not only Ratifie and Confirm all former Laws and Acts of Parliament, made for the Security of the persons of the Clergy, particularly the fifth Act, first Session, second Parliament, Charles the Second; Fourth Act, second Session, second Parliament, Charles the Second; And

fifteenth Act, third Parliament, Charles the Second. But further, His Sacred Majesty from His just abhorrence of, and Indignation against all such horrid and inhumane Principles and Practices, Doth with Advice and Consent foresaid, of new, Statute and Ordain, That whatsoever person or persons shall be found guilty of Assaulting the Lives of Bishops, or other Ministers, or of Invading or Robbing their Houses, or actually attempting the same, shall be punished with Death, and the Confiscation of all their Goods; And if any regular Minister shall happen to be Assassinated, or Murdered, the Parochioners of that Paroch wherein he is Assassinated, shall pay such sums as the Privy Council shall determine; which sum shall be bestowed to the use and behoove of the Wife and Children of the said Minister, at the sight of the Privy Council; and if he hath neither Wife nor Children, It is hereby Declared to belong to the nearest of the said Ministers Kindred; and the Legal and Conform Parochioners are to have relief, and to be Re-imburshed by the Non-conform Parochioners, or others, who shall be proven to have had accession thereunto, at the sight of the Privy Council. And the Estates of Parliament make their humble Address to His Majesty, for conferring a competent encouragement and Reward to such persons as shall make effectual Discoveries, or shall apprehend any who commit any of the violences foresaid, either upon Bishops, or Ministers in their persons or goods respectively; and if there shall shappen any Slaughter, or Mutilation to be committed in apprehending such persons; His Majesty with Consent foresaid, Doth hereby Indemnifie the persons Employed, and all such as shall assist in apprehending of them; and Declareth them free of all question or trouble for the same, in all time thereafter.

And His Sacred Majesty being firmly Resolved to Conserve and Maintain the Church in the present State and Government thereof, by Arch-bishops and Bishops, and not to endure, nor Conive at any Derogation from, or Violation of it; Doth therefore, with Advice and Consent of His Estates Assembled in this Parliament, Ratifie, Approve and Confirm all former Laws and Acts of Parliament made and passed in the Reigns of His Royal Grand-father, King James the Sixth, His Royal Father King Charles the First, and Royal Brother King Charles the Second of Glorious, Memorics: Restoring the Church to its ancient and right Government by Arch-bishops and Bishops, and Redintegrating the Estate of Bishops to the Exercise of their Episcopal Function; and to all the Privileges, Immunities, Dignities, Jurisdictions and Possessions which was enjoyed by, or by the Laws of the Kingdom was due to their Predecessors, in the year 1637. And Ordaineth them to stand in full force, as publick Laws of the Kingdom, and to be put in execution in all points, conform to the Tenor thereof, as if they were herein all specially repeated and expressed: And in pursuance of His Majesties Royal Resolution therein, His Majesty with Advice foresaid, Doth re-

recommend to all His Ministers of State, Lords of His Privy Council, and all other Judges and Magistrates, to take the Persons and Interests of the Loyal and Orthodox Clergy, under their special Care and Protection; That all Laws, Acts and Statutes, made in their favours, may receive due and ready obedience from all His *Majesties* Subjects.

XXXVIII.

ACT Concerning the Registration of Writs in the Books of Session.

June 13. 1685.



OUR SOVERAIGN LORD, With Advice and Consent of the Estates of Parliament, Considering, That there have been in all Time by-past, only three Offices of the Ordinary Clerks of Session, and that the Erection of any more of these Offices is unnecessary, and may be prejudicial to the Leidges, THEREFORE, Statutes and Ordains, That there be only three Offices of Ordinary Clerks of Session in time coming, and that there be no more then two Persons conjoynd in each of these Offices, which shall remain intire in the full extent thereof, without Alteration, Division, or Dismemberment of any part of the same. And Statutes and Declares, That they as Clerks to the Session, and their Successors have the only Right to be Clerks as Deputies to the Lord Register, to all Processes which are competent before the Lords of Session, and to the Registrating and Extracting of all Writs Registrat in the Books of Council and Session, and have right to all Privileges, Profites and Emoluments, whereof the saids Clerks are in Possession: And for the better securing of the Leidges, both as to the Registration and Preservation of Principal Writs, Statutes and Ordains, That the Clerks of the Session keep an exact Register a part in every one of their Offices for Registration of all Writs, and that they appoint one or two fit, diligent, and faithful Persons in every Office, to receive in the Writs given in to be Registrat, from whom they are to take Caution for their Registrating, Recording, and safe Preseiving of these Writs. And Appoints, That there shall be two Minut-Books kept in every Office, in the One whereof there shall be set down the Title of Writs given in to be Registrat, the Name of the Giver in, and the Date of the ingiving; which is to be subscribed by the Clerk, or his Substituts foreaids, and all Writs so given in, shall be booked within the space of one year after the ingiving; and if any Party, or one employed by him, shall desire up a Writ given in, within the space of Six Moneths after its ingiving, then the Title of the Writ, the name of the Party, and the Date of both ingiving and outgiving of the said Writ shall be insert in the other Minut-Book, and be subscribed by the Receiver thereof, that as the one Minut-Book doeth Charge, to the other Minut-Book may Discharge the Clerk of such Writs, And that no Writ given in, shall be taken out after the same is Booked, And the Clerk are to begin the foreaid Method of the saids two Minut-Books, from the first day of *August* next ensuing; And when the time comes that these Registers are to be given in to the General Register House, the two Minut-Books are likewise to be given in with them subscribed by the Clerk; And the Deput appointed by the Lord Register for keeping of the saids Registers, shall subscribe other Doubles of the saids Minut-Books, which are to be kept by the Clerks for Information of the Leidges in their Offices. And the Clerk of Register, or his Deput, are hereby Ordained to keep all Principal Writs in a secure Room, distinct from the Room where the Registers are kept: As also, Further Ordains the Clerk of Register once in the year to visite the Registers in every Chamber, as he shall be answerable. And because many Writs are Registrat incompetently out with the Jurisdiction, to the great prejudice of the Leidges, (such Registrations being void and null, and consequently all Execution following thereupon,) THEREFORE, Statutes and Ordains, That no Clerk of Inferior Court for the future, presume to Registrat any Writs in his Books, either for Conservation, or where Execution is to pass against any Party that dwells without the Jurisdiction, under the pain of Deprivation, and of Five Hundred Merks of Penalty, the one half to His *Majesty*, and the other half to the Party Pursuer. Likes, His *Majesty*, with Consent foreaid, Ratifies and Approves the Gifts granted by the Clerk Register to the present Ordinary Clerks of Session, of their respective Offices, in the whole Heads, Tenors, and Contents of the same; Declaring these Presents to be as effectual, as if the saids Gifts were *verbatim* here insert. And in respect that by this Act, there is a great addition to the Clerk Register his Care and Trouble, as well as to the Peoples Security, THEREFORE, It is Ordained, That there shall be Twenty Shilling *Scots* payed to the Clerk Register in place of the Merk formerly payed to him and his Predecessors for each Subscription,

XXXIX. ACT

XXXIX.

ACT in Favours of Planters, and Inclosers of Ground.

June 13. 1685.



OUR SOVERAIGN LORD, With Advice and Consent of the Estates of this present Parliament, for the Encouragement of Inclosing of Ground and Planting of Trees, Does Ratifie and Approve all former Laws and Acts of Parliament made in favours of Inclosers of Ground and Planters of Trees, and particularly the 41 *Act, Parl. 1. Charles 2.* Intituled, *Act for Planting and Inclosing of Ground.* And because the time Prescribed in the said Act is now elapsed, They Statute and Ordain, That the whole Heads contained in the said Act be observed for the space of Nineteen Years next to come, Commencing from the Date hereof. And Likewise, Ratifies and Approves the 17 *Act, Parl. 2. Charles 2.* Intituled, *Act for Inclosing of Ground.* And Ordains the same to be observed in all time coming. And further, Statutes and Ordains, That hereafter no Person shall Cut, Break, or Pull up any Tree, or pier the Bark of any Tree, under the pain of Ten Pounds *Scots* for each Tree within Ten Years old, and Twenty Pounds *Scots* for each Tree that is above the said Age of Ten Years, and that the Havers or Users of the Timber of any Tree that shall be so Cut, Broken, or Pulled up, shall be liable to the same Penalty, except he can produce the Person from whom he got it, and if the Person that shall be so convicted be not able to pay the Fine, then he shall be decreed to work a Day for each half Merk contained in the said Fine to the Heretor whose Planting shall be so Cut or Broken: As likewise, Statutes and Ordains, That no Person shall break down or fill up any Ditch, Hedge, or Dike, whereby Ground is Inclosed, and shall not leap or suffer their Horse, Nolt, or Sheep to go over any Ditch, Hedge, or Dike, under the pain of Ten Pounds *Scots*, *roties quoties*, the half whereof to be applied to the Heretor, and the other half for the Mending and Repairing of Bridges and Highways within the Paroch at the sight of the Sheriff, Stewart, or Justices of Peace before whom the Contraveners shall be pursued.

XL.

ACT of Annexation of the Offices belonging to the late Earl of Argile.

June 16. 1685.



OUR SOVERAIGN LORD, With Advice and Consent of the Estates of Parliament, Considering how dangerous it hath always been to the Peace and Quiet of this Kingdom, to bestow too many Heretable Jurisdicions, Offices, and Superiorities upon any of His *Majesties* Subjects, living in the remot High-lands, and that by such helps as these, the Family of *Argile* did in the last Age, as well as this, commit, and maintain their Execrable Treasons, and oppress and enslave His *Majesties* faithful and Loyal Subjects, and that the Jurisdicions, Offices, Superiorities, and Constabularies after-specified are now fallen in His *Majesties* hands, by the Sentence and Doom of Forfeiture given and pronounced against *Archibald Campbell* late Earl of *Argile*, by the Commissioners of Justiciary upon the day of
 THEREFORE, His *Majesty*, with Consent foresaid, Do Unite, Annex, and Incorporat to His Crown of this His Ancient Kingdom, to remain inseparably with the same in all time coming, the Offices of Justice General of all the Isles of *Scotland*, except *Orkney* and *Zeland*, of the Shires of *Argile* and *Tarbet*, and of all the remanent Lands and Estate belonging to the said late Earl in *Scotland*, the Heretable Lieutenancy of *Argile* and *Tarbet* Shires, the Heretable Chamberlainry of both these Shires, the Office of Admiralty of all the Lands belonging to him the said *Archibald Campbell*, the Right of the Commissariat in so far as it belong'd to the late Earl, the Office of the Kings Master-Household within *Scotland*, the Heretable Sheriff-ship of *Argile* and *Tarbet* Shires, the Heretable Crownership, and Toshdorch, or Mayorship in these Shires, as also that half of the Casualties belonging to the King and Prince formerly dispo'd by His *Majesty* and His Predecessors to the Earl of *Argile* and his Predecessors, *viz.* The hall of the Wards, Releifs, Marriages, Non-Entries, Escheats, Amerciaments, and of all Casualties whatsoever belonging to the King and Prince within the saids Shires; And sicklike, the Patronage of all Kirks and Prebandries which any manner of way did belong to the said late Earl and his Predecessors; And in like manner, the Constabularies, of the Castles of *Craignish*, *Tarbet*, *Carrick*, *Duniae*, *Swine*, and *Dunstaffnage*, with the Profits, Rents, and Emoluments

uments belonging thereto; As also, the Superiorities of all and whatsoever Lands belonging to the Earl of Broad-A'bin, Lord Lovat, John McLeod of Herreis, the Heirs of the late Lord McDonald, of McDonald of Torlosk, and of the other Heretors holding of the late Earl of Argile in the Isles of Mull, Fura, Macalister of Tarbat, Arbruchell, Duncan of Lundy, Campbell of Auchattan, the Lairds of Ormsley and Castle, and Parks of Inverary; Declaring that the generality hereof, shall be as sufficient, as if each Annexation is affected with all the Conditions and Provisions as to the way and manner of Alienation and Dissolution mentioned and expressed in the former Act of Parliament, Annexing to the Crown the Lands of the Earl of Tarras, Lord Melville, and others.

XLI.

ACT Declaring the Greenland-Fishing to be a Manufactory

June 16. 1685.

OUR SOVERAIGN LORD, With Consent of His Estates of Parliament, Considering the great Advantage which may accrue to this Kingdom by encouraging the *Greenland-Fishing*, whereby vast Sums of Money will be kept within the Kingdom, and by the export of Oyl and Whale-bone considerable Sums of Money brought into the Kingdom. Do therefore Declare the *Greenland-Fishing* an Manufactory, and to have all the Privileges and Immunities made in favours of any other Manufactory, or Fishing-Company; And that all Ail or Drinking-Beer made use by the Ships to be sent to *Greenland*, and an Butt of Brandy for each Ship yearly shall be free from Excise, Imposition, Custom, or any Dues whatsoever. And the *Greenland-Fishing* being much prejudged by the importing of Foreign Soap, or Whalebone, the Customers quitting the one half of the Duty imposed by Act of Parliament upon Imported Soap. Do therefore, expressly Prohibit and Discharge the Fermors of His Majesties Custom, or others, from quitting or abating any of the said Duty due by Law upon Imported Whale-bone or Soap; and if it be discovered, that they shall quite or abate any of the said Duty, that the said Soap or Whale-bone shall be Confiscate, the one half to His Majesty, and the other half to the Discoverer, and the Tacksmen or Collector who shall be found so guilty, to be Censured by His Majesties Privy Council or Exchequer, as they judge fit.

XLII.

ACT of Annexation of several Lands to the Crown.

June 16. 1685.



OUR SOVERAIGN LORD, and Estates of Parliament; Considering that the Traitors after-mentioned, have of late been Forefaulted upon Processes of Treason, Intented at the Instance of Sir George McKenzie, His Majesties Advocat, against them, both before the high Court of Parliament, and the Commissioners of Justiciary (viz) Sir John Cochran of Ochiltry, Sir Patrick Home of Polwart, Thomas Stewart of Culneff, Pringle of Torwoodlie, George late Lord Melvil, David Montgomery of Lainslaw, Sir Hugh Campbell of Cessnock, Sir George Campbell younger of Cessnock, Mr. Robert Martin, sometime Clerk to the Justice-Court, Walter late Earl of Tarras, Mr. Robert bailie of Ferriswood, Thomas Kenedy of Grange, Porterfield of Duchal, Mr. William and Alexander Gordons, late of Earlsfoun elder and younger, James Gordon younger of Craighen; And His Majesty and Estates of Parliament, being desirous to Annex the whole Lands, Baronies, Teinds, Annuallrents, Rouns, Possessions, Milns, Woods, Fishings and others, which pertained to the fore-named persons, any manner of way, to the Crown, for the better Supporting the Dignity of His Royal Estate, and the expenses of His Government: His Majesty Does therefore, with Advice and Consent foresaid,

Ratified and Confirm the saids Decrets of Forefaulchure; And Ordains the same to be of full force, strength, and effect in all time coming, holding and willing this their Ratification to be as sufficient and effectual, as if the saids Decrets, and whole Tenors thereof were insert herein. And further, His Majesty with Consent foresaid, Doth Unite, Annex and Incorporat to His Crown, of this His ancient Kingdom, to remain inseparably therewith in all time coming, all and whatsoever Lands, Lordships, Baronies, Heretages, Rouns, Possessions, Milns, Woods, Fishings, Tacks, Steedings, Teinds, Annualrents, Patronages, Wodlets, expired Appryngs and Adjudications, Castles, Towers, Fortalices, Houses, Biggings, Yairds, Orchyairds, Annexis, Connexis, Tenants, Goods and Aikers, and all other Heretages, Lands and Estates whatsoever, pertaining and belonging to the fore-named persons, Rebels and Traitors above-mentioned, or any of them, by whatsoever manner of way, Right or Title, and wherein they, or any of them, have been, or might have been in Possession, or to which they, or any of them have succeeded, or may succeed, as Representing any person, and where the same ly within this Realm, of whatsoever Name, Title, Bounding, or Designation the same be of, Dispensing with the foresaid generality; And Declaring the same to be as sufficient, as if every particular, Roun, Land or Barony pertaining to the fore-named, scirefaulted Rebels and Traitors, or any of them, and which can any manner of way fall under their Forefaultries, were herein particularly condescended on and exprest; And particularly, but prejudice of the foresaid Generality, the Lands, Baronies, and others after-mentioned, which formerly pertained to these of the saids Traitors after-named, viz, The Lands and Barony of *Orbillyry*, the Lands and Barony of *Trabeanch*, the Lands of *Chalmerstoun*, the Lands of *Kinowdoun*, and *Flornstoun*, the Lands of *Craigman*, The Lands of *Brownstoun*, *Beaches*, the Lands of *Green-hill*, and the Superiorities and Feu-duties of the twenty pound Land of *Carbel*, all lying within the Sheriffdom of *Air*, with the whole Pertinents thereof, which pertained to the said Sir *John Cochran*, sometime of *Orbillyrie*; The Lands and Barony of *Polwart*, the Lands and Barony of *Greenlaw*, *Red-path*, with the Rights of Patronages, and whole Pertinents thereof, and Lands of

pertaining to the said Sir *Patrick Hume*, sometime of *Polwart*, lying within the Sheriffdom of *Berwick*; The Lands and Barony of *Culneths*, lying within the Sheriffdom of *Lanerk*; And the Lands of *North-Berwick*, lying within the Constabulary of *Haddington*, which pertained to the said *Thomas Stewart*, sometime of *Culneths*; The Lands and Barony of *Torwoodlie*, with the Pertinents thereof, lying within the Lordship of *Ettrick-Forrest*, and Sheriffdom of *Selkirk*, sometime pertaining to the said *Pringle of Torwoodlie*; The Lands, Lordship and Barony of *Monymail*, comprehending the Lands, Patronages, and Baronies mentioned in the Infeiments thereof, lying within the Sheriffdom of *Fife*, and particularly, comprehending the Lands and Baronies of *Raith*, and *Balweirie*, sometime pertaining to the said *George Lord Melvil*; The ten merk Land of *Lainshaw*, and Teinds thereof, the ten merk Land of *Kirkbyrd*, with the Miln and Pertinents, the five pound Land of *Milnsfoun-fleet*, the five merk Land of *Over*, with the Miln and Pertinents, with the Tower and Fortalice, called *Castlesturt*, and Lands of *Brockholmer*, all lying within the Bailiary of *Cunningham*, and Sheriffdom of *Air*, the Lands of *Over-Cassiloun*, extending to a three merk Land, with the Teinds and Pertinents, lying within the said Bailiary and Sheriffdom, all formerly pertaining to the said *David Montgomery*, sometime of *Lainshaw*; The Lands and Barony of *Kilcartoun*, the Lands and Barony of *Cesnock* and *Galsoun*, with the Tower of *Cesnock*, and Pertinents, the Lands and Barony of *Bair*, the Lands and Barony of *Castlemains*, the Lands and Barony of *Hayningresk*, all lying within the Sheriffdom of *Air*, and the Lands of *Newhal*, lying within the Sheriffdom of *Fife*, formerly pertaining to the said Sir *Hugh* and Sir *George Campbells*, sometime of *Cesnocks*; The Lands and Barony of *Hughchester*, the Mains of *Borthwick-hills*, lying within the Shire of *Roxburgh*, the Lands of *Robertoun* and *Howelench-miln*, and Pertinents thereof, lying in the Sheriffdom of *Selkirk*, the Lands and Steedings of *Alemuir*, lying in the said Shire, the Lands of *Casock*, *Tamencher*, and *Glenderig*, lying in *Eskaldemuir*, the Lands of *Harden*, *Mabenlan*, *Hichebester*, and *Borthwick-walls*, lying in the Sheriffdom of *Roxburgh*, formerly pertaining to the said *Walter*, sometime Earl of *Tarras*; The Lands and Barony of *Jerviswood*, lying within the Sheriffdom of *Lanerk*, the Lands and Barony of *Mellerstains*, lying within the Sheriffdom of *Roxburgh*, formerly pertaining to the said Mr. *Robert Bailie*, sometime of *Jerviswood*; The Lands of *Grange*, and Heretable Office of Bailiary of *Monkland*, lying within the Bailiary of *Carriek*, and Sheriffdom of *Air*, formerly pertaining to *Thomas Kennedy*, sometime of *Grange*, the Lands and Barony of *Duchal*, and

pertaining to *Porterfield*, sometime of *Duchal*; the Lands and Barony of *Earlestown*, the Lands and Barony of *Kenmuir* and others, formerly pertaining to the said *William* and *Alexander Gordons*, late of *Earlestown*, lying within the Sheriffdom of *Wigtoun*, and Stewartry of *Kirkcudbright* respective; The Lands and Barony of *Craiglaw* and others, formerly pertaining to the said *James Gordon* younger of *Craiglaw*, together with all other Lands, Teinds and Rights whatsoever, belonging to the Remanent

manent of the saids Traitors, or to all or any of them, or whereof they were in Possession, or to which they might have succeeded any manner of way, with all Lands, Teinds and others, Castles, Towers, Fortalices, Milns, Multure, Fishings, Annualrents, Reversions, Patronages of Kirks and Teinds, Personages and Vicarages, and all and whatsoever Mines of Gold, Silver, Copper and other Minerals within the foresaid bounds, and belonging to the saids Forefaulted Traitors, withall whatsoever, pertaining to the same: All which, His Majesty with Consent foresaid, Doth Unite and Annex to His Crown, Declaring the Generality foresaid to be as sufficient to the intent and effect foresaid, as if each Part, Parcel and Pertinents of the saids Lands, Offices, Patronages, Priviledges and others belonging to the saids Traitors, or any of them, and whereof they were in Possession, were herein exprest. And it is Statute and Declared, That the saids Lordships, Lands, Baronies, Teinds and others *respective* above-mentioned, Annexed to the Crown in manner-foresaid, shall remain therewith in all time-coming; And that the same, or any part thereof, shall not, nor may not be given away in Fee and Heretage, nor in Frank, Tenement, Liferent, Pension, or Tack, except for the full Duty, which may be gotten from, and payed by the Tennents, or by any other manner of Alienation, Right or Disposition whatsoever, to any person or persons, of whatsoever Estate, Degree, or Quality they be, without Advice, Decreet, and Deliberation of the whole Parliament, and for Great Weighty and Reasonable Causes, concerning the good, welfare and publick Interest of the whole Kingdom; First to be proposed, and to be Advised and maturely pondered and considered by the Estates *re integrâ*, before any previous Grant, Right or Deed be given, made or done by His Majesty or His Successors, concerning the Disposition of the saids Lordships, Baronies and others, or any part thereof, which may any wayes predetermine them, or the Estates of Parliament, and prejudge the freedom of their Deliberation and Consent. And if at any time hereafter it shall be thought fit to Dispose, or Grant any Right of any part of the saids Lands, Superiorities, Offices, Teinds and others; It is Declared, That the general Narrative of good Services, weighty Causes and Considerations, shall not be sufficient; But the particular Causes and Considerations, whereupon His Majesty and His Successors may be Induced to grant, and the Estates to Consent to such Rights, are to be exprest, that it may appear that the same is not Granted through Importunity, or upon privat suggestions or pretences, but for True, Just, and Reasonable Causes and Considerations of publick Concernment. And further, It is Declared, That if any general Act of Dissolution, of His Majesties Property, shall be made at any time hereafter, the saids Lands and others above-mentioned, and Annexed, shall not be understood to fall, or be comprehended under the same: And if the saids Lands, and others-foresaid, or any part thereof, shall be Annalzied or Disposed; or any Right of the same shall be Granted otherwise then is Appointed, and Ordained in manner above-mentioned, His Majesty with Consent foresaid, Doth Statute and Declare, That all Dispositions, Infestments, and other Rights of the saids Lands, and others-foresaid, or any part thereof, which shall be Granted contrary to this present Act, with all Acts of Dissolution and Ratification, and other Acts of Parliament concerning the same, shall be from the beginning, and in all time-coming, void and null, and of no effect; and notwithstanding thereof, It shall be lawful to Our Sovereign Lord, and His Successors for the time, to take back and receive at their Pleasure, for their own use, without any Process of Law, the Lands and others above Annexed, or any part thereof, which shall be Annalzied, or Disposed, and these in whose favours any such Rights, or Alienations shall be made, shall be accomptable for, and lyable to refund and pay all Profits, Intromission, or Benefit taken, uplifted, or enjoyed by them, in the mean time. And it is Declared, That all other Clauses, Articles and Provisions, contained in any former Act, or Acts of Annexation, to the advantage of His Majesty and His Crown, are, and shall be holden, as repeated, and insert herein: But it is hereby always Declared, that if any of the saids Lands bold of a Sub-altern Vassal, That it shall be Lawful to His Majesty to present a Vassal to the Intermediat Superiour. To the end His Majesty may thereby apply the Mails and Duties of these Lands so holden, to His Majesties own use. It is always hereby Declared, That the Annexation of the Lands of North-berwick, as belonging to the said Thomas Stuart, sometime of Culmeys, shall not prejudge the Senators of the Colledge of Justice, as to their Right and Interest in these Lands, who are hereby Declared preferable for the same; Reserving also Lieutenant Collonel, Theophilus Ogilthorpe, and Major Mayn, and Captain Cornwal his Authors, the Rights and Grants made to them *respective* by His late Majesty, in so far as concerns the Lands Gifted to them, to be bruiked and enjoyed by them, ay and until they be satisfied by His Majesty, or by their own Intromissions.

XLIII.

ACT in favours of the Inhabitants of Orkney and Zetland.

June 16. 1685.



OUR SOVERAIGN LORD Considering the great distance of the Islands of Orkney and Zetland from the Town of *Edinburgh*, the ordinary place of Justice, and the uncertainty of Passage by Sea, and the many fresh Waters and other Ferries in the way by Land; Doth with Advice and Consent of His Estates of Parliament, Statute and Ordain, That all Summons to be intented against the Inhabitants of *Orkney* and *Zetland*, before the Lords of Privy Council, the Lords of Session, and before the Commissioners of Justiciary, and Letters of Horning and Law-borrows upon their Decrees, or by their Warrant, shall be execute in time coming upon forty days; but prejudice always of Letters to be raised upon Writs Registrated of consent of parties, where, by the Clause of Registration, the party consents that execution should pass on a shorter time.

XLIV.

ACT for a Standart of Miles.

June 16. 1685:



OUR SOVERAIGN LORD, Thinking it fit, that there should be a fixed Standart for Measuring and Computation of Miles, and that the whole Isle of *Britain* should be under on certain kind of Commensuration, Doth therefore with Consent of the Estates of Parliament, Statute and Ordain, That three Barley Corns set lengthways, shall make an Inch, as it is already used; That twelve Inches shall make a Foot of Measure, which is to be the only Foot by which all Work-men, especially Masons, Wrights, Glasiors and others are ordained to measure their Work in all time coming, under the pain of an hundred pounds, *toties quoties*; Three of these Foots are to make a Yard, as three Foot and one Inch makes a *Scotts Elu*, And a thousand seven hundredth and sixty Yards are to make a Mile, which is to be made the Standart of Computation from place to place in all time coming.

XLV.

ACT in favours of Sir William Bruce, for enlarging the Shire of Kinross.

June 16. 1685.



OUR SOVERAIGN LORD, and Estates of Parliament; Considering the smallness and extent of the Sherifdom of *Kinross*, and Jurisdiction thereof, to support and maintain the State and Rank of a distinct Shire, as it is, and anciently has been; and that it will be of great advantage and ease to His Majesties Lieges, the several Heretors, Residenters and Inhabitants within the Parochs of *Portmuck*, *Cleish* and *Tillibool* (excepting alwayes, and reserving the jurisdiction of the Lands of *Cornboe*, *Bridge-lands*, *Cruick*, and *Cruick-miln*, lying in the said Paroch of *Tillibool*, and Stewartry of *Strathern*, whereof *James* Earl of *Perth*, Lord high Chancellour is Heretable Stewart, out of this present Act, which is hereby Declared to be without prejudice thereunto, Infringement thereof, or Ineroachment thereupon, or to the detriment of the said Heretable Stewartry in any manner of way whatsomever) and to the Heretors of these several parts and

portions of Land, lying in the Paroch of *Kinross*, and in the Shiros of *Fife* and *Perth*; and of the Barony of *Cuthilgourdy*, lying in the Shire of *Perth*, and belonging to Sir *William Bruce* of *Kinross*

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Baronet, Heretable Sheriff of the said Shire of *Kinross*, be Disjoyned from the said Shires of *Fife* and *Perth*, and Jurisdictions thereof, and Joyned, Annexed, and United to the Shire of *Kinross*, and Jurisdiction thereof, unto which the said Parochs and Landsly contigge; and most conveniently: And that *John Marquess of Athol*, Sheriff principal of the Sheriffdom of *Perth*; and *Margaret Countess of Rothes*, and the Deceast *Charles*, Earl of *Haddington* her Husband, Heretable Sheriff of the Shire of *Fife*, have for their *respective* Interests, consented to the Disjunction of the said Shire to the said Shire of *Kinross*, and Heretable Jurisdiction thereof, in favours of the said *Sir William Bruce*, Heretable Sheriff of the same, with the burthen of the Valuation, and all other publick upon the Considerations foresaid, hereby Dismember and Disjoyn the said several Parochs of *Portmouck*, *Cleish* and *Tillibool*, and whole Lands contained therein (Reserving the Jurisdiction of the said Lands, as is above reserved) and the said parts and portions of Land, in the Paroch of *Kinross*, lying within the said Shires of *Fife* and *Perth*, and the said Lands and Barony of *Cuthilgourdy*, from the said Shires of *Fife* and *Perth*, and Jurisdictions thereof, for now and ever; And Adjoyn, Unite, Annex, and Incorporat the same to the said Sheriffdom, and Heretable Sheriffship of *Kinross*, in and to all effects and purposes, and in particular in point of Jurisdiction, Judicatures, sitting and collecting of Cess, Excise, Militia, Out-reeks of Levies, and mending of High-ways, as amply and freely as any other Shires do, or may do within this Kingdom; Discharging hereby all other Sheriffs and their Deputs, and Justices of Peace within the said Shires of *Fife* and *Perth* from exercising any Power of Jurisdiction over any of the said Lands and Parochs foresaid, Heretors and Inhabitants thereof, in any time coming, as being now only answerable to the Sheriff-Court of *Kinross*, and Justices of Peace within the same (Reserving alwise to the said *James* Earl of *Perth*, and his Heirs, the Jurisdiction of the said Lands of *Cruik*, *Cruikmiln*, *Carnloe* and *Bridg-lands*, as Heretable Stewart of the said Stewartry of *Strathern*) And in respect that formerly the publick Burthens, Cess, Excise, Militia, and mending of High-ways, and other publick Concerns, were (because of the smallness of the Shire of *Kinross*, and that for many years, the Right and Interest thereof was broken, and divided in the hands of many Creditors) casten in, and managed with the publick Concerns of *Fife*; And the Shire of *Kinross* being now enlarged, and that Interest brought in, and made intire again in the person of the said *Sir William Bruce*; THEREFORE His Majesty, with Consent foresaid, separates the said Shire of *Kinross* from *Fife*, as to all these publick Concerns and Actings, as well the Lands contained therein formerly, as these Annexed thereto by this present Act; and from the Shires of *Fife* and *Perth* *respectively*, in all matters whatsoever that relate to, pertain, and fall within the precinct, and Jurisdiction of the said Shire of *Kinross*, as it is now Established and Comprehended by this present Act; and to consist of the Parochs of *Kinross*, *Urmell*, *Portmouck*, *Cleish*, and *Tillibool*, and whole Lands lying within the said Parochs, and of the said Lands and Baronies of *Cuthilgourdie*, with the burthen of the Valuation of the said Parochs and Lands; and liberating and freeing the said *respective* Shires of *Fife* and *Perth*, proportionally of the Burthen thereof; and particularly (without prejudice of the generality foresaid) of all Cess, Excise, Militia, Out-reeks of Horse and Foot, High-ways, and all other publick Burthens, and Impositions laid, or to be laid upon these Lands, Disjoyned from the said Shires of *Fife* and *Perth*, and Annexed to *Kinross* in manner foresaid; and particularly, liberats the Shire of *Fife* of the Valuation of the Lands formerly contained in the Shire of *Kinross*, and of the Valuation of the Lands that are now Disjoyned from the Shire of *Fife*, and Adjoyned to the Shire of *Kinross*, amounting both, to the sum of *Eighteen Thousand five hundred and sixteen pounds* Scots Money. And also, particularly Liberats and Frees the Shire of *Perth* of the Valuation of the said Lands, hereby Disjoyned from the Shire of *Perth*, and now Annexed to the Shire of *Kinross*, extending to the sum of *One Thousand, seven hundred and eighteen pounds, six shilling eight pennies*, Scots Money, making up the said two Valuations, in the whole, the sum of *Twenty Thousand, two hundred and thirty four pounds, six shilling, eight pennies*, Scots Money, Which is Declared to be the full and compleat Valuation of the Shire of *Kinross* hereafter, and the Rule of proportioning the publick Burthens laid on, or to be laid on the said Shire of *Kinross*, Willing and Appointing the Heretors, Inhabitants and Possessors of the said Lands, in all time coming, to answer to the Courts of the said Sheriffdom of *Kinross*, and to be lyable to the Jurisdiction of the Sheriffs thereof, in all Causes, Civil and Criminal, competent to an Sheriffs Cognition, and to be holden, reputed and esteemed in all time hereafter, a part of the said Shire of *Kinross*, to all effects, and particularly (without prejudice of the generality foresaid) with the burthen of all Cess, Excise, and other Impositions whatsoever.

Militia and other Out-reeks, Collecting and Ordering thereof: And that in all Retours, Rights, Dispositions, Charters and Infeftments of the faids Lands, they be Designed in all time-coming, to ly within the faid Sheriffdom of *Kinross*: And that all Denunciations, and Executions of Hornings, Appryfings, Inhibitions, Adjudications, Publications of Interdictions, and other Legal Diligences, againſt the Heretors, Poſſeſſors and Inhabitants of the faids Lands, with all Brieves, Proclamations and others, be uſed and Execute at the faid Mercat Croſs of *Kinross*, head-Burgh of the faid Shire, in like manner, and to the ſame effect, as theſe Executions are uſed at the head-Burgh of any other Shire, And in caſe there be any miſtake in the caſting of, and inserting in this Act the ſums of the Valuation above-mentioned, to the prejudice of any of the faids other Shires. His *Majeſty* with Conſent forſaid, Ordains the Commiſſioners of Cefs and Excife of the faids other Shires, to Meet, Adjust, and ſettle the faids Proportions, and being ſo Adjusted, to ſignifie the ſame to the Lords of His *Majeſties* Privy Council under their hands, that the ſame may be Recorded in the Books of Privy Council, for a Rule hereafter. As alſo, His *Majeſty*, with Conſent of the faids Eſtates of Parliament, Conſidering that by the ſixteenth Act of the twenty ſecond Parliament of His *Majeſties* Deareſt Grand-Father, King *James* ſixth, in anno 1617. (Entitled *Act ancient Registration of Seaſons, Reversions and other Writs*) That for the great eaſe of the Lieges, the faids Registers were Eſtabliſhed in the Burgh of *Coſper in Fiſe*, for the whole Lands lying in the bounds of the faids Sheriffdoms of *Fiſe* and *Kinross*, or were to be Eſtabliſhed in any other place or places more convenient: And that now for the greater eaſe and accomodation of the Leiges, it is thought more fit and convenient, That the ſaid Register be kept at *Kinross*, head-Burgh of the Shire thereof, for the whole Lands, as well formerly lying within, as now Annexed to the ſame Shire: THEREFORE His *Majeſty*, and Eſtates of Parliament forſaid, Statute and Ordain, That in all time coming, there be a publick, particular Register, for Registrating Seaſons, Renunciations, Reversions, Discharges of Reversions, Grants of Redemption, and other Writs, enjoyned to be Registrated by the ſaid former Act of Parliament, kept by the Clerk of Registers, and his Deputs, at the ſaid Burgh of *Kinross*, for the whole Lands, as-well formerly lying within the ſaid Shire of *Kinross*, as now annexed thereto, within the ſpace, to the ſame effect, and with the like conditions mentioned and contained in the forſaid Act, in anno 1617. For *Registration of Seaſons, Reversions, &c.* And Laſtly, His *Majeſty* and Eſtates of Parliament forſaid, Hereby Ratiſhe and Approve, in favours of the ſaid Sir *William Bruce*, and his Heirs-male, Tailzie, and others contained in his Infeſtments of the Eſtate of *Kinross*, the twenty ninth Act of the firſt Parliament of His *Majeſties* Deareſt Father, King *Charles* the firſt of ever bleſſed memory (Entitled, *Act in Favours of the Earl of Morton and the Lord Dalkeith his Son, anent the Loch of Loch-Levin, and preſervation of the Fiſhes thereof*) And Ordains the ſaid Act to be put to Execution by the ſaid Sir *William Bruce*, and his forſaid, and his and their Deputs and Bailies, after the Form and Tenor thereof. It is alſo hereby Declared, That this Act, and every part thereof, is but prejudice to the ſaid Sir *William Bruce*, and his Heirs of any other Jurisdiction of Regality or Bailiary, formerly belonging to him of any of the faids Lands, either formerly belonging, or now Annexed to the ſaid Shire of *Kinross*.

XLVI.

ACT *Salvo jure Cuſuslibet.*

June 16. 1685.



OUR SOVERAIGN LORD Taking to Conſideration, that there are ſeveral Acts of Ratification, and others paſt, and made in this Session of Parliament, in favours of particular perſons, without calling or hearing of ſuch as may be thereby concerned, or prejudged; THEREFORE His *Majeſty*, with Advice and Conſent of the Eſtates of Parliament, Statutes and Ordains, that all ſuch particular Acts, and Acts of Ratification paſt in manner forſaid, ſhall not prejudice any third party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the faids particular Acts, and Acts of Ratification; And that the Lords of Session, and all other Judges of this Kingdom, ſhall be obliged to judge betwixt parties, according to their ſeveral Rights ſtanding in their perſons, before the making of the faids Acts: All which are hereby Exponed, and Declared to have been made, *Salvo jure Cuſuslibet.*

XLVI.

ACT of Adjournment to the last Tuesday of October.

June 16. 1685.



HE Kings Majesty Declares this Parliament Currant; and Adjourns the same to the last Tuesday of October next, 1685. And Ordains all Members of Parliament to attend that Day: And that there be no new Elections of Commissioners from Shires or Burghs, except upon the Death of some of the present Commissioners.

Collected and Extracted from the Registers and Records of Parliament, by

T A R B A T, *cls. Reg.*

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F I N I S.

THE
LAWS and ACTS
Made in the SECOND SESSION of the FIRST
PARLIAMENT
Of Our Most High and Dread SOVERAIGN
JAMES VII.

By the Grace of GOD, KING of SCOTLAND, ENGLAND,
FRANCE and IRELAND, Defender of the Faith.

Holden at EDINBURGH the 29. of April 1686.

By a Noble Earl, Alexander Earl of MORRAT, Lord Down and
Abernetbie, &c. Secretary of State for the Kingdom of Scotland,

His Majesties High Commissioner for Holding this Parliament, by
vertue of a Commission under His Majesties Great Seal of this
K I N G D O M.

With the special Advice and Consent of the Estates of Parliament,

Collected and Extracted from the Registers and Records of Parliament, by GEORGE Viscount of Tarbat,
Lord M'Leod, and Castle-haven, &c. Clerk to His Majesties Councils; Registers, and Rolls, &c.



EDINBURGH,

Printed by the Heir of Andrew Anderson, Printer to His most Sacred Majesty, Anno Dom. 1686.
Cum Privilegio,

GOD SAVE KING

JAMES THE SEVENTH.



L A W S and A C T S

Made in the SECOND SESSION of the FIRST

P A R L I A M E N T

Of Our Most High and Dread SOVERAIGN

J A M E S V I I.

*By the Grace of GOD, KING of SCOTLAND, ENGLAND,
FRANCE and IRELAND, Defender of the Faith.*

Holden at EDINBURGH the 29 of April 1686.

I.

ACT of Dissolution of the Lands of Celsnock and Duchal.

May 18. 1686.



OUR SOVERAIGN LORD, and Estates of Parliament, Taking into Their Consideration, That His *Majesties* Commissioner, as having special Warrant and Instruction from His *Majesty*, Having Proposed and Expounded in plain Parliament, The Great and Faithfull Services Done to His *Majesty*, and His Royal Brother, of ever blessed memory, by *John* Lord Viscount of *Melfort*, one of His principal Secretaries of State, and his constant Zeal and Faithfulness to the Interest of the Crown, and particularly, That His *Majesty* was sensible of the many Journeys made by the said *John* Viscount of *Melfort*, from *Scotland* to the Court of *England*, upon occasions of great Importance, to the Service of the Crown and Government, for most of which he had no allowance, at least none suitable to his Expenses; And that he had Faithfully executed several Offices of great Trust, as Lieutenant General and Master of the Ordnance, Lieutenant Governour of the Castle of *Edinburgh*, Thesaurer Deput, and Secretary of State for His *Majesties* Ancient Kingdom of *Scotland*.

land; In which Employments he did very well behave himself; That he was instrumental in the Defeat of the Rebels at *Bothwell-bridge*, was diligent against the Rebels thereafter; And at great Pains and Charges in the Circuits, for the Shires of *Lanerk*, *Stirling*, *Renfrew* and *Dumbarton*, in the year 1684. And that he had performed several other good and acceptable Services. As also His *Majesties* Commissioner, as having speciall Warrant and Instruction from His *Majesty*, Having proposed to the Estates of Parliament, That His *Majesty* judging it fit for the Interest of His Crown, and the Good and Wellfare of this Kingdom, To Purchase and Acquire from the said *John Viscount of Melfort*, the Lands, Baronies and others aftermentioned, wherein the said Viscount stands Heretabill Infeft, *viz.* The Lands and Barony of *Muirhall*, Comprehending therein the Lands of *Inverneil*, *Kilmor*, *Downanoltich*, *Craigmoirail*, *Kilbryd*, *Kilmorich*, *Auchinbreck*, *Melfort*, *Kennmore*, *Knaps*, *Kilmorie*, *Kilberrie*, *Auchinlalloch*, *Imstremich*, *Barleamich*, *Donnardenrie*, *Eunichan*, *Kildalban*, *Dargachie*, *Cariedale*, *Drummoir*, *Crear*, *Oib*, *Muirhall*, and several other Lands, Teinds and Rights mentioned in the Charter thereof, Granted by His *Majesty* to the said *John Viscount of Melfort*, of the Date the nineteenth day of *March* 1686. Which did formerly pertain to Sir *Duncan Campbell of Auchinbreck*, *John Campbell of Melfort*, *John Campbell of Knap*, *Dougal Campbell of Kilberrie*, *Patrick McCarter of Imstremich*, *Eivor McEivor of Askins*, *Donald Mearvish of Donnardenrie*, *Neill Campbell of Eunichan*, *Campbell of Kildalban*, *John Campbell of Dargachie*, *Duncan Campbell of Cariedale*, *Alexander Mcmillan of Downiemoir*, *Donald McNeill of Crear*, *Alexander Mcervorlich of Oib*, *Alexander Campbell of Otter*, *William Denholm of Westheill*, Mr. *Alexander Campbell* Advocat, *Collin Campbell* elder of *Allangreig*, and *Duncan Campbell* younger thereof, and *Stuart* younger of *Cultivels*, And which tell in His *Majesties* hands by the Forefaulture of the forenamed persons, And likewise the Lands and Barony of *Melfort*, Comprehending the Superiorities and the Feu-Duties of the Lands of *Kayra*, and the Isle of *Loung*, The Lands of *Torsay*, The Lands and Isle of *Shennay*, The Lands of *Daginnelsh*, *Armadie*, *Anchnasoul*, *Ragray* and of many other Lands, particularly mentioned in the Charter thereof, Granted by His *Majesty*, under His *Majesties* Great-Seal, to the said *John Viscount of Melfort*, of the Date the day of 1685. Which Superiorities and Feu-Duties pertained formerly to *Archibald Campbell*, late Earl of *Argile*, and tell in His *Majesties* hands by his Forefaulture, Excepting only the Superiorities and Feu-Duties of *Glen-ila*, *Balquhan*, *Spittle-town* of *Balquhan*, *Edinample* and *Menstrie*, which are Reserved to the said Viscount of *Melfort*, The said Lands and Baronies being of a vast and great extent, and containing great Superiorities, and as lying and being Situat in the Highlands, and formerly belonging to the late Earl of *Argile*, and others of his Party, who were involved in the late Rebellion, and Forefaulit for their accession thereto, has always been subject to Disorders, which might indanger the publick Peace, which being in His *Majesties* hands. And His Royal Authority and Interest concurring, may Restrain and prevent the same, and His *Majesty* conceiving it just and reasonable, That the said *John Viscount of Melfort*, in lieu and place of the forelaids Lands and Baronies formerly belonging to him, and which at His *Majesties* Desire, he is willing to Resign in His *Majesties* Hands, *ad perpetuam remanentiam*, should have a full Recompence and Satisfaction for the same. And His *Majesty* Designing to Give and Dispose in Permutation and Excambion thereof, The Lands and Barony of *Riccartoun*; The Lands and Barony of *Cesnock* and *Galsfoun*, with the *Tower of Cesnock* and Pertments; The Lands and Barony of *Barr*; The Lands and Barony of *Castlemains* and *Cummock*; The Lands and Barony of *Haining-Rofs*, all lying within the Sheriffdom of *Air*, formerly pertaining to Sir *Hugh* and Sir *George Campbells*, sometime of *Cesnock*. The Lands and Barony of *Duchall*, and the Lands of *Porterfield*, with the Pertinents which pertained to *Porterfield*, sometime of *Duchall*, and all other Lands, Teinds and Rights whatsoever, belonging to the said Sir *Hugh* and Sir *George Campbells*, and *Porterfield*; And upon their Forefaulture did come in His *Majesties* Hands, and are Annexed to the Crown by the Fourty two Act of the first Session of this current Parliament, Dated the sixteenth day of *June* 1685. And albeit His *Majesty* be satisfied that the said Transaction and Excambion, is of advantage to His *Majesty* and His Crown, and for the Good and Wellfare of this Realm, upon the Considerations foresaid, And that the Lands and others which the said Viscount of *Melfort* is willing to Resign in His *Majesties* hands, are of greater yearly Rent and Value; Yet His *Majesty* has thought fit, *re integra*, to propose the same in plain Parliament, That they may seriously ponder, and consider the said particular Services, done and performed by the said Viscount of *Melfort*, to His *Majesty* and His Crown; And the foresaid Proposal, as to the Transaction and Excambion above-mentioned, and give His *Majesty* Their Advice, Judgement and Determination thereanent: And the Estates of Parliament after mature Deliberation, Treating and Consulting anent the Premisses, being fully satisfied and convinced, That either the said particular Services, Done and Performed to His *Majesty* by the said Viscount of *Melfort*, (The truth whereof is sufficiently known, and did appear to Them) or the foresaid Permutation and Excambion, are Just, Sufficient and Important Reasons, concerning both His *Majesties* Interest, and the publick Good and Wellfare of this Kingdom, That They should Advise and Consent

sent to His Majesties Giving and Disposing the saids Lands, Baronies and others above-exprest, to the said *John Viscount of Melfort*, his Heirs and Assignes; and for that effect, that the saids Lands *jefty*, with Advice and Consent of the Estates of Parliament, Decerns, Ordains and Declares, That the saids Lands and Barony of *Riccartoun*, The Lands and Baronies of *Cesnock* and *Galsoun*, of *Castlemains* and *Cumnock*, The Lands and Barony of *Bar*, The Lands and Barony dom of *Air*, formerly pertaining to the said Sir *Hugh* and Sir *George Campbells*, sometime of *Cesnock*, And the Lands and Barony of *Duchal*, and the Lands of *Porterfield*, with the Pertinents, which pertain to *Porterfield*, sometime of *Duchal*; And all other Lands, Teinds and Rights whatsoeever, belonging to the said Sir *Hugh* and Sir *George Campbells*, and *Porterfield*, hereby Dissolves the same from the Crown, and Patrimony thereof; And for that effect has Dissolved, and of Annexation, made the sixteenth day of *June* One thousand six hundred eighty five; And from all other Acts of Annexation, and from all Clauses, Qualities and Conditions therein contained: And His Majesty, with Advice and Consent foresaid, Finds, Decerns and Declares, That this present Act of Dissolution, having proceeded upon the Advice and Deliberation of the Estates of Parliament, *re integra*; And found by the saids Estates, to be for Great, Weighty and Reasonable Causes, Concerning the Good, Wellfare and Publick Interest of the whole Kingdom; First Proposed and Advised, and maturely Pondered and Considered, before any previous Grant, or other Right or Deed, Given, Made or Done by His Majesty, in Favours of the said Viscount of Melfort and his foresaid, of the Lands, and others particularly and generally above-mentioned, or any part or portion of the same, Does fully satisfie the whole Clauses, Conditions and Qualifications contained in the foresaid Act of Annexation, and shall have the Force, Strength and effect of a general Law or Act of Parliament, and shall beas valid and effectual to the said Viscount of Melfort, and his foresaid, for the Security of the Lands, Baronies and others above-exprest, as any other Act of Dissolution Granted by His Majesty, or His Royal Ancestors, with Advice and Consent of the Estates of Parliament, in Favours of whatsoever Person at any time hereafter. Likeas, His Majesty with Advice and Consent foresaid, Finds, Decerns and Declares, That this present Act of Dissolution, shall not be understood to fall under, or be comprehended in any Act *Salvo jure*, To be past in this, or any other Session of this current Parliament; But is hereby excepted therefrom in all time coming.

II.

ACT For the better Inbringing of His Majesties Supply.

May 26. 1686.



OUR SOVERAIGN LORD Considering, That by a Clause in the Act of Convention of Estates, *July 10. 1678.* It is Provided, That Persons liable in payment of the Supply then Imposed, should not be holden to produce Discharges, or Receipts of the same, after the tenth day of *June 1686. years.* And seeing there is a great part of the Cess and Supply yet resting unpaid, for which no Diligence is done; THEREFORE, His Majesty, with Advice and Consent of the Estates of Parliament, Statutes, Ordains and Declares, That the particular Collectors in each Shire, for whom the Commissioners are answerable, shall be liable in all time coming, to do Diligence by Quartering, or Denunciation against the Deficients, at the head Burgh of the respective Shires where they live; And Declares the said Diligence so to be used, shall be sufficient to stop and interrupt the prescription, and make the Deficients liable, notwithstanding of the Clause in the foresaid Act, finding them not liable to produce their Discharges after the said day: And because the time prescribed by the said Act, is now near elapsed, THEREFORE, His Majesty with Advice and Consent foresaid, Does Prorogate the same until the first day of *November* next; To the Effect, the particular Collectors may do Diligence in the mean time. Likeas, His Majesty and the Estates of Parliament, Statutes and Ordains in time coming, That all Cess which shall not be payed within six Moneths after the same falls due, shall bear Annual rent after elapsing of the said six Moneths, albeit Horning or other Diligence be not used for the same, And whereas by the Act 3. Par. 3. Ch. 2. The number of Foot to be employed in Parties for Quartering upon the Deficients, is Declared to be six Foot for every 1000 Pounds of Deficiency, and so proportionally; Which number is not sufficient, nor proportionable to the number of Horses or Dragoons appointed by the same Act. It is therefore hereby Ordained and Declared, That the number of Foot hereafter to be employed, shall be fifteen for each 1000 Pounds Scots, and so proportionally; And the number of Horses and Dragoons to continue as formerly. And likewise Statutes and Ordains, That if the Parties appointed to Quarter, shall

not exact their Quartering money every twenty days at least, That they shall not have power to exact the same thereafter, It being always Competent to the Parties, in case they get not voluntary payment, to poynd therefore (within the said time) any Goods belonging to the persons on whom they are Quartering, in the ordinary way appointed by Law. And it is hereby Enacted and Declared, That Deficient Money shall only be due to Parties, so long as they are actually Quartering within the Shire, and that the Quartering Money shall commence and be payed according to the foresaid Act of Convention of Estates.

III.

ACT Ordaining Interlocutors to be Subscribed by the Judges.

May 26. 1686.



OUR SOVERAIGN LORD, with Advice and Consent of His Estates of Parliament, Statutes and Ordains, That from and after the first of *November* next, All Interlocutors pronounced by the Lords of Council and Session, and all other Judges within the Kingdom, shall be Signed by the President of the Court, or the Judge pronouncer thereof: And His Majesty, with Advice foresaid. Prohibits and Discharges the Clerks upon their peril, to Extract any Acts or Decrees, unless the Interlocutors, which are the Warrands thereof, be Signed as said is: Declaring hereby the Extracts which shall be given out otherways, to be void and null.

IV.

ACT Ordaining all Executions to be Subscribed by the Witnesses, without necessity of Stamping.

May 26. 1686.



OUR SOVERAIGN LORD, with Advice and Consent of His Estates of Parliament, Statutes and Ordains, That in time coming, all Citations before the Lords of Session, and Citations before any other Judges, Civil or Criminal, which formerly by Law or Custom used to be in Writ, and all Executions of Letters of Horning, Inhibition and others whatsoever, be Subscribed by the Executer thereof, and the Witnesses; Otherwise to be null and void. And that the same shall not be quarrellable for the want of stamping, any Law or Practick to the contrary notwithstanding.

V.

ACT Anent the Session.

May 26. 1686.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Statute and Ordain, That the ordinary Dyets for Sitting of the Session, shall be thus Regulated for the future, *viz.* The Winter-Session, shall Sitt down the first of *November*, and Rise the last of *February*: And the Summer-Session shall Sitt down the first day of *June*, and Rise the last of *July*; And that this present Act shall take effect from the first of *November* 1686. And that notwithstanding of the seventh Act of the third Parliament of King *Charles* the Second, of ever Glorious Memory, which is hereby Rescinded,

VI.

ACT For the Christmas Vacans

May 26. 1686.



OUR SOVERAIGN LORD, with Advice and Consent of His Majesties Three Estates Assembled in Parliament, Statutes, Ordains and Declares, That the Christmas Vacation of the Session or Colledge of Justice, shall yearly, and in all time coming, Continue and endure from the Twentieth of *December*, to the Tenth day of *January* inclusive; Any former Law, Act or Custom to the contrary Notwithstanding.

VII.

VII.

ACT Of Dissolution of the Lands and Barony of Torwoodlie, in Favour of Lieutenant-General Drummond.

May 28. 1686.



OUR SOVERAIGN LORD, and Estates of Parliament, Taking into Their serious Consideration, That His Majesty's Commissioner, as having special Warrant and Instruction from His Majesty, Having Proposed and Expounded in plain Parliament, The great and faithful Services done and performed to His Majesty's Royal Father King Charles the First, and His Royal Brother King Charles the Second (of ever Blessed memories) and to His Majesty's Self, since His accession to the Crown, by Lieutenant-General Drummond, Commander of all His Majesty's Forces within the Kingdom of Scotland; And Considering the particular Services Done by him, in his ready and chearful joyning with the Forces, Levied in the Year 1648. For Rescuing the Sacred Person of His Majesty's Royal Father, out of the hands of His rebellious English Subjects, by whom He was then kept Prisoner; And with the Forces Levied in Ireland, for the Service of the Crown, in the year 1649. under the Command of the Duke of Ormond, then Lord Lieutenant of Ireland; And his brave and chearful Concurring with the Royal Armies, both in Scotland and England, in the year 1651. which was the occasion of his suffering great loss, and a grievous long Imprisonment; And his Resolute and Courageous appearing in Arms against the Usurpers in the year 1653. being Cloathed with a Commission of Major-General: And Considering also, That after the hopes of the Loyal Party were absolutely cut off, by the prevalency of the Usurpation, The said Lieutenant-General Drummond having endured the greatest hardships and miseries, under the influence of Tyrannical Powers, made a generous choice, rather to undergo Exile and Banishment from his own Native Country, than submit upon any Terms, to or comply with an Unlawful and Usurped Authority, and that upon a Call from His Majesty's Royal Brother, after His Restauration, he left a Splendid and Honourable Employment under the Emperour of Russia, to give Obedience to His Native Prince, and that since his Return to this Kingdom, he did Good and Signal Service, as Major-General in the Defeat of the Rebels, and Suppressing the Rebellion, raised in the year 1666. And in his painful and Faithful Performance of the Office of Master-General of the Ordnance, for divers years; And in his Good and Successful Conduct of His Majesty's Forces, as Lieutenant-General against the late Rebels and Conspirators, who under the Command of the late Earl of Argyle, Designed to Overturn the Government of this Nation; And upon many other occasions, hath given pregnant proofs of a firm and steady Loyalty: And all the saids great and memorable Services and Sufferings, being proposed and laid open in plain Parliament, to the end, the Three Estates might give His Majesty Their Judgement, Advice and Determination, *re integra*, whether the same were True, Good and Reasonable Causes of publick Government, for Dissolving the Lands and Barony of Torwoodlie, formerly pertaining to

Pringle sometime of Torwoodlie, with all other Lands, Heretages and Rights, which belonged to him; from the Crown, and which came in His Majesty's hands, through the Crimes of Treason, and *lese Majesty*, Acted, Committed and Done by the said Pringle, and the Doom and Sentence of Forefaulure, given and pronounced against him for the same, upon the day of

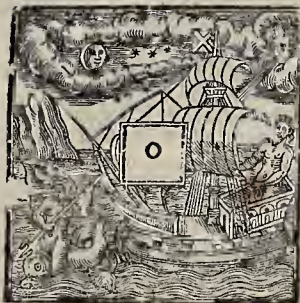
One thousand six hundred eighty five years, and were Annexed to the Crown by the forty two Act of the first Session of this current Parliament; And the said Estates of Parliament, after long and mature Deliberation, and Treating and Consulting anent the Premises, being fully satisfied and convinced, That the particular Services and Sufferings above-mentioned, Done, Performed and Undergone by the said Lieutenant-General Drummond, The Truth whereof is clearly known and did appear to them, are Just, Weighty and Important Reasons, concerning both His Majesty's Interest, and the publick Good and Welfare of this Kingdom, That they should Advise and Consent to His Majesty's Giving and Disposing the saids Lands and Barony of Torwoodlie, and others above-express, to the said Lieutenant-general Drummond, his Heirs and Assignes; And for that effect, that the saids Lands should be Dissolved from the Crown, and from the said Act of Annexation: THEREFORE, His Majesty, with Advice and Consent of the Estates of Parliament, Decerns, Ordains and Declairs, That the saids Lands and Barony of Torwoodlie, and all other Lands, Heretages and Rights, sometime belonging to the said Pringle late of Torwoodlie, and which came in His Majesty's hands, and were Annexed to the Crown in manner

foresaid, may be Disposed to the said Lieutenant-General Drummond, and his forefairs; And for that Effect, has Dissolved, and hereby Dissolves the same from the Crown, and Patrimony thereof; And from the foresaid Act of Annexation, made the sixteenth day of June One thousand six hundred eighty and five years, and from all other Acts of Annexation, and from all Clauses, Qualities and Conditions therein contained; And His Majesty, with Advice and Consent foresaid, Finds, Decerns and Declares, That this present Act of Dissolution having proceeded upon the Advice and Deliberation of the Estates of Parliament, *re integra*; And found by the saids Estates to be for great, weighty and reasonable Causes, concerning the Good, Wellfare and publick Interest of the whole Kingdom, first Proposed and Advised, and maturely Pondered and Considered in plain Parliament, before any previous Grant, Or other Right or Deed, Given, Made or Done by His Majesty, in Favours of the said Lieutenant-General Drummond and his forefairs, of the Lands and others above-mentioned, or any Part or Portion of the same, Does fully satisfie the whole Clauses, Conditions and Qualifications contained in the foresaid Act of Annexation, and shall have the Force, Strength, and Effect of a General Law, or Act of Parliament, and shall be as valid and effectual to the said Lieutenant-General Drummond, and his forefairs, for their Security of the Lands and Barony of Torwoodlie, and others above-exprest, as any other Act of Dissolution, Granted by His Majesty, or His Royal Ancestors, with Advice and Consent of the Estates of Parliament, in Favours of whatsoever person at any time heretofore, and that notwithstanding of any former Gift or Grant, Given by His Majesties Royal Brother, to the said Lieutenant-General Drummond, which shall no ways weaken or Infringe this present Act of Dissolution, or His Majesties Grant of the Lands and others above-exprest, to follow thereupon. Likeas, His Majesty with Advice and Consent foresaid, Finds, Decerns and Declares, That this present Act of Dissolution shall not be understood to fall under, or be comprehended in any Act, *Salvo Jure*, To be past in this, or any other Session of this current Parliament, but is hereby excepted therefra in all time coming.

VIII.

Additional Act ancient High-Ways and Bridges.

May 28. 1686.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Ratifies and Approves the sixteenth Act of the first Session of the second Parliament of King Charles the Second, of blessed memory, Entitled, *Act for Repairing High-Ways and Bridges*: And the ninth Act of the second Session of the same Parliament, and Ordains the same to be duly observed in time coming: And for the more effectual Prosecution of these Acts, His Majesty, with Advice foresaid, Doth Authorize and Require the Commissioners for His Majesties Supply in the several Shires, to meet with the Justices of Peace, and Act in the same manner as they are warranted to do by the foresaid Acts, with Power to them at their first Meeting to choose their own Clerk; And Declares, That any five of the whole number shall be a *Quorum*, excepting the Shires of Clakmannan, Kinross and Cromartie, wherein three to be a *Quorum*; And Ordains the first Dyet of their Meeting for this year, to be the last Tuesday of June next; And that the Sheriff of the Shire, or his Depute, cause intimate that Dyet, and the first Dyet of Meeting yearly thereafter, at each Paroch Kirk, upon the Sunday before, under the pain of five hundred merks Scots. And in case any of the Justices of Peace, or Commissioners of Supply, residing within the Shire, shall be absent the said last Tuesday of June next, or the first Dyet of meeting yearly thereafter, they shall be fined by the *Quorum* mett, in twenty merks Scots, for ilk Dyets absence, and in case a *Quorum* of them shall not meet, the Sheriff or his Depute is hereby impowered to fine each of the absents in twenty merks Scots; which fines shall be applyed for Reparation of the High-Ways and Bridges: And whereas by the foresaid Act in the year 1669. The time for the Inhabitants to work at the Reparation of the High-ways, is appointed not to exceed six Days yearly the first three years, and four days yearly thereafter: His Majesty in regard of the present Condition of the High-ways and Bridges, Doth, with Advice foresaid, Ordain that these working Days shall be six yearly, for the space of five years, from and after the last Tuesday of June next; and seing it falls out sometimes, that Bridges and Ferries are upon the Confines of two Shires, and it being just that both Shires in that case should be burthened with the Expence of Reparation; His Majesty with Advice foresaid, Doth Ordain the Justices of Peace, and Commissioners of Supply in both Shires to meet and adjust the Expence of the said Reparation proportionally according to the respective Valuations of these Shires; and that the She.

Sheriffs of these Shires or their Deputs Conveen them; and in case they do not meet, Grants War- rant to direct General Letters for Charging them to that effect. And His Majesty with Advice fore- ridges within their respective bounds, and being repaired to uphold the same, and if they suffer pair or Rebuild these Bridges. And it is hereby Impowered to fine them in as much as will Re- Bridges, or Caulseys, the same shall be employed in the first place for Repairing these Bridges and Caulseys.

IX.

ACT Of Annexation of the Baronies of Muir-hall and Melfort to the Crown:
June 8. 1686.



OUR SOVERAIGN LORD, and the Estates of Parliament Considering, That by the first Act of the present Session of this current Parliament, the Lands and Barony of Riccartoun, the Lands and Barony of Cessnock and Galsoun, with the Tower of Cessnock and Pertinents; the Lands and Barony of Bar, the Lands and Barony of Castle-mains; the Lands and Barony of Haining-Ross, and the Lands and Barony of Dunchal and Porterfield, with all other Lands, Teinds and Rights whatsoever, which formerly belonged to Sir Hugh and Sir George Campbells, sometime of Cessnock and Porterfield, sometime of Dunchal, were Dissolved from

the Crown and Patrimony thereof, To the end the same might be conveyed, and Disposed in Favours of John Lord Viscount of Melfort, one of His Majesties Principal Secretaries of State, his Heirs and Successors, as a just Recompence and Reward of the good and faithful Services, Done and Performed by him to the Crown and Kingdom, particularly exprest in the said Act, and in lieu and place of the Lands and Baronies after-mentioned, wherein the said Viscount of Melfort stood Intert under the Great Seal, and which were found expedient and necessar by the Estates of Parliament, to be Purchast and Acquired from him by His Majesty, for the Causes likewise mentioned in the said Act, viz. The Lands and Barony of Muirhall, comprehending therein the Lands of Inverneil, Kilmoir, Downanoltich, Craigmorall, Kilbryd, Kilmorich, Auchinbreck, Melfort, Kenmore, Knaps, Kilmorrie, Kilberrie, Auchinsoloch, Inshremich, Barleamich, Dannarderie, Ewnichan, Kildalban, Dargachie, Cariedale, Drumoir, Crear, Oib, Muirhall, and several other Lands, Teinds and Rights, mentioned in the Charter thereof, Granted by His Majesty to the said John Viscount of Melfort, of the Date the nineteenth day of March One thousand six hundred eighty six years, which did formerly pertain to Sir Duncan Campbell of Auchinbreck, John Campbell of Melfort, John Campbell of Knap, Dougall Campbell of Kilberrie, Patrick McCairter of Inshremich, Eiver Mciver of Askins, Donald Mcaverish of Dannarderie, Neil Campbell of Evaichan, Campbell of Kildalban, John Campbell of Dargachie, Duncan Campbell of Cariedale, Alexander Mcmillan of Donnie moir, Donald Mcneil of Crear, Alexander Mcriterlich of Oib, Alexander Campbell of Otter, William Denholm of West-shiell, Mr. Alexander Campbell Advocat, Colin Campbell elder of Allangreig, and Duncan Campbell younger thereof, and Stuart younger of Culnecss, and which fell in His Majesties hands, by the Forefaulture of the forenamed Persons: And likewise the Lands and Barony of Melfort, Comprehending the Superiorities and Feu-Duties of the Land of Rayra, and the Isle of Leung, The Lands of Torfay, The Lands and Isle of Shennay, the Lands of Lagianesh, Armadie, Auchnasoul, Ragray, and of many other Lands, particularly mentioned in the Charter thereof, Grnted by His Majesty, under His Majesties Great Seal, to the said John Viscount of Melfort, of the Date, the day of One thousand six hundred eighty five years; Which Superiorities and Feu-Duties perezained formerly to Archibald Campbell late Earl of Argile, and fell in His Majesties hands by his Forefaulture, excepting only the Superiorities and Feu-Duties of Glen-Ila, Balquhan, Spittleton, Ednample and Menfrie, which are referred to the said Viscount of Melfort: And also Considering, that in pursuance of the Design and Intent of the said Act of Dissolution, and in Prosecution thereof, The Kings most Excellent Majesty, and the said John Viscount of Melfort, have entered into, and perfected a Contract of the Date the 24. and 28. days of May, One thousand six hundred eighty six years, whereby His Majesty hath Disposed to the Viscount of Melfort and his Heirs therein-mentioned, The Lands and Baronies of Riccartoun, Cessnock and others above-exprest. And on the other part, The said Viscount of Melfort hath Disposed in favours of Our Sovereign Lord the Kings Majesty, and Resigned in His Majesties hands, ad remanentiam, The Lands and Baronies of Muirhall and Melfort, Comprehending the whole Lands, Superiorities and Feu-Duties above-specified, excepting and reserving to the said Viscount of Melfort, as is before excepted and Reserved; And His Majesty now intending, That the Lands, Baronies, and others Disposed and Resigned by the Viscount of Melfort, in favours of His Majesty, should be annexed to the Crown,

and Incorporat with the Patrimony thereof: THEREFORE His Majesty, with Advice and Consent of the Estates of Parliament, Has Annexed, United and Incorporat, and hereby Units, Annexes and Incorporats to the Crown of this His ancient Kingdom, to remain inseparably therewith in all time coming, The Lands and Barony of Muirhall, Comprehending the whole Lands and others above-mentioned, viz. The Lands of Inverneil, Killmore, Downanoltich, Craigmuirhall, Kilbryd, Kilmarich, Auchinbreck, Melfort, Kenmore, Knap, Kilmore, Kilberrie, Auchinjalloch, Inshermich, Barleamich, Donnarderie, Eunichan, Kildalban, Dargachie, Cariedale, Drumoir, Crear, Oib, Muirhall, and remanent Lands, Teinds, and Rights mentioned in the foresaid Charter thereof, Granted by His Majesty to the said John Viscount of Melfort; and likewise, The foresaid Lands and Barony of Melfort, Comprehending the Superiorities and the Feu-Duties of the Lands of Rayra, and the Isle of Loung, the Lands of Torsey, the Lands and Isle of Shennay, the Lands of Dugachish, Ardmadie, Auchnasoul, Ragray, and whole remanent Lands, particularly mentioned in the Charter thereof, granted by His Majesty, under His Majesties Great Seal, to the said John Viscount of Melfort, Excepting only the foresaid Superiorities, and Feu-Duties of Glen-Isle, Balquhan, Spittleton of Balquhan, Ednample and Mensfrie, which are reserved to the said Viscount of Melfort; And it is hereby Statute and Declared, That the saids Lands, Baronies and others above-mentioned, with the Teinds thereof, excepting as is before excepted, shall remain with His Majesties Crown in all time coming, and that the same, or any part thereof, shall not, nor may not be given away in Fee and Heretage, nor in Frank-Tenement, Liferent-pension or Tack, except for the full Duty, which may be gotten from, and payed by the Tennents, or by any other manner of Alienation, Right or Disposition whatsoever to any Person or Persons of whatsoever Estate, Degree or quality they be, without Advice, Decreet and Deliberation of the whole Parliament, and for great, weighty and reasonable Causes, concerning the good, welfare and publick Interest of the whole Kingdom; First to be proposed, and to be Advised and maturely Pondered and Considered by the Estates, *reintegrata*, before any previous Grant, Right, or Deed be Given, Made or Done by His Majesty, or His Successors, concerning the Disposition of the saids Baronies, and others foresaid, or any part thereof, which may any ways predetermine them or the Estates of Parliament, and prejudice the freedom of their Deliberation and Consent; And if at any time hereafter it shall be thought fit to Dispon, or Grant any Right of any Part of the saids Lands, Superiorities, Offices, Teinds and others, It is Declared That the general Narrative of Good Services, Weighty Causes and Considerations shall not be sufficient; But the particular Causes and Considerations, whereupon His Majesty, and His Successors may be induced to Grant, and the Estates to Consent to such Rights, are to be exprest, that it may appear, That the same is not granted thorow importunity, or upon privat suggestions or preferences: But for True, Just, and Reasonable Causes, and Considerations of publick Concernment, And farther, It is Declared, That if any general Act of Dissolution of His Majesties Property, shall be made at any time hereafter, The Lands, Baronies and others above-mentioned, now annexed, shall not be understood to Fall, or be Comprehended under the same; and if the Lands and others foresaid, hereby Annexed, or any Part thereof, shall be Annallized or Disponed, or any Right of the same shall be Granted, otherways than is appointed and Ordained in manner above-mentioned; His Majesty, with Consent foresaid, Doth Statute and Declare; That all Dispositions, Infeudments and other Rights of the saids Lands, and others now annexed, or any Part thereof, which shall be granted contrary to this present Act, with all Acts of Dissolution and Ratification, and other Acts of Parliament concerning the same, shall be from the beginning, and in all time thereafter, void, null, and of no effect; And notwithstanding thereof, It shall be lawfull to Our Sovereign Lord and His Successors for the time, To take back, and receive at their pleasure, for their own use, without any Process of Law, The Lands and others above-rehearsed, hereby annexed, or any part thereof, which shall be Annallized or Disponed, and these in whose Favours any such Rights or Alienations shall be made, shall be accountable for, and lyable to Refound and pay all Profits, Intromissions, or Benefits taken, uplifted or employed by them, in the mean time; and it is Declared, That all other Clauses, Articles and Provisions contained in any former *Act* or *Acts* of Annexation, to the advantage of His Majesty, and His Crown, are, and shall be holden as repeated and insert herein, Likeas His Majesty, with Advice and Consent of the Estates of Parliament, Doth Ratifie and Confirm the foresaid Contract, past between His Majesty and the said Viscount of Melfort, in the whole Heads, Clauses, Articles, and Provisions of the same, with the Resignation made by vertue of the Procuracy therein contained by the Viscount of Melfort, in his Majesties hands, of the foresaid Lands, Baronies, and others hereby annexed to the Crown, together with the Signature granted by His Majesty to the said Viscount of Melfort, and his Heirs of the foresaid Lands, Baronies and others dissolved from the Crown, Dated the _____ day of _____ One thousand six hundred eighty six years; And the Charter under the Great Seal, Precepts and Instruments of Seisin to follow thereupon; and Decerns and Declares this present Ratification to be as valid, effectual and sufficient to all intents and purposes, as if the foresaid Contract, Signature and other Writs

or Rights Confirmed, were all *Verbatim* herein ingrossed; and His Majesty and Estates of Parliament Dispenses with, and supplies the generality of these Prefents for now and ever.

X.

ACT Ordaining Pursuers to furnish the *Act* to the Defenders, whereon they are to Depone.

June 8. 1686.



OUR SOVERAIGN LORD, with Advice and Consent of His Estates of Parliament, Statutes and Ordains, That in Actions before the Lords of Session, and all other Judges within the Kingdom, where by the *Act* of *Litiscontestation*, the Defenders Oath is only required, and nothing to be proven upon his part; That the Pursuer shall be obliged to furnish the Defender with the *Act*, whereon he is to Depone, within forty eight hours after the Pursuer or his Procurator shall be required; otherways that the Defender shall not be holden to Depone, but the Ordinary shall dismiss him, the foresaid Requisition being always made, after elapsing of the Term assigned by the *Act*, and before the Term be circumduced at the Pu suers Instance; and where the Defenders in Exhibitions do Depone Negative, and the Defenders in Processes for making arrested Goods forthcoming, Depone either affirmative or Negative, That the Clerks and Macers Dues shall be payed by the Pursuer, and not by the Defender; with Certification, if the Pursuer does not make payment thereof, the Defender shall not be holden to Depone, but may be dismissed by the Ordinary.

XI.

ACT For Winter-Herding.

June 8. 1686.



OUR SOVERAIGN LORD, Considering the Prejudice and Damage, which the Liedges do sustain in their Planting and Inclosures, through the not herding of Nolt, Sheep and other Bestial in the Winter time, whereby the young Trees and Hedges are eaten and destroyed. Doth, with Advice and Content of His Estates of Parliament, Statute and Ordain, That all Heretors, Litterenters, Tennents, Cottars and other Possessors of Lands or Houses, shall cause herd their Horses, Nolt, Sheep, Swine and Goats the whole Year, aswell in Winter as Summer, and in the Night time shall cause keep the same in Houses; Folds or Inclosures, so as they may not eat or destroy their Neighbours Ground, Woods, Hedges or Planting, Certifying such as shall Contraveen, they shall be lyable to pay half a Merk *toties quoties*, for ilk Beast they shall have going on their Neighbours Ground, by and attout the Damage done to the Grafs or Planting; And Declares, That it shall be lawfull to the Heretor, or Possessor of the Ground, to detain the saids Beasts, untill he be payed of the said half Merk for ilk Beast found upon his Ground, and of his Expenses in keeping the same; and this but prejudice of any former Acts of Parliament, made against Destroyers of Planting and Inclosures.

XII.

ACT For Cleansing the Streets of Edinburgh.

June 8. 1686.



OUR SOVERAIGN LORD, Considering the many Complaints of the Nastiness of the Streers, Vinds, Cloffes and other places of the City of *Edinburgh*, which is the Capitall City of the Nation, where the chief Judicatories reside, and to which His Majesties Liedges must necessarily resort and attend; As also, the great Trouble that does arise to His Majesties Liedges, and the Inhabitants, by the great numbers of clamorous Beggars, repairing in and about the said City of *Edinburgh*, THEREFORE, His Majesty with Advice and Consent of the Estates of Parliament, Decerns and Ordains the present Magistrats of *Edinburgh*, and their Successors, to lay down effectual Ways for preserving the said Town of *Edinburgh*, *Cannongate* and Subburbs thereof, from the Nastiness of the Streets, Vinds, Cloffes, and other places of the said Burgh, and for freeing and purging the same of these numerous Beggars which repair in, and about the said Burgh, and that under the pain of 1000. Merks yearly, To be payed by the Magistrats, who shall be in Office, to the Lords of

Session, to be applyed by them for the end and use foresaid; Declaring, that the Magistrates who are in Office, and who shall be found negligent of their Duty, shall have no relief of their said fine, out of the Common Good of the said Burgh, or by Stenting the Inhabitants: As also, His Majesty, with Advice and Consent foresaid, for the further Incouragement of the Magistrates of *Edinburgh*, present and to come, in the said matter, Does Statute and Ordain, That the Lords of Council and Session, shall receive from the Magistrates of the said City, or others, all Proposals which the said Lords shall judge rational to the effect above-mentioned, And for that effect, Authorizes and Impowers the Lords of Session, with Advice and Consent of the Magistrates, to impose such Taxes upon all the Inhabitants, Burgeses and others, within the said Town, *Cannongate* and Suburbs thereof, as they shall find just and necessary, for purging and cleansing the said Town of the foresaid Nastiness, and that all Execution by Horning or summar Poynding, proceed against the Inhabitants for payment of their Proportions: And Recommends to the Lords of Session, to meet with the Magistrates, and to Proceed in the said Matter, as well in time of Vacans, as in the time of Session; And Ordains the present Magistrates and their Successors, to put all such Acts and Ordinances as shall be agreed upon, and settled by the Lords of Session, for the effect above-mentioned, to vigorous Execution, under the pain and certification above-mentioned, to be incurred by the Magistrates yearly, in case the said City of *Edinburgh* be not effectually cleansed, and purged of the foresaid Nastiness and Beggars, without any relief to the Magistrates out of the Common-Good of the said Burgh, or from the Inhabitants.

XIII.

ACT Of Dissolution in Favours of the Duke of Gordon,

June 8. 1686.



OUR SOVERAIGN LORD, and Estates of Parliament, Taking to their Consideration, the many signal Services done and performed to His Majesty and His Royal Ancestors by the Family of *Huntly*, for many ages, with the eminent Sufferings of several of the Representatives of that Family, for their constant adherence to the True Interests of the Crown, and the great Services and Sufferings of *George Marquis of Huntly*, Grand-Father to *George now Duke of Gordon*, who for His Loyalty to His Majesties Royal Father, of blessed memory, was by the then Rebels Condemned, and thereafter cruelly murdered on a Scaffold: And also, Taking into their Consideration the constant Loyalty, great Services and Merits of the said *George Duke of Gordon*, who has fully answered and improved the high and honourable Characters of Loyalty and Nobility, Derived unto him by his Predecessors, and his readiness by himself, his Friends and Followers, in subduing the late Rebellion. As also, His Majesty and Estates of Parliament, Considering That Mr. *Robert Baillie*, sometime of *Jerriswood*, being upon the 24 day of December 1684 Found guilty by an Assize of the Crime of high Treason, was Forefaulted by His Majesties Justice-General, Justice-Clerk, and Commissioners of Justiciary. And by the 42 Act of the first Session of His Majesties current Parliament, The Lands and Barony of *Mellarstanes*, and all other Lands, Teinds and Rights whatsoever, pertaining to the said Mr. *Robert Baillie*, were Unite, Annexed, and Incorporated to the Crown of this His Majesties ancient Kingdom; And the said Lands and Barony of *Mellarstanes* and *Fawns*, with the Pertinents lying within the Lordship of *Gordon*, *Huntly*, Parochin of and Sherifdom of *Berwick*, did anciently belong to, and were holden of the said *George Duke of Gordon*, and his Predecessors, and are specially contained and ingrossed in their, and his Inestments, under the great Seal of this Kingdom: And His Majesties Commissioner, as having special Warrant and Instruction from His Majesty, Having proposed and Expounded in plain Parliament, That His Majesty upon the Considerations foresaid, and as a mark of His Royal Bounty and Favour, resolved to bestow on the said Duke of Gordon, the Lands which did anciently hold of his Family in the *Merse*, as well as such as yet hold of himself, all of which belonged to the said Mr. *Robert Baillie*, late of *Jerriswood*: And the Estates of Parliament, after mature Deliberation, Treating and Consulting anent the Premises (*re integra*) being fully satisfied and convinced, That the foresaid Services and Sufferings, done and endured by the said *George Duke of Gordon*, his predecessors and himself, for His Majesty and His Royal Ancestors; The truth whereof is sufficiently known, and did appear to them, are Just, Sufficient and Important Reasons, concerning both His Majesties Interest, and the publick Good and Welfare of this Kingdom, That they should Advise and Consent to

to His Majesty Giving and Disposing the saids Lands and Barony of Mellarstanes and Fawns, with the Pertinents above-exprest, to the said George Duke of Gordon, his Heirs and Assignes: And Annexation. THEREFORE His Majesty, with Advice and Consent of the Estates of Parliament, Decerns, Ordains and Declares, That the saids Lands and Barony of Mellarstanes and Fawns, with the poined to the said George Duke of Gordon, and his forefairs; And for that effect has Dissolved, and hereby Dissolves the same from the Crown, and Patrimony thereof, and from the forefairs Act of Annexation, and from all other Acts of Annexation, and from all Clauses, Qualities and Decerns and Declares, That this present Act of Dissolution, having proceeded upon the Advice for Great, Weighty and Reasonable Causes, concerning the Good, Welfare and publick Interest fore any previous Grant, or other Right or Deed, Given, Made, or Done by His Majesty, in favours of the said George Duke of Gordon, and his forefairs, of the Lands above-written, with the and Qualifications contained in the forefairs Act of Annexation, and shall have the Force, Strength and Effect of a general Law, or Act of Parliament, and shall be as valid, and effectual to the said George Duke of Gordon, and his forefairs, for their Security of the saids Lands and Barony of Mellarstanes and Fawns above-exprest, with the Pertinents, as any other Act of Dissolution Granted in favours of whatsoever person, at any time heretofore. Likas, His Majesty with Advice and Consent forefairs, Decerns and Declares, That this present Act of Dissolution shall not be understood to fall under, or be comprehended in any Act *Salvo Jure*, to be past in this or any other Session of this current Parliament, but is hereby excepted therefrom in time coming.

XIV.

ACT Against Importing Irish-Viſual or Cattell.

June 14. 1686.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Does Ratifie and Approve the 3 *Act 3 Sess. Par. 2. Ch. 2. Against the Importing of Irish-Viſual*, with this alteration, *Viz.* That all the Viſual that shall be Imported, shall be sunk and destroyed, and the Seizer or Discoverer, in place of the third part of the Viſual allowed him by the forefairs Act, for his Reward, shall have the Boat, Bark, or Vessel wherein the said Viſual shall be Imported, to dispose of at his pleasure, together with the half of the Fines, by the forefairs Act Imposed upon the Importers; Receivers and Heretors, and the other half of the saids Fines to belong to His Majesty: As likewise His Majesty, with Advice and Consent forefairs, Enacts and Ordains, That no Horse, Mare, or Cattell whatsoever, shall be Imported from Ireland to this Kingdom, under the pain and Penalty of Forfeiture, of the Horse, Mares, or Cattell that shall be Imported, and further of paying the sum of an hundred Merks Scots for each Beast that shall be so Imported, the one half of both the Beasts and Fines to belong to the Seizer and Discoverer, and the other half to His Majesty: As likewise, That no Person within this Kingdom, Reset or Buy any Horse, Mares or Nolt, That they know to be Imported out of Ireland, under the pain of an hundred merks Scots for each Beast, besides the Forfeiture of the Beasts themselves, the one half to belong to the Discoverer, (he always pursuing and instructing the same Importation within six Months after) and the other half to His Majesty; And Recommends to the Lords of Council, to nominate and appoint such Persons as they shall think fit for seeing this Act put in Execution.

XV.

ACT Declaring that Inhibitions shall not be prejudged by Recognition.

June 14. 1686.



OUR SOVERAIGN LORD, with Advice and consent of His Estates of Parliament, Statutes and Ordains, That in time coming, no Inhibition duly Execute, shall be prejudged or disappointed by the Debtors, doing Deeds after the Inhibition interring Recognition; But that the Lands falling under Recognition, shall be burdened with the prior Inhibition and ground thereof.

XVI.

ACT For Burjing in Scots Lincn.

June 14. 1686.



OUR SOVERAIGN LORD, For the Encouragement of the Lincn-Manufactures in this Kingdom, and prevention of the Exportation of the Moneys thereof, by Importing of Lincn, Dorth, with Advice and Consent of His Estates of Parliament, Statute and Ordain, That hereafter no Corps of any Persons whatsoever, shall be Buried in any Shirt, Sheet, or any thing else, except in plain Lincn, or Cloth of Hards, made and Spun within the Kingdom, without Lacc or Point; Discharging from henceforth the making use of Holland, or other Lincn-Cloth made in other Kingdoms, all Silk, Hair, or Woolen, Gold or Silver, or any other Stuff whatsoever, then what is made of Flax or Hards, Spun and Wrought within the Kingdom, as said is, and that under the pain and Penalty of 300 Pounds Scots, *toties quoties*, for a Noble-man, and 200 Pound for each other Person, whereof the one half to the Discoverer, and the other half to the Poor of the Parish, where the saids Corps shall be so Interred: And for the better Discovering of the Contraveeners, I is hereby further Statute and Ordained, That every Minister within the Kingdom, shall keep a Book, containing an exact account and Register of all Persons, buried within their said Parish; As also, That some one or more of the Relations of the Person Deceased, or other credible Person (Tenants in the Countrey and Cottars being always excepted) shall within eight days after such Interment, bring a Certificat upon Oath in Writing, Witnessed by two famous Persons to the Minister, Declaring, That the said Person was Woond or Wrapt in manner herein-prescribed; Which Certificats are to be Recorded by the Minister or Reader of the Parish *gratis*, without exacting any money therefore. And if no Relation of the Party buried, or other Person shall bring such a Certificat, within the said time of eight days, That then and in that case, the Goods and Gear of the Party Deceased, shall be, and are hereby Declared, to be lyaible to the foresaid Forefaulture, to be pursued at the Instance of the Minister of the said Parish, before any Judge competent; and in case the Parties prove litigious by Advocating, or Suspending the said Sentence; The saids Judges are hereby Authorized and Impowered to modifie Expenses as they shall find cause: And if such persons Died *in familia*, The Father and Mother, or other Relations, in whose Family they Die, are hereby Declared lyaible for the said Fine: And it is hereby Statute and Ordained, That if the Minister in whose Parish any such Corps shall be so Interred, prove negligent in pursuing the Contraveeners within six Moneths after the said Burial, he is hereby Declared lyaible for the said Fine, the one half to the Poor, and the other half to the Discoverer, to be divided in manner foresaid. As also, His Majesty, with Advice foresaid, Statutes and Ordains, That no Wooden Coffin shall exceed an hundred merks Scots, as the highest Rate for Persons of the greatest Quality, and so proportionally for others of meaner Quality, under the pain of two hundred merks Scots for the Contravention.

XVII.

ACT For Writing Seafins by way of Book.

June 14. 1686.



OUR SOVERAIGN LORD, Taking into His Consideration, That Seafins do extend to great length by reason of inserting and repeating of the whole Provisions of the Charter therein; THEREFORE His Majesty, with Advice and Consent of His Estates of Parliament, for the more easie and commodious perusal thereof, Statutes and Ordains, That it shall be lawful for Parties, if they think fit, To cause Write and Extend their Seafins by way of Book, the attestation of the Nottar condescending upon the number of the Leases in the Book, and each Leaf being Signed by the Nottar and Witnesses, to the giving of the Seafin; And Ratifies all Seafins already Written by way of Book, by Warrant of His Majesties Privy Council.

XVIII.

ACT Appointing the Publication of the Testimonies of Witnesses.

June 14. 1686.



OUR SOVERAIGN LORD Considering how much it does import and concern the Good and Interest of His Majesties Liegges, and the due Administration of Justice, That Witnesses be distinctly and fully Examined, and their Depositions Written in plain and clear Words, as they are given; THEREFORE, His Majesty with Advice and Consent of the Estates of Parliament, Statutes and Ordains, That in all Processes presently depending, or to be intended before the Lords of Privy Council, Lords of Session, and all other Judges within this Kingdom, The Witnesses who are made use of, and adduced therein, shall be Examined in presence of the Parties, or their Advocates, they being present at the Diets of Examination; and that there be publication of the Testimonies of the Witnesses in the Clerks hands, allowed to the Parties gratis, before Advising, To the effect Parties may have Copies thereof, if they think fit, any Law or Act of Parliament, Custom or Usage to the contrary, notwithstanding.

XIX.

ACT Anent the Registration of Seals and Reversions.

June 14. 1686.



OUR SOVERAIGN LORD Considering, That where Seals and other Writs and Diligences appointed to be Registrat, are duly presented to the Keepers of Registers, it is their Duty to cause carefully Book and Registrat the same, for the security of the Party, and Intimation of the Liegges; THEREFORE His Majesty, with Advice and Consent of His Estates of Parliament, Statutes and Ordains, That where Seals and other Writs are presented to the Keepers of Registers, and delivered back to the Party, bearing, A Record and Attestation under their hand that the same are Registrat; It shall make the same sufficient and valid for the security of the Party, albeit by the omission or negligence of the Keeper of the Register, or his Deputs, They should not be found Booked or insert in the Register; And to the effect that all Deputs entrusted with the care and keeping of the Registers, may Faithfully do, and execute their Office. His Majesty with Advice and Consent foresaid Statutes and Ordains, That in case by their omission or negligence, any Writs presented to them, and marked with their hands to be Registrat, shall not be found booked and insert in the Register, The saids Deputs, Guilty of such omission and negligence, shall be punishable as Forgers of the public Registers and Records, and shall be lyable in Damage and Prejudice to any Party who shall be prejudged by the said omission or negligence. And His Majesty with Advice foresaid, Statutes, Ordains and Declares, That these Presents shall no ways derogate from the 16th Act of the 22 Parliament K. Ja. the 6th. Entitled, *Act anent the Registration of Reversions, Seals and other Writs*, which shall remain in its full Force and Strength in all Points; as before the making of this present Act.

XX.

ACT Anent the Nomination of the Clerks to the Justices of Peace.

June 14. 1686.



OUR SOVERAIGN LORD, and Estates of Parliament, Considering that by a Clause in the 16th Act of the last Session of this current Parliament, *Anent Justices of Peace*, The saids Justices are allowed to nominate their own Clerks, which is a Right and Privilege, belonging to the Secretaries of State, The Clerkships of the Justices of Peace being Dependences of the Secretaries Office; THEREFORE, His Majesty, with Advice and Consent of the Estates of Parliament, Has Repelled, Cashed and Annulled, and hereby Repells, Cashes and Annulls the foresaid Clause in the Sixteenth Act of the last Session of this current Parliament, *Allowing the Justices of Peace to Nominate their own Clerks*, and Declares the same to have no Force, Strength, nor Effect from the beginning, and to be null and void in all time coming.

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XXI.

XXI.

ACT In Favours of John Adair, Geographer, for Surveying the Kingdom of Scotland, and Navigating the Coasts and Isles thereof.

June 14. 1686.



OUR SOVERAIGN LORD ; and Estates of Parliament, Taking into their Consideration, that exact Geographical Descriptions of the several Shires within this Kingdom, will be both Honourable and Useful to the Inhabitants; and the Hydrographical Description of the Sea-Coasts, Isles, Creeks, Firths and Lochs, about the Kingdom, are not only Honourable and Useful, but most necessary for Navigation, and may prevent several Ship-wracks, The want of such exact Maps, having occasioned great losses in time past: And likewise, thereby Forraigners may be Invited to Trade with more Security on our Coasts; And Considering, That *John Adair* hath given notable Experiments of his great Skill, Diligence, and Qualifications, for performing so good a Work; And having signified his willingness to perform the same, on allowance of competent Expence; THEREFORE His Majesty, with Consent

of the Estates of Parliament, Doth Ordain and Enact, That one shilling scots be exacted out of ilk Tun, from all the Ships, and other Vessels above eight Tunns, within this Kingdom, (excepting Lighters, and Fisher-boats;) and two shilling scots out of each Forraign Ship, yearly, for the space of five years next ensuing, Commencing from *Whitsunday* this year 1686, and this for defraying the Charge of Hydrographical Maps, for the use of the Sea-men, which one shilling, and two shilling respectively per Tun, Is hereby Ordained to be Collected by the several Collectors of His Majesties Customs, who are to deliver the same to the general Collector, or Fermer of His Majesties Customs, yearly upon Oath, at the Term of *Martinmas*, and the same to be payed in to any, the Lords of His Majesties Privy Council shall appoint to receive the same, to be given to the said *John Adair*, as the saids Lords shall appoint, at the said Term, ilk year, during the space above-written; and the saids Collectors are also to deliver to the said *John Adair*, subscribed Lists of the saids Ships, with their respective Burdens, as the ground of their Charge yearly: And the said *John Adair* is to give account yearly at *Martinmas*, of what progress he hath made, as to the Hydrographical Maps to His Majesties Privy Council, or such as they shall Commissionat for Inspecting the same. As also, for Defraying his Expence, for drawing of the Maps of the several Shires, It is Statute and Ordained, That the Sheriffs of each respective Shire, Baillies of Regality, Stewarts of Stewartry, shall, at the desire of the said *John Adair*, when he comes to their Shire or Bounds, for the end aforesaid, Call the Heretors in the said Shire: And it is hereby Recommended to them, to appoint a suitable Encouragement for defraying the Expence of Surveying the said Shire, to be Collected by the Collector of His Majesties Supply, immediately after the said Meeting. As likewise, That they appoint one or two knowing men, in each Paroch, to go alongst with the said *John Adair*, when he is actually Surveying the same, to design unto him the particular places of each Paroch, for the more exact performance of the said Work; And Ordains the Collector thereof to deliver what shall be Collected to the said *John Adair*, upon his presenting the Draught of the Map, to the respective Sheriffs, or others foresaid. And likewise, The said *John Adair*, giving account yearly to His Majesties Privy Council of his Diligence therein, and when the said Geographical and Hydrographical Maps are perfected. The care of having the same Printed in a good Edition, is Recommended to His Majesties Privy Council,

XXII.

ACT and Commission for Plantation of Kirks, and Valuation of Teinds.

June 14. 1686.



FORASMUCH, as His *Majesties* Father, of ever blessed memory, out of His Royal Care and Zeal for the Reformed Religion within this Kingdom, and the Maintainance and Provision of the Ministry and Churches thereof, and the Peace of the Kingdom, and for preventing and settling all Differences, that did, or might arise betwixt Titulars, and others having right to Teinds, and Heretors, concerning the Leading and Drawing of their Teinds; and immediatly after His attaining and succeeding to the Crown, Gave Forth and Emittted His Royal Declaration anent the Premisses, and the other particulars therein-specified: And in pursuance of the Ends foresaid, Divers Laws and Acts of Parliament were made in the year of our Lord 1633. His said *Majesty* being then present in His Royal Person, and since divers Acts of Parliament, and Commissions have been Made, Given and Renewed to that purpose, and particularly by the 15 *Act* of the 3 *Session* of the 2 *Parliament* of King *Charles* the Second, His *Majesties* umquhile Royal Brother, of ever blessed memory. And His *Majesty* being Resolved, and desirous to Prosecute so good a Work for the universal Good of His Subjects, and especially for the Encouragement of the Ministers of the Gospel; **THEREFORE**, His *Majesty* with Advice and Consent of His Estates of Parliament, Gives full Power and Commission to His *Majesties* Officers of Estate for the time being, and to

Or any thirteen of them to be a *Quorum*, whereof three of every Estate, with one of the Officers of Estate, to Meet and Conveen at *Edinburgh*, the day of years, and such other place or places, times or dyets, as they shall appoint, To Value and cause be Valued, whatsomever Teinds, great or small, Parsonage or Viccarage within this Kingdom, which are yet Unvalued; Declaring, That where the Viccarage of any Paroch is a several Benefice, and Title from the Parsonage, the same shall be severally Valued, to the effect, the Titulars or Ministers serving the Cure, having Right to the said Viccarage, be not frustrated of the true worth thereof; With power to the saids Commissioners, or *Quorum* foresaid, to appoint Committees, or Sub Committees of their own number, and to grant Sub-Commissions, and to receive Reports from them, and to approve or disapprove the same, as they shall find just; And to Rectifie whatsoever Valuations, Led, or to be Led, to the *Enorm* prejudice of the Titulars, or the hurt and detriment of the Church, and prejudice of the Ministers Maintainance and Provisions. Providing always, Likewise as it is hereby expressly Provided and Declared, That where Valuations are lawfully Led against all persons having interest, and allowed by former Commissions, the same shall not be drawn in question, nor Rectified upon prerence of *Enorm Lesion*, at the Instance of the Minister, (not being Titular) or at the Instance of His *Majesties* Advocat, in respect of His *Majesties* Annuity, except it can be proven that Collusion was used, betwixt the Titulars and Heretors, or betwixt the Procurator-fiscal and the Heretors and Titulars: Which Collusion is Declared to be, when the Valuations are Led with the Diminution of the third part of the just Rent: Which Diminution shall be proven by the parties Oath, and with power to the saids Commissioners, or *Quorum* foresaid; Where Ministers are not already sufficiently provided, or have not Localities already assigned to them for their Stipends, out of the Teinds within the Paroches where they Serve the Cure, according to the Quantities, Proportions and Rules contained in the 19 *Act* of the *Par. 1633*. To modifie, settle and appoint constant local Stipends to each Minister out of the Teinds of the Paroch where they Serve the Cure; With Power also to the saids Commissioners, to grant Remcompence by Prorogation of Tacks to Parties, for all augmentations of Stipends which are granted since the year 1630. or shall be granted, and that effecting to the augmentations already granted, or to be granted, as the saids Commissioners shall think fit, And sicklike, To Disjoyn too large an

and spacious Paroches, to cause erect and build new Churches, to Annex and Dismember Churches, as they shall think convenient; And to take Order, that every Heretor and Liferenter shall have the leading and buying of their own Teinds, if they be willing, according to the Rules prescribed by the 19 *Act*, and Commission granted by His *Majesty*, with Consent of His Estates of Parliament, in Anno 1633. And the *Acts of Parliament* therein-mentioned: With power to Determine all Questions concerning the prices of Teinds, betwixt Titulars and others having Right thereto, and the Heretors; and to appoint such Securities in favours of Titulars and others having Right to Teinds, for their prices, to be granted to the Heretors, and others lyable in payment of valued Duties, or buyers of the saids Teinds, and in favours of the Ministers, as to their Maintainance, as the saids Commissioners shall think fitting, according to the Rules set down in the said *Act* 1633. And each Heretor, whose Teinds belongs to Titulars of Erection, to have power and Liberty to buy the Teinds of his own Lands, whether Valued or not, within the space of three years after the Date of this *Act*, with this Declaration always, That in case the Impediment, during the time foresaid, flow from the Titular, by reason of his Minority, or other inability; In that case the Heretor who offered to buy his own Teinds, within the space foresaid, shall have place so soon as the Impediment shall be removed, to buy his Teinds, notwithstanding of the expyryng of the years, and space after-express. And it is Declared, That if the Heretor be Minor, and his Tutor neglect the buying of his Teinds within the foresaid space, the Minor shall have Action for two years after his minority, to compell the Titular to sell his saids Teinds; And generally, with power to the saids Commissioners to Decide and Determine in all other Points, which may concern the Drawing or Leading of Teinds, the selling or buying of the same, or payment of the Rates thereof, contained in the former Acts of Parliament, or set down in the general Determination, given out by His *Majesties* Royal Father of blessed memory; And if any person or persons shall find themselves grieved, and complain of the Injustice, or Exorbitancy of any Decreet or Sentence given in any of the Commissions during the time of the late Troubles, with power to the saids Commissioners, to take the same to their Consideration, and alter, annull, or allow the saids Decreets and Sentences as they shall find just; And it is always Provided and Declared, that the Arch-Bishops and Bishops, and other Beneficed Persons, being Ministers, and their Successors, shall not be prejudged of the Rents whereof their Predecessors were in actual and real Possession; and which by the Laws of the Kingdom were due to them in anno 1637. Or whereof they are presently in Possession, and that they shall be no further bound, but according to the Conditions and Provisions express in the Submissions made by the Bishops to His *Majesties* Royal Father of blessed memory, of the date, the day of 1628. and Registrat in the Books of Commission for Surrenders and Teinds, upon the 15 day of July 1631; And whereas it may fall out, that some of the Commissioners may be unable to attend the Service through Death, Sicknes, or other known Impediment, THEREFORE, His *Majesty* Declares, That He shall be careful to fill their places with other persons qualified, whose Oaths (for faithfull Discharging of the same) shall be taken by the Lord Chancellor, or in his absence by the Lord President of the Commission for the time; And Ordains this present Commission to endure ay and while the same be Discharged by His *Majesty*. And the Acts, Decreets and Sentences thereof to have the Force, Strength and Effect of a Decreet or Sentence of Parliament; And the Lords of Session to grant Letters of Horning, Poynding and others necessary to be direct upon the said Decreets and Sentences, in manner contained in the foresaid Commissions, And His *Majesty* with Consent foresaid, hereby Discharges all former Commissions, Declaring the same to be expyred.

XXIII.

Commission for Regulation of Judicatures.

June 14. 1686.



OUR SOVERAIGN LORD from His Royal and Princely Care of the Good and Welfare of this His ancient Kingdom, being desirous to prevent and Redress all abuses and unwarrantable exactions within the same, especially in Offices of Publick Trust, and in the Dispensation of Justice, to the effect the same may be speedily and impartially Administrat with as little trouble and expence to His Subjects, as the nature of such Affairs and Proceedings can admit of. And His *Majesty* likewise Considering, That His dearest Brother, King Charles the Second of blessed memory, Having by a Commission under the great Seal of this Kingdom, of the Date the 21 of September 1669. For the same end and design, Impowered and Authorized the Persons therein-mentioned; to make such Rules, Orders and Constitutions, as might prevent the same in time-coming; and who in pursuance of the said

said Commission, did agree upon certain Articles of Regulation, relating to the Session, Justice, Court and Exchequer; All which are Ratified by the 16 *Act* of the 3 *Session* of the 2 *Parl. K.* perfect and accomplish so great and necessary a Work, as the Good and Interest of the Kingdom sal good of His Subjects, and to perfect the same, that His Subjects may be convinced, and sensible of their great Happiness and Prosperity under His Protection and Government; *Therefor* His *Majesty*, with Advice and Consent of His Estates of Parliament, Gives full Power, Warland and Commission to

Whereof the number of the day of to be a *Quorum*, to meet and convene at *Edinburgh*; appoint; And with power to the saids Commissioners to take full and exact Tryal of all abuses, and other Exorbitancies or Exactions, which are practised in prejudice of His *Majesties* Liedges, in any Offices of Judicature, or others within this His Ancient Kingdom; And to take Tryal and Information by all manner of Probation thereanent, and how the saids Abuses have crept in, and from what time, and to take notice and tryal of the Authors and Committers thereof; and to Transmit an exact and perfect Accompt of the same to His *Majesty*, that He may signify His Royal Pleasure, and give what Directions therein He thinks just. And for the effectual preventing and restraining the same in time coming. His *Majesty* with Advice and Consent foresaid, Does hereby Authorize and Impower the foresaid persons, or *Quorum* thereof, to make such Orders, Acts, and Constitutions for Regulating the same in time coming, as they shall find just, under such Penalties and Certifications to be incurred by the Contraveeners, as the saids Commissioners shall find necessary in that behalf. All which Acts, Ordinances and Constitutions made by the saids Commissioners, and Approven under His *Majesties* Royal Hand, His *Majesty*, with Advice and Consent foresaid, Does Ratifie, Approve and Confirm, And Decerns and Ordains the same to be put to Execution, and to have full Force, Strength and Effect against the Contraveeners in all time coming. As likewise His *Majesty*, with Consent foresaid, Does hereby Authorize and Impower the saids Commissioners, to prescribe and set down clear and distinct Rules for the Inferiour Judicatures in this Kingdom, as to their competency, and the Nature of their Jurisdictions, that His *Majesties* Leidges may be at a certainty, and not be put to trouble and expence by being called and forced to compare and attend before different Courts for the same cause, hereby Inhibiting and Discharging the saids Judges, to proceed or determine in any other Actions or Causes, than what shall be found by the saids Commissioners to be proper and competent for their Jurisdictions; Declaring all such Acts and Decrees to be given and pronounced by them, in matters not competent to their Jurisdictions, to be null and void, and the Judges to be lyable to the damage and prejudice of the Party grieved, and to be punishable at the sight of the Lords of Privy Council, for transgressing their Jurisdiction. And to the effect, so just and necessary a Work may meet with no obstruction from the negligence, or not attendance of the foresaid Commissioners. His *Majesty*, with Advice and Consent foresaid, Statutes, Ordains and Declares, That the Commissioners, who without a just and lawful excuse, (to be allowed by such of the Commissioners who shall meet) shall not attend the dyets of meeting appointed, or to be appointed for carrying on of the said Work, shall incur the pain of *toties quoties*, to be disposed of by the commissioners; as they shall think just, And for which, Letters of Hoining and Poynding are hereby granted: And it is hereby Declared, That this Commission shall continue and endure, during His *Majesties* Pleasure, and ay and while the same shall be recalled, or discharged by His *Majesty*.

XXIV.

ACT anent an humble Offer to His Majesty for an Imposition upon certain Commodities, for defraying the Expence of a free Coynage, and other matters relating to the Mint.

June 14. 1686.



OUR SOVERAIGN LORD, and the Estates of Parliament, Considering the great advantages that may accesse to this His Ancient Kingdom, by encouraging the Importation of Bullion to be Coyned in His *Majesties* Mint, and that a free Coynage is of all others the greatest encouragement for that end. And the Estates of Parliament taking into their Consideration, That the Charge and Expences of a free Coynage cannot be supported, without their giving unto His *Majesty* a suitable Found for the same; **THEREFORE**, They Do out of a due Sense of His *Majesties* great Care for the Prosperity of this His ancient Kingdom, Humbly offer unto His *Majesty* twelve shillings Scots for each Ounce of Bullion Imposed by the eight *Act* of the first *Session* of the second *Parliament* of King *Charles* the Second, upon the several Commodities therein-specified, viz. Spanish, Rhenish and Brandy Wines of all sorts, each Tun fourteen pound and eight shilling Scots money; French Wines of all sorts, every Tun seven pound four Shillings Scots; Paper for Printing and Writing of all sorts, every six Rims twelve shillings Scots; Gray-paper every twelve Rims twelve shillings Scots; Dails every thousand, three pounds Scots; Single-Trees every thousand three pounds Scots; Double-Trees every thousand six pounds Scots; Double Double-Trees, and all other great Fir-Timber, every thousand twelve pounds Scots; Steel every hundred weight twelve shillings Scots; Iron and Iron-Work, beaten of all sorts, every Tun one pound four shillings Scots; Onions and Apples, every two Barrels twelve shillings Scots; Mum-beer, every Barrel, two pounds eight shillings Scots; Prunes every Tun two pound eight shillings Scots; Raisins, Currans and Figs, every Tun six pounds Scots; Iron Pots of all sorts, every duzon twelve shillings Scots; Soap every Barrel, one pound four shillings Scots; Sugar-Candy every hundred weight, six pound Scots; Copper-Kettles, Brass-Pans, and all other made Work in Brass or Copper, yetlin or beaten, every hundred weight two pound eight shillings Scots; Mader, every thousand weight three pounds Scots; Hatts of all sorts, every three dozen one pound four shillings Scots; Window-Glafs of all sorts, every Chest twelve shillings Scots; Lemons and Oranges, every thousand twelve shillings Scots; Hopes of all sorts, every hundreth weight, twelve shillings Scots; Spanish-Leather, Marikin, Tanned-Leather, Wild-Leather, and all other sorts of Leather, except *Muscovita*-Leather, every hundred weight twelve shillings Scots; Gloves of all sorts, each duzon twelve shillings Scots; Whale-bone, or Ballen, every two hundred weight twelve shillings Scots: And His *Majesty*, with Advice and Consent of His Estates of Parliament, Doth hereby Rescind and Annull the eight *Act* of the second *Parliament*, first *Session* of King *Charles* the second, and in all time-coming, Statutes and Ordains, That the above-mentioned fums upon the forefaids Commodities, Imported into this Kingdom, shall be payed in to the Tackf-men and Collectors of His *Majesties* Customs, by the Merchants or other Importers of the saids Goods, before they break bulk, in the same way and manner that His *Majesties* Customs upon Forraign Commodities are payed in by the Merchants and others; And Ordains the General-Collectors, Tackf-men and Farmers of His *Majesties* Customs, to Compt yearly in Exchequer for the whole Imposition above-specified, according to the rate of twelve shillings Scots per Ounce, in stead of the Ounce of Bullion formerly payed in *in specie* by the Merchants, and to make a general *Æque* for their several Sub-Collectors. And His *Majesty*, with Advice and Consent foresaid, Doth hereby Annex the foresaid Imposition for ever unto the Imperial Crown of this Kingdom, to remain with His *Majesty*, His Heirs and lawfull Successors, in all time-coming, for supporting the Charge and Expence of a free Coynage, and for paying the Sallaries of the Officers of Mint. And His *Majesty*, with Advice and Consent of the Estates of Parliament, Doth hereby appropriat and set apart the foresaid Imposition allanely for the use of the said Mint, and the supporting the Charge of a free Coynage. And His *Majesty*, with Advice and Consent foresaid, Doth hereby Command and Require the Tackf-men and Collectors of His Customs, and their Deputs, to keep the said Imposition a-part by it self, and to pay the same quarterly to the Lords Commissioners of His *Majesties* Thesaury, Thesaurer-Principal, and Thesaurer-Deput for the time-being, who are hereby Required to keep the saids Moneys and Imposition a-part by it self, separat and distinct from all other His *Majesties* Customs, and Revenues; And His *Majesties* Cash-keeper, or Receivers, are hereby Commanded to keep a-part the said Moneys in a secure Chest by it self, whereot the General, or Master of Mint, is to have one Key, and the Cash-keeper or Receivers another Key, and the said Chest is not to be opened without the General or Master of the Mint be present; Nor shall the saids Moneys be delivered but at such times,

times as His Majesty, or His Privy Council shall think fit, to the General and Master of His Majesty's Mint, for payment of the Salaries of the Officers thereof, and for the defraying the expence and Charge of a free Coyneage; And for the further encouragement of Merchants and others, to Import Bullion, His Majesty with Advice and Consent of His Estates of Parliament, Statutes and Ordains, That any Merchant or other Person, as well Strangers as Natives, who shall Import into this Kingdom, and bring in to His Majesty's Mint, any quantities of Bullion, or Silver of the fineness of eleven Deniers, two Grains, which is hereby Declared to be the Standart of fineness of this Kingdom in all time coming, they shall receive out again from the General, or Master of His Majesty's Mint, for all such quantities Imported by them, Weight for Weight in His Majesty's Coyne, of the Standart of fineness, and the Species aforementioned; That is to say, for each pound Scots of sixteen ounces, conform to the Standart Pile of Scots weight, now in His Majesty's Mint, one pound of sixteen ounces of His Majesty's current Coyne, without being lyable to any charge or expence whatsoever for Essaying, Melting, Supporting of waist in Coyneage of the saids quantities of Bullion, or Silver of the Standart of eleven Deniers, two Grains fine aforesaid; And for every pound of Silver that shall be brought in to the Mint, to be Essayed, melted down, and Coyned as aforesaid, that shall be finer upon Essay than the Standart of eleven Deniers, two Grains aforesaid, there shall be delivered for the same to the Merchants, or other Importers thereof by the Officers of the Mint, so much more than a pound, as the same doth in proportion and value amount unto the fineness and value; and for every pound of Silver that shall be brought in to the Mint to be Essayed, melted down, and Coyned as aforesaid, that shall be coarser or baser than eleven Deniers, two Grains fine, there shall be delivered by the Officers of the Mint, so much less than a pound, as the same doth fall short in fineness and value. It is always hereby Declared, That it shall not be lawful to the Officers of the Mint, to Import or bring in to be Coyned any Bullion, either in their own name, or in the name of others, with certification, if they contraveen, it shall be holden a malversation in their Office, and punished according to the Laws of the Kingdom; And Statutes and Ordains, That there shall be three Piles of Weight, whereof one to be kept in Exchequer, one by the Dean of Gild of *Edinburgh*, and the third in the Mint-House. And likewise, that there shall be a Standart, or Printed Table kept in the Mint-House, of the value of Money or Bullion, according to the Denominations of Weights used in the Mint of Deniers, Grains, Primes and Seconds; and the ordinary Denominations of Pounds, Ounces, Drops and Grains, by which Merchants or others may know what they are to give in, or get out, when their Bullion doth arise above, or fall below the Standart appointed. And His Majesty and Estates of Parliament, Do hereby Statute and Ordain, That there shall be no preference in point of Essaying, or Coyneage; But that all Silver brought in, and delivered in to the Mint, to be Essayed & Coyned, shall be Essayed, Coyned and Delivered out to the respective Importers, according to their Order and times of bringing in, and Delivering the same to the Mint, and not otherways, so as he that shall first bring in and Deliver any Silver to be Coyned, shall be holden and accounted the first person to have the same Essayed, Coyned and delivered, and he or they that shall bring in the Silver next, to be accounted the second person, to have the same Essayed, Coyned and Delivered; and so successively in course, and that the Silver brought in, and Coyned as aforesaid, shall be in the same Order Delivered to the respective Bringers in thereof, their Heirs, Executors and Assignes, successively without preference of one before another, and not otherways; and if any undue preference be made in entering of any Silver, or Delivering out of Coyned Money, contrair to the true intent and meaning of this Act, by any Officer, or Officers of the Mint, or their Deputies and Servants, then the Party or Parties offending, shall be lyable to legal Execution, as for a just Debt, and to pay the value of the Silver brought in and not entered, and Delivered according to the true intent and meaning of this Act, with Interest, besides Cost and Damages to the Party or Parties grieved, and shall over and above *ipso facto* be Deprived, lose and amit their Office or Offices: Providing always, that if shall not be Interpreted any undue preference, to incur any Penalty, in poynt of Delivery of Moneys Coyned, if the Officer, or Officers, their Deputies or Servants shall deliver out, or pay any Moneys Coyned to any person or persons that do come and demand the same upon subsequent Entries before others, that did not come to demand their moneys in their Order and Course, so as there be so much money reserved as will satisfie them, which shall not be otherways Disposed of, but kept for them. And for the better clearing of what quantities of Bullion, are from time to time Delivered in to His Majesty's Mint: As likewise, what quantities of Silver do pass His Majesty's Mints, His Majesty, with Advice aforesaid, Does Statute and Ordain, That there shall be a Clerk, or Book-keeper in the Mint-Office, who shall be obliged to keep two Registers or Records, in fair Parchment-Books, and in one of them, set down the times of in-giving the several quantities of Bullion, by the Merchants and others, in presence of the In-giver; which Book shall be made patent to any that shall require the same gratis, under the pain of Deprivation: As likewise to receive subscribed Accompts from the Master-Warden, Counter-Warden, and the Essay-master, of all the quantities of Silver Coyn-

ed in His *Majesties* Mint, according to the Standart and fineness; Which Accompt is given in to him, he is to Record in his other Register, and the whole Officers of the Mint, or their Deputes, for whom they shall be answerable, are to subscribe the same quarterly, to the effect, that it may be known what quantities of Silver are past His *Majesties* Irons from time to time. And likewise, That the several Officers of the Mint are to keep particular Books of Record in their respective Offices as formerly, all which Registers are to be made and kept upon their highest perill. And for the more orderly and clear performance hereof, It is hereby Statute and Ordained, That the Master of His *Majesties* Mint for the time-being, or his Deput, shall at the time of the Delivery, and Entry of any Silver in the said Mint, give to the Bringer, or Bringers in thereof to be Coyned, a Note, or Receipt under his hand, Denoting the Weight, Fineness, and value thereof, together with the day and Order of its Delivery in to the said Mint, bearing in the Body of it, a *Clause of Registration*; It being always hereby expressly Provided, That the Master of His *Majesties* Mint shall be obliged to Deliver back again to the In-bringers, any quantity of Bullion he shall Receive from them, in His *Majesties* Coyn, within the space of ten days, if the Bullion do not exceed six thousand pound *scots*; and on fifteen days, if it do not exceed twelve thousand pound *scots*: And in case the quantity be greater, within twenty days, and in case of Failzie, the Merchants or Importers, shall have legal Diligence against him, by Charging him with Horning, upon Registration of his Note aforesaid, with Interest, by and attour Cost and Damage therefore; And for the further Encouragement and Assurance of such as shall Import, and bring in to His *Majesties* Mint, any quantities of Silver to be Coyned, His *Majesty* and Estates of Parliament, Statutes and Ordains, That no Confiscation, Forefaulture, Seizure, Arrestment, Stop, or Restraint whatsoever, shall be made in the said Mint, of any Silver brought in to be Coyned, or by reason of any *Embargo*, Breach of Peace, Letters of Mark, or Reprysal, or War with any Forraign Nation, or upon any other account or pretence whatsoever, publick or privat; But that all Silver brought in to His *Majesties* Mint, within this Kingdom to be Coyned, shall truly, and with all convenient speed, be Coyned and Delivered out to the In-bringers thereof, their Heirs or Assignes, according to the Rules and Directions of this Act. And His *Majesty* and Estates of Parliament, further Enact and Declare, That the General, or Master of His *Majesties* Mint, shall be obliged to give the Coynage free to any Merchant, Strangers, or others Importers, or In-bringers of Bullion; and in case the General or Master of His *Majesties* Mint, shall refuse to accept of, Enter and Coyn any quantity, or quantities of Bullion, to be brought in by the Merchants, or others into His *Majesties* Mint, the General, or Master for such refusal (the Merchant or Importer taking Instruments in a Notars hand thereupon) shall *ipso facto* be deprived of their Offices respective; It being always hereby Provided, that in case the quantities of Bullion to be Imported, shall exceed the Stock of Money granted to His *Majesty* for supporting of a free Coynage, in that case the General, or Master of His *Majesties* Mint, is to make application to the Lords of Privy Council, and to acquaint their Lordships therewith, to the end, that by their appointment, the Commissioners of His *Majesties* Thesauri, Thesaurer-Principal, or Thesaurer-Deput for the time being, may furnish and advance eighteen pounds Scots money, for every Stone that shall be brought in by Merchants, or others to be Coyned in the Mint, until the next Parliament, or Session of Parliament thereafter, shall take unto their Consideration, the manner of Re-imbursing His *Majesty* for the said Advance, It being always hereby Declared, That the Officers of the Mint shall not be lyable to the Obligation aforesaid, for refusing to Coyn any such quantities brought in to the Mint to be Coyned, in case upon any accident, the Commissioners of His *Majesties* Thesauri, Thesaurer-Principal, or Thesaurer-Deput for the time being, shall refuse or delay to pay eighteen pound *scots* per Stone for the Coynage aforesaid. And His *Majesty* and Estates of Parliament, for certain weighty Considerations, Do hereby Statute, Ordain, and Declare, That in all time coming, the *species* of Current Coyn within this Kingdom, shall be, five shillings, ten shillings, twenty shillings, forty shillings, and sixty shillings *scots* pieces, to be Coyned of the Standart of fineness and Weight aftermentioned, *viz.* The sixty shillings *scots* pieces is to Weigh, according to the Denomination of Weights used in the Mint, twenty one *Deniers*, eighteen Grains, ten Primes, eighteen Seconds; and in the ordinary Denomination of Weights, fourteen Drop, eighteen Grains: And in regard that the sixty shilling *scots* piece of the Weight aforesaid, cannot be brought to a certain number, to make up a *scots* pound weight, without Fraction; Therefore it is hereby Declared, that the lesser *species* of Coyn shall be Delivered to the Merchant, or others Importers of Bullion, to make up the just Weights; and when it shall fall out, that the Fraction is less than a five shilling *scots* piece, in that case the Merchant, or Importer shall have such a proportion of a five shilling piece clipped off, and delivered to him, as may make up the just quantity of a pound weight, by which means there will be in a *scots* pound weight, according to the Standart Pile of Weights now in the Mint, seventeen sixty shilling pieces, one twenty shilling piece, one ten shilling piece, one five shilling piece, and a small Fraction of three shilling four peanies *scots*; The forty shilling *scots* piece is to weigh according

to the Denomination of Weights used in the Mint, fourteen *Deniers*, twelve Grains, seven Primes, and four Seconds, and according to the ordinary Denomination of *scots* Weight, nine Drop, twenty four Grains, whereof twenty six, and one ten shilling piece, one five shilling piece, and a small Fraction of three shilling four pennies *scots*, makes a pound weight; The twenty shilling piece is to weigh according to the Denomination of Weights used in the Mint, seven *Deniers*, six Grains, three Primes, four Grains, whereof fifty two, and one ten shilling piece, one five shilling piece, and a small Fraction of three shilling four pennies *scots*, makes a *scots* pound Weight; The ten shilling piece is to weigh according to the Denomination of Weights in the Mint, three *Deniers*, fifteen Grains, one Prime, Grains, whereof one hundred and five, one five shilling piece; and a Fraction of three shilling four pennies *scots*, makes a *scots* pound weight; The five shilling piece is to weigh, according to the Denomination of Weights in the Mint, one *Denier*, nineteen Grains, twelve Primes, twenty one a half, whereof two hundred and eleven, and a Fraction of three shilling four pennies *scots* makes a *scots* pound Weight. It is always hereby Provided, that if upon tryal, it shall be found that the weight of the several species of the money appointed by this Act, shall be any way prejudicial to the Interest of Trade of this Kingdom, that in that case His Majesty, with Advice of His Privy Council, may Rectifie or alter the same as they find Cause; But because it may sometime fall out casually, that money be not Coynded and Fabricat exactly in all things, to the true Standarts of Weight, and fineness above, and after-specified: THEREFORE His Majesty and Estates of Parliament, Statute and Ordain, that if it shall casually fall out, that any species of Coyn to be Coynded for the future within this Kingdom, be lighter or heavier than the Standart of Weight aforesaid, the Officers of the Mint may Deliver the same, providing always it be merely accidental and casual, and do not exceed the quantities after-specified, *viz.* Two Grains over, or under the true Weight of every sixty of forty shilling piece, One Grain over, or under the true Weight of every twenty shilling, ten shilling, or five shilling *scots* piece; above-specified, appointed to be Coynded by this present Act: As also, if the money in the species aforesaid to be Coynded, shall fall out accidentally to be a Grain finer, or coarser than the true Standart of eleven *Denier*, two Grains upon every twelve Ounces Weight, so to be Coynded, the Officers of the Mint may Deliver out the money to the Merchants, or others, according to these remedies of Weight and fineness above-specified. It is hereby always expressly provided, that the Officers of the Mint shall by no means Work and Fabricat the money with regard to the Remedies aforesaid, as they will be answerable at their highest peril. And it is Statute and Ordained, That they shall keep an exact Record of all these Remedies, both of Weight and Fineness, and Compt for the same yearly in Exchequer, for His Majesties use; And Appoints and Ordains in all time coming, that the Essay-master shall take two pieces of every Journal, that he shall cut off so much of one of the pieces as will make an Essay, and shall put up the remainder, and the other whole piece, with the Reported Essay: All which shall be put into the Pix, the Warden, or Counter-Warden, being always present, which is to be opened once every year in the month of December, at the sight of the Privy Council. And it is hereby Declared, That the tryal of the Pix being made, the whole Silver in the Pix is to be returned to the Master as his own; and the Say-master is to have no part of it; The Pix shall have three Keys, one to be kept by the Lords of the Treasury, or Thesaurer for the time being, one by the General, and one by the Warden-principal of the Mint; And His Majesty, with Advice and Consent aforesaid, Doth Statute and Ordain, That all the money to be Coynded for the time to come within this Kingdom, shall be Lettered and Grained round the edges, that is to say, the sixty and forty shilling pieces shall be Lettered, the twenty, ten shilling, and five shilling *scots* pieces shall be Grained round the edges, the particular Impression, Inscriptions, and Reverses; As likewise what poption of each species of money shall be Coynded in each Stone Weight of Silver, are hereby left and Recommended to the Lords of His Majesties Privy Council, who are by this present Act fully impowered to Consider and Cognosce upon the fineness and weight of the Gold Coyn, when His Majesty shall think fit to Grant Warrant for the same, and to Regulat, Appoint and Determine the fineness, weight, and species of the said Gold Coyn, and to Ordain and Appoint such Impression, Inscription and Reverse, as they shall see cause. And His Majesty and Estates of Parliament Do further Statute and Ordain, That no Copper shall be Coynded without His Majesties expresse Warrant; And that all Copper which shall be Coynded conform to His Warrant, shall be Coynded in two penny and six penny *scots* pieces, and that forty of the six penny pieces, and sixscore twelve of the two penny pieces shall make a pound: And Recommends to the Lords of Privy Council, to appoint Tryal to be taken of the weight of every Journal of Copper, before it go out of the Mint-House, and what Profit shall arise by the Coynage of the Copper, the Officers of the Mint shall be lyable to compt for the same to the Exchequer. And His Majesty and Estates of Parliament, Do hereby further Statute

tute and Ordain, That the sum of twelve thousand pounds Scots of the Imposition aforesaid, imposed by this present Act, upon the Commodities above-specified, shall be in all time coming set apart for payment of the Officers-fees, maintaining of the Fabrick of the Mint, and providing new Tools, and other incident Charges relating to the Mint, in manner after-specified, *viz.* The General of the said Mint, the sum of three thousand six hundred pounds Scots as his Fee and Salary; the sum of two thousand four hundred pounds Scots to the Master of the Mint, and this over and above the sum of eighteen pounds money for every stone of Silver that shall be Coyned and passed His *Majesties* Irons, to be payed to him out of the remainder of the said Imposition, for supporting a free Coynage as aforesaid; The sum of one thousand two hundred pounds Scots money to the Principal Wairden; The sum of one thousand two hundred pounds Scots to the Essay-master; The sum of seven hundred and twenty pounds Scots money to the Counter-Wairden; The sum of six hundred pounds Scots to the Sinker or Graver; The sum of four hundred and eighty pounds Scots money to the Clerk or Book-keeper; The sum of three hundred thirty three pounds six shilling eight pennies Scots to the Clerk of the Bullion, who is to be Clerk for the time to come to this new Imposition, as he was formerly to the Bullion, or twelve shilling *per* Ounce payed in lieu thereof; To the Master-Smith, the sum of three hundred and sixty pounds Scots, as their Fees and Salaries; and the sum of eleven hundred six pound thirteen shilling four pennies Scots, to be payed in to the General and Master, for maintaining the Fabrick of the Mint-House, providing of new Tools, and other incident Charges relating to the Mint, for which they are to compt yearly to His *Majesties* Exchequer, and the overplus (if any shall be) To go to the stock of free Coynage aforesaid: The which sum of twelve thousand pounds Scots for the Officers of the Mint, and other expenses thereof, is to be payed to the General and Master of the said Mint, together with the sum of eighteen Pounds *per* stone to the Master for the Coynage of the Money, at four Terms in the year, *viz.* Candlemas, Whitsunday, Lambmas and Martinmas yearly; and the said payment to commence from and after the first of November next. And His *Majesty* and Estates of Parliament, further Statute and Ordain, That no Heads, Sweeps or Chizel of any Gold or Silver to be Coyned in His *Majesties* int, shall pass His *Majesties* Irons without taking a second Essay thereof, as if the same were newly brought in to the Mint to be Coyned; And to the effect that all matters relating to the Coynage and Mint, may be equally Ordered and Regulated according to this present Act, and in such further ways and manner as His *Majesty* and His Privy Council shall think fit. It is hereby Recommended to His *Majesties* Privy Council, by some of their number, to try every Journal of Coyn by it self distinctly, and to take exact tryal of all matters relating to the Coynage, both as to the weight and fineness of the money, and other matters relating to the said Mint, twice every year, *viz.* In the monthes of July and December yearly, and to call before them the whole Officers of the Mint, and to Examine their Proceedings, and to inspect their Books, and to sign and subscribe Approbations thereof, as they shall see cause: And this without prejudice of the said Officers of the Mint, their compting yearly to the Lords of His *Majesties* Exchequer and Thesaurie, for all matters committed to their Trust.

XXV.

ACT Rescinding a Clause in the Adresse, made by the Parliament, against the late Earl of Argile.

June 15. 1686.



OUR SOVERAIGN LORD Taking into His Consideration the 36th Act of the first Session of this Parliament, Intituled, *Act anent the Address of the Estates of Parliament, of His Majesties ancient Kingdom of Scotland, to His Sacred Majesty, against the Arch-Traitor, Archibald Campbel, sometime Earl of Argile;* And that His *Majesty* from His unparalleled Clemencie, and Goodness, has been Graciously Pleased to Pardon and Indemnifie several persons, who were accessorie to, and involved into the said Rebellion, notwithstanding the Estates of Parliament from their zeal to His *Majesties* Service, and Detestation of the said Rebellion, Did by their Adresse humbly Desire, they should for ever be incapable of mercie, and that any of His *Majesties* Subjects who should interceed for them any manner of way, should incur the pain of Treason; and in regard His *Majesty* did make no signification of His Royal Pleasure, as to the said Addresse: THEREFORE His *Majesty* with Advice and Consent of His Estates of Parliament, Casses, Annuls and Rescinds that Clause in the same Adresse, as to the exercise of His *Majesties* Mercy, or the Intercessions of any of His *Majesties* Subjects, made or to be made in that behalf: And Declares the same Clause to have no strength, Force, nor effect from the beginning, and to be null and void in all time coming.

XXVI.

XXVI.

ACT Dissolving the Lands and Estates of Earlestown, Craichlaw, and Caitloch from the Crown.
June 15. 1686.



OUR SOVERAIGN LORD Taking to His Royal Consideration, that His late Majesty and his Royal Brother of ever glorious Memory, by Charter under the Great Seal of this His Majesties Ancient Kingdom, of the date at *Windsor-Castle*, the eleventh day of May, 1680 years, upon the account of Sir *Theophilus Ogilthrop*, Lieutenant Colonel *Main*, and Captain *Hendry Cornowall*, their Loyalty and Service performed to the Crown, Did Give, Grant and Dispose to them, their Heirs and Assignes, the Lands and Estates of *Earlestown*, *Craichlaw*, and *Caitloch*, and others more fully specified in the said Charter, whereupon they were Infefted, and the said Right Ratified in Parliament; And which Lands and Estates fell in His late Majesties hands, by the Forefaulter of Mr. *William and Alexander Gordons*, elder and younger of *Earlston*, *James Gordon* of *Craichlaw*, and Mr. *William Ferguson* of *Caitloch*. Likeas His late Majesty, by His Letter of the eleventh of May One thousand six hundred eighty Directed to the Lords Commissioners of His Highnesses Thesaurie, upon Information that the saids three Estates did exceed six hundred pounds Sterling per annum, which His Majesty was pleased to Promise should be made good unto them, Ordered, That before the said Gift past in Exchequer, the saids Lords should take their Security to pay the superplus, if any were, that the saids Estates should be found to exceed the forefaid Rent, and the Debts payable out of the same by Law, in such manner, and to such uses as His Majesty should think fit thereafter to direct. And in like manner, His Majesty by another Letter, directed to the saids Lords, of the 15th of February 1681. Required them to take sufficient Security of the saids persons for payment of their share of the expence disbursed out of His late Majesties Thesaurie, towards the suppressing of the Rebellion in the year 1679, not exceeding two years Rent of the saids Forefaulterd Estates, and accordingly the saids Donatars granted Security to the saids Lords in the Terms forefaids. As also, **OUR SOVERAIGN LORD** Considering, That His Majesty by His Letter of the last of October 1685. upon the Consideration that the saids Estates did not exceed, but are rather considerably short of the saids six hundred pounds Sterling per annum, and of the great trouble and expence, the said Sir *Theophilus* (who also acquired the other two Parts from *Main* and *Cornowall*) was, and is exposed to, in attaining to the Possession of the saids three Forefaulterd Estates, and being desirous the same should be made fully effectual to him; free of all future trouble and inconvenience: **THEREFORE**, as a further Mark of His Favour to the said Sir *Theophilus*, and in Consideration of his great Loyalty and Service, Authorized and Required *William Duke of Queensberrie*, His Majesties Thesaurer-Principal for the time, Thesaurer-deput, and remanent Lords of Exchequer, to deliver to him the said Security, and Ordained the same to be delet out of the Records of Exchequer, which accordingly was done, and an Act thereupon past the eight of January last; And further upon Consideration of the said Sir *Theophilus* his constant loyalty and adherence to the Crown, and signal evidence given by him thereof in the late Rebellion of the late Duke of *Munmouth*, Did Order his Right Trusty and Familiar Cousen and Counsellor, *Alexander Earl of Murray*, Junct-Secretary of State for the Kingdom of *Scotland*, and his Majesties high Commissioner therein for the time, to represent the matter in Parliament for a Dissolution of the saids three Forefaulterd Estates from the Crown, to which the same were Annexed in the last Session of Parliament, holden at *Edinburgh* the sixteenth day of June, One thousand six hundred eighty five years, Which Annexation proceeded upon a Supposition that the yearly Rent exceeded six hundred pound Sterling a year; Whereas now upon serious Examination it is found short; Which Considerations being this day Propounded in plain Parliament, and the Estates of Parliament having fully pondered and Considered the whole matter, and the truth thereof being sufficiently known, and made appear to them, by production of the forefaid Charter, Act of Exchequer, and other Evidences requisite; And by the said Lord high Commissioner his Grace, his Declaration in plain Parliament, in name of, and by Warrant from His Majesty: His Majesty; and Estates of Parliament, after mature Deliberation, Finds the same just, sufficient, and reasonable Causes for Advising His Majesty to Dissolve the saids three Forefaulterd Estates, all particularly mentioned in the said Charter, from the Crown, that the same may pertain, and belong to, and remain with the said Sir *Theophilus Ogilthrop* and his forefaids, as their own proper Heretage, heretably and irredeemably in all time coming; And **THEREFORE**, His Majesty with Advice and Consent of the Estates of Parliament, has Dissolved, and hereby Dissolves the same Lands and three Forefaulterd Estates aforesaid from the Crown and Patrimony thereof, and from the said Act of Annexation, and from all Clauses, Conditions and Qualifications therein contained; And Finds, Decerns and Declares, that the forefaid Dissolution having proceeded upon the Grounds, Causes, and Deliberation aforesaid in plain Parliament; Does

satisfie all the Conditions, Clauses and Qualifications contained in the foresaid Act of Annexation, past the said last Session of Parliament, and shall have the Force, Strength, and Effect of a General Law and Act of Parliament, and shall be as valid and effectual to the said Sir *Theophilus Ogilthrop* and his foresaid, for their Security of the saids Lands and Estates, as any Dissolution Granted by His Majesty or Royal Ancestors, with Advice and Consent of Their Estates of Parliament for the time, in Favours of whatsoever person or persons at any time heretofore, and that notwithstanding of any Clauses, Conditions, or Qualifications contained in the said Act of Annexation; And notwithstanding of any Security granted by the saids Donatars, or any of them in Exchequer. And His Majesty with Consent foresaid, hereby Ratifies, Approves and Confirms the said Act of Exchequer, and Grounds thereof in all Points. And Lastly, His Majesty and Estates of Parliament, Finds and Declares, That this present Act shall not fall under the Act *Salvo Jure*, to be past in this, or any other Session of this Current Parliament, but is hereby excepted forth thereof, in all time coming.

XXVII.

ACT of Dissolution of the Lands of Grange in Favours of Sir Thomas Kennedy, Lord Provost of Edinburgh.

June 15. 1686.



OUR SOVERAIGN LORD, and Estates of Parliament taking into their serious Consideration, That His Majesties Commissioner, as having special Warrant and Instruction from His Majesty, having proposed and proponed in plain Parliament, the Loyalty and Fidelity of Sir *Thomas Kennedy* Lord Provost of *Edinburgh*, and the good and acceptable Services performed by him to the Crown and Kingdom, in the diligent Suppressing of the late tumult within the City of *Edinburgh*, and since; And Considering also the Service done by the said Sir *Thomas Kennedy*, against the Rebels at *Boikwell-Bridge*; And likewise the constant Loyalty and eminent Services and Sufferings of Lieutenant-Collonel *Thomas Kennedy* of *Kirkhill* his Father, and his Firm Adherence to the Crown, in so far as the said Lieutenant Collonel *Kennedy* having attended the late King of ever blessed memory at *Worcester* Fight, he was then taken Prisoner, and detained eighteen Moneths in the Kingdom of *England*, and afterwards sent Prisoner to *Leith*, from whence after he had stayed some while, he was transported to *Air*, and kept Prisoner there until the year 1659. And his Estate in the mean-time Sequestrat, and possessed by the Usurpers, and himself absolutely ruined: All which Services and Sufferings being proposed and laid open in plain Parliament, to the end the three Estates might give His Majesty their Advice, Judgement and Determination *re integra*, whether the same were good and reasonable Causes for Dissolving from the Crown, the Lands of *Grange*, formerly pertaining to *Thomas Kennedy* sometime of *Grange*, with all other Lands, Heretages and Rights which belonged to the said *Thomas*, and which fell in His Majesties Hands, through the Doom and Sentence of Forefeiture; given and pronounced against him upon the day of
One thousand six hundred years, by the Lords of Justiciary for the Crime of Treason and *La-Majesty*, committed by the said *Thomas*, and were annexed to the Crown by the forty two Act of the first Session of this Current Parliament: And the saids Estates of Parliament, after mature Deliberation, and Treating and Consulting anent the Premises, being fully satisfied and convinced, That the saids particular Services and Sufferings, Done, Performed and Undergone by the said Sir *Thomas Kennedy*, Lord Provost of *Edinburgh*, and Lieutenant Collonel *Thomas Kennedy* his Father, the truth whereof is sufficiently known, and did appear to them, are just, sufficient and important Reasons, concerning both His Majesties Interest, and publick Good and Welfare of this Kingdom, That they should Advise and Consent to His Majesties Giving and Disposing the foresaid Lands of *Grange*, and others above-express, to the said Sir *Thomas Kennedy*, his Heirs and Assigns; And for that effect, that the saids Lands should be Dissolved from the Crown, and from the said Act of Annexation. THEREFORE His Majesty, with Advice and Consent of the Estates of Parliament, Decerns, Ordains and Declares, That the saids Lands of *Grange*, formerly pertaining to the said *Thomas Kennedy* sometime of *Grange*, and all other Lands, Heretages and Rights, which belonged to him, and which came in His Majesties hands, and were annexed to the Crown in manner foresaid, may be Disposed to the said Sir *Thomas Kennedy* Lord Provost of *Edinburgh*, and his foresaid; And for that effect, has Dissolved, and hereby Dissolves the same from the Crown and Patrimony thereof, and from the foresaid Act of Annexation, made the sixteenth of *June* One thousand six hundred and eighty five, and from all other Acts of Annexation, and from all Clauses, Qualities and Conditions therein contained: And His Majesty with Advice and Consent foresaid, Finds, Decerns and Declares, That this present Act of Dissolution having proceeded upon the Advice and Deliberation of the Estates of Parliament, *re integra*,

regra, and found by the saids Estates to be for Great, Weighty and Reasonable Causes, Concerning the Good, Welfare, and publick Interest of the whole Kingdom, first Proposed and Advised, and maturely Pondered and Considered, before any previous Grant, or other Right or Deed, Given, Made or Done by His Majesty, in Favours of the said Sir Thomas Kennedy and his forefairs, of the Lands and others above-mentioned, or any part or portion of the same, Does fully satisfy and shall have the Force, Strength and Effect of a General Law or Act of Parliament, of Annexation, be as valid and effectual to the said Sir Thomas Kennedy and his forefairs, for their Security of the Lands and others above-express, as any other Act of Dissolution past by His Majesty, or His Royal Son or persons at any time heretofore. And Declares that this Act shall not be comprehended under the Act of *Salvo Fure*, to be past in this present Session, or any subsequent Session of this Current Parliament, but is hereby excepted therefrom.

XXVIII.

ACT Dissolving the Lands of Culneß, North-Berwick and Goodtries from the Crown.
June 15. 1686.



OUR SOVERAIGN LORD, and Estates of Parliament, Taking into their Consideration, that His Majesties Commissioner, as having special Warrant and Commission from His Majesty, Having proposed and expounded in plain Parliament, the great and Faithful Services done to His Majesty, and His Royal Brother of ever blessed memory, by James Earl of Arran, First Gentleman of His Majesties Bed-Chamber, and his constant Zeal and Faithfulness to the Interest of the Crown; And particularly, the said Earl of Arran his extraordinary expenses, when Employed by His Majesties said Dearest Brother, as *Envoy* to the French King, and of his activeness against the late Earl of Argyle, and the other Rebels associating with him in the year 1685. For which he had no allowance, at least not suitable to his expenses; and that he had faithfully executed the said Offices, and did very well behave himself therein; and that he was Instrumental in the Defeat of these Rebels, and had performed several other good and acceptable Services: All which being Proposed and laid open in plain Parliament, to the end the Three Estates might give His Majesty their Judgement, Advice and Determination *re integra*, whether the same were True, Good and Reasonable Causes of publick Concernment; for Dissolving the Lands and Barony of Culneß, lying within the Sheriffdom of *Perth*, and the Lands of North-Berwick, lying within the Constabulary of *Haddington*, and also the Lands of Goodtries, with the Teinds and Pertinents thereof, lying within the Sheriffdom of *Edinburgh*, sometime pertaining to Thomas and David Stuarts, late elder and younger of Culneß, together with all other Lands, Annualrents, and others pertaining and belonging to them, from the Crown, and which fell and became in His Majesties Hands, through the Crimes of Treason and *Laf-Majestie*, Acted, Committed and Done by them, and either of them, and the Doom and Sentence of Forfeiture, Given and Pronounced against them for the same, upon the _____ and _____ days of _____ 1685 years, and were Annexed to the Crown, by the fourth two Acts of the first session of this Current Parliament, and by the _____ Act of this present Session of Parliament: And the saids Estates of Parliament, after long and mature Deliberation, Treating, and Consulting anent the Premises, being fully satisfied and Convinced; that the particular Services and Expenses above-mentioned, Done, Performed and Expended by the said James Earl of Arran, the truth whereof is clearly known, and did appear to them as Just, Weighty and Important Reasons, concerning both His Majesties Interest, and the Publick Good and Welfare of this Kingdom; that they should Advise and Consent to His Majesties Giving and Disposing the saids Lands of Culneß, North-Berwick, Goodtries, and the other Lands above-written, with the Pertinents, to the said James Earl of Arran, his Heirs or Assignes; And for that effect, that the saids Lands should be Dissolved from the Crown, and from the saids two Acts of Annexation: THEREFORE, His Majesty with Advice and Consent of the Estates of Parliament, Decerns, Ordains and Declares; That the saids Lands and Barony of Culneß, and Lands of North-Berwick and Goodtries above-written, sometime belonging to the saids Thomas and David Stuarts, late elder and younger of Culneß, with all other Lands, Heretages, Annualrents and others belonging to them, or either of them, which came in His Majesties Hands, and were Annexed to the Crown in manner foresaid, may be Disposed to the said James Earl of Arran and his forefairs; and for that effect, Have Dissolved, and hereby Dissolves the same from the Crown and Patrimony thereof, and from the saids two Acts of Annexation, the one made the 16 day of June 1685. And the other made the _____ day of May 1686. And from all other Acts of Annexation; and from

all Clauses, Qualities and Conditions therein contained. And His Majesty, with Advice and Consent foresaid, Finds, Decerns and Declares this present Act of Dissolution, having proceeded upon Advice and Deliberation of the Estates of Parliament *re integra*, and found by the saids Estates, to be for Great, Weighty and Reasonable Causes, concerning the Good, Welfare and publick Interest of the whole Kingdom, first Proposd, Advisd and maturely Pondered and Considered in plain Parliament *re integra*, and found by the saids Estates to be for Great, Weighty and Reasonable Causes, before any previous Grant, or other Right or Deed, Given, Made or Done by His Majesty, in favours of the said James Earl of Arran, and his foresaid, of the Lands and others above-mentioned, or any Part or Portion of the same, Does fully satisfie the whole Clauses, Conditions and Qualifications contained in the two foresaid Acts of Annexation, and shall have the Force, Strength and Effect of a general Law and Act of Parliament, and shall be as valid and effectual to the said James Earl of Arran and his foresaid, for their Security in the saids Lands of *Culnefs, North-Berwick, Goodtries*, and others above-exprest, with the Pertinents, as any other Act of Dissolution Granted by His Majesty, or His Royal-Ancestors, with Advice and Consent of Their Estates of Parliament, in Favours of whatsoever Person at any time heretofore. Likeas, His Majesty, with Advice and Consent foresaid, Finds, Decerns and Declares, That this present Act of Dissolution is, and shall not be understood to fall under, or be comprehended in any Act *Salvo Jure*, to be past in this, or any other Session of this Current Parliament, but is hereby excepted therefrom in all time coming. It is always hereby Declared, That this Act of Dissolution of the Lands of *North-Berwick*, which did once belong to the said Thomas Stuart, sometimes of *Culnefs*, shall not prejudice the Senators of the Colledge of Justice, as to their Right and Interest in these Lands, who are hereby Declared preferable for the same.

XXIX.

ACT of Dissolution in Favours of the late Earl of Tarras.

June 15. 1686.



OUR SOVERAIGN LORD and Estates of Parliament taking into their Consideration, That His Majesties Commissioner, as having special Warrant and Instruction from His Majesty, having proposd and expounded in plain Parliament, the great benefite and advantage that did arise to the Crown and Government of this Kingdom, by the full and sincere Confession made by Walter late Earl of Tarras, of several Matters and Circumstances, relating to the late horrid Conspiracy, the Discovery whereof, did in a great measure contribute towards the preventing the fatal Consequences and Effects, which so apparently Threatned the Peace of His Majesties Dominions: As also the Promises and Assurances given to him at the time of the said Discovery of his Princes Bounty and Favour upon that account: All which being proposd and laid open in plain Parliament, to the end the three Estates might give his Majesty their Judgement, Advice and Determination *re integra*, whether the same were True, Good and Reasonable Causes, for Dissolving from the Crown, the Lands of *Robertoun, Howclench and Borthwick-mains*, with the Pertinents which formerly appertained to the said Walter, late Earl of Tarras, and came in his Majesties Hands through the Doom and Sentence of Forefealture, given and pronounced against him before the Lords of His Majesties Justiciary, upon the day of One thousand six hundred years, and were annexed to the Crown, by the 42th Act of the first Session of this Current Parliament: And the saids Estates of Parliament, after mature Deliberation, and Treating and consulting anent the Premises, being fully satisfied and convinced, that the particular Services done and performed by the said Walter, late Earl of Tarras, in his Confession and Discovery foresaid, and the benefite and advantage thereby accruing to the Crown and Kingdom, and the Promises and Assurances given to him of his Princes Bounty and Favour, the Truth whereof is sufficiently known, and was made appear to them, are Just, Weighty and Important Causes, concerning both His Majesties Interest, and the publick Good and Welfare of this Kingdom, that they should Advise and Consent to His Majesties Giving and Disposing the saids Lands of *Robertoun, Howclench and Borthwick-mains*, with the Pertinents, to the said Walter late Earl of Tarras, his Heirs and Assignes: And for that effect, that the same should be Dissolved from the Crown, and from the foresaid Act of Annexation. T H E R E F O R E, His Majesty with Advice and Consent of the Estates of Parliament, Decerns, Ordains and Declares that the saids Lands of *Robertoun, Howclench and Borthwick-mains*, with the Pertinents, may be Disposed to the said Walter, late Earl of Tarras, and his foresaid; And for that effect, has Dissolved, and hereby Dissolves the same from the Crown and Patrimony thereof, and from the foresaid Act of Annexation, made the sixteenth day of June One thousand six hundred eighty five, and from all other Acts of Annexation, and from

from all Clauses, Qualities and Conditions therein contained. And His Majesty, with Advice and Consent of the Lords, and of the Commons in Parliament assembled, doth hereby Declare, That this present Act of Dissolution, having provided for the said Estates, to be for Great, Weighty and reasonable Causes, concerning the Good, Welfare and Publick Interest of the whole Kingdom, first Proposed, and Advised, and maturely Pondered by His Majesty, In Favours of the said Walter late Earl of Tarras, and his forefairs, of the Lands and others above-mentioned, or any Part or Portion of the same, Does fully satisfy the whole Clauses, Conditions, and Qualifications contained in the forefaid Act of Annexation, and shall have the Force, Strength, and Effect of a General Law, or Act of Parliament, and shall be als Valid and Effectual to the said Walter late Earl of Tarras, and his forefairs, for their Security of the Lands and others above-express, as any other Act of Dissolution; Granted by His Majesty, or His Royal Ancestors, with Advice and Consent of the Estates of Parliament, in favours of whatsoever Person at any time heretofore. Likeas, His Majesty with Advice and Consent forefaid, Finds, Decerns and Declares, that this present Act of Dissolution shal not be understood to fall under, or be comprehend- ed in any *Act Salvo Jure*, to be past in this, or any other Session of this Current Parliament, but is hereby excepted therefrom in all time coming.

XXX.

ACT Anent the Measure of Bark,

June 15. 1686.



OUR SOVERAIGN LORD and Estates of Parliament, Taking to their Consideration the great prejudice that does arise through the uncertainty of the measure of Bark within this Kingdom; Do Statute and Ordain, That the constant measure of Bark in all time coming shall be as follows, *viz.* That twenty two Gallons shall be the measure of one Boll of unbeaten Bark, and so proportionally for lesser measures, and that the *Linlithgow* Barly measure, shall be the measure for all small beaten mallowie Bark; And prohibits and Discharges all Persons whatsoever, to make use of any other measures than the measures aforesaid, in buying or selling of Bark, in time coming, under the pain of an hundred Pounds Scots, *torries quoties*, beside the Forfeiture of the Bark, to be bought or sold.

XXXI.

ACT In Favours of John Meikle Founder, and others of that Trade.

June 15. 1686.



HIS MAJESTY and Estates of Parliament taking to Consideration, the great advantage that the Nation may have by the Trade of Founding, lately brought into this Kingdom by *John Meikle*, for casting of Bells, Cannons, and others such useful Instruments, Do for Encouragement to him, and others in the same Trade, Statute and Ordain, That the same shall enjoy the benefit and priviledges of a Manufacture in all points, as the other Manufactures newly Erected, are allowed to have by the Laws and Acts of Parliament, and that for the space of nineteen years next following the date hereof.

XXXII.

ACT Salvo Jure Cujuslibet.

June 15. 1686.



OUR SOVERAIGN LORD, Taking to Consideration, That there are several Acts of Ratifications, and others past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned or prejudged; Therefore His Majesty, with Advice and Consent of the Estates of Parliament; Statutes and Ordains, That all such particular Acts, and Acts of Ratification past in manner forefaid, shall not prejudice any third Party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the saids particular Acts, and Acts of Ratifications; And that the Lords of Session, and all other Judges of this Kingdom, shall be obliged

liged to Judge betwixt Parties, according to their several Rights, standing in their Persons, before the making of the saids Acts: All which are hereby Exponed, and Declared to have been made, *Salvo Jure Cujuslibet.*

XXXIII.

ACT of Adjournment.

June 15. 1686.



HE Kings Majesty Declares this Parliament Current, and Adjourns the same to the 16 day of August next, 1686. And Ordains all Members of Parliament to attend that Day: And that there be no new Election of Commissioners from Shires or Burghs, except upon the Death of some of the present Commissioners.

Collected and Extraſted from the Registers and Records of Parliament, by

TARBAT, Cls. Reg.

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A N

ABRIDGEMENT OF THE ACTS OF PARLIAMENT.

Digested into HEADS, Set down after the order of the Alphabet.

A BERDEEN.

All, Granting to the Town of *Aberdeen*, an yearly Fast on the Munday before Whitson-day, to continue for eight days with the hall Jurisdiccions and Customes thereof. Jam. 6. par. 13. cap. 166.

Confirmation by King, and Parliament, To the Town of *Aberdeen* of all Annuels, Few-fermes, Chaplanries, and Prebendaries, which belonged before to the Chaplans of their Pa-trish Kirk, and contained in their gift libid. cap. 188.

ABSENT.

The causes of all Merchants, and others abroad not *anima morandi*, and these dying, should be discussed before their Ordinaries within the Realm, By whom their Testaments are confirmed. Jam. 1. par. 6. cap. 89. See passing forth of the Realm.

ACT AND LETTERS.

AB and Letters, of continuation of Summons discharged. Car. 2. p. 2. Sect. 3. cap. 6. See the *AB* in *Summons*.

ACTION, See Judge, and Summons.

In all *Actions* in the Temporal Courts, The parne perfew if present, shall swear, That the cause he trowes is good. And scilicet Jam. 1. par. 9. cap. 125. See there the form of the Oath. to be sworn by the Advocate in the fault of his Client absent.

That all parties first pass to their Judge ordinarie and petrow Justice. Ja. 3. par. 5. cap. 27. See *itin Judges*.

That all *Civil Actions* be first perfewed before the ordinaries, as Justice. Cham-berlain, Shireff, Barron, Provest, and Baillies, and others; and that there be none perfewed before the Lords of Session, *Actions*, pertaining to the King, or moved by Kirk-men, Widows, Orphanes, Pupils, or Strangers, or Com-plaints upon other Officers, in which last case the Enrolment in the Officers Court are to be produced, and this *Act* to endure until the next Parliament. Jam. 3. par. 14. cap. 105.

If either Defender, or Perfewer, in any *Action*, shall lye, wound, or In-vade, the other, in as may be murther of a Criminal perfewer, or that he be airt, and pairt, thereof at any time, from the executing the Summons, until the complete executing of the Decreet. If so the Defender, he shall be condemned without any other probation, than that the Invider is convicted, or denounced for the deed by the Justice, or rather Criminal Judge: And if the perfewer be the Invider, That on the like probation the Defender be absolved, and the said Sen-tence to be irreducible, even on the head of Minoritie, or any other ground. Item, the Invider being denounced for not finding caution, or not compliance, That immediately he tene his Life-rent eldest: And the King pmissit, in grant no remission in this case, and the using of any such Remission, is declared to be repuat, as Conviction, to the effect foresaid: And this *Act* to endure, for seven years. Jam. 6. par. 8. cap. 138: But thereafter made a perpetual Law. Jam. 6. par. 14. cap. 219.

ADHERENCE See Marriage.

ADJUDICATION See Compnyffings.

Adjudications Declared Redeemable within seven years of the date, at the in-stance of Com-creditors. one after another, according to their diligences in ad-judging in like manner: By payment of the principal summes contained in the Sentences of Adjudication, and Annualities thereof, with the expenses made in obtaining the same, at the Lords of Session their Modification, Declining al-ways the Prior adjudgers their Intromissions, and the vidual-rent to be estimat at the Common price of the Shire, betwixt Zule, and Candlemas. Item a Minor Renouncing to be Airt in his Minoritie, may be repowed, and redeemed by payment, and letch all the Priviledges granted to Minors, in Compnyffings. Jam. 6. par. 23. cap. 7. The *Act* 1661, *Agent Compnyffings*, Extended to Adjudications, in all points. Car. 2. par. 1. Sect. 1. cap. 61.

That the superior have an years dewtie for the entreing the Adjudger, as for ent-ering the Compnyffier, and that Adjudications, and Compnyffings, be in all cases alike, as to the Superiors. Car. 2. par. 2. Sect. 1. cap. 18.

That in place of Compnyffings, the Lords of Session, at the instance of any Cre-ditor adjudge, and decreet to him in satisfaction of his Debt, as the same shall be decreed by the Lords, such a part of the Debtors estate formeit Appraisable, as shall be worth the principal summe, and Annual-rent resting, and a fifth part more, for the Creditors want of the use of his money, beside the composition to the Superior, and expenses of the Infirmment, and his Adjudication to proceed an probation, for the Creditor, and also for the Debtor, if he desire it, of the value of the Land, and what he hath payed for five years bygone, and may pay, and

what the rates are in the Country where it lyes: with power to the Lords, to deter-mine on the warrantree: Upon which Adjudication the Creditor shall have im-mediate the Intromission for his Annual-rent without being liable to compt and reckoning. And in case the Lands, and others adjudged be affected with Life-tents, or other ways yield no rent, the same shall be expelled in the Decreet, and the Annual-rent extending to the full of the rent is to be added in the princi-pal, at the Redemption, and the Lands and others adjudged are to remain irre-deemably, with the adjudger, if not redeemed within five years, be payment of principal, and Annual-tents, Composition to the Superior, and expenses of obtaining Infirmment, and Annual-rent of the same inlacking, 25 shillings. Item against Principal, or Cautioner, until the pet actual possession, as said is. Item that no Appyling beled hereafter of Lands or rights, unless they be already Ap-plied, by another Creditor, But if the Debtor produce not the evidents of the Lands, and others adjudged, with a sufficient right thereof at the Lords light, and if he renounce not all right, and possession, and Ratifie the Decreet of Ad-judication, then the Creditor may adudge all Estate belonging to the Debtor, in the same manner, as he might have compitified it before, conform to the *Act* 1661, and under the same Revision. Item, the Superior and Adjudger are De-clared to be in the same case a fter citation in this Process, as if compitifying were led, and a charge given thereon: and their Adjudications to be allowed, and re-corded, as Compnyffings. Car. 2. par. 2. Sect. 3. cap. 19. Anno. 1672.

ADMIRAL.

That the *Admiral* exercise Jurisdiction, not exta no kind of dewtie, or esua-ly but according to the use, before the Death of King James. 18. Not with-standng of any greater specialtie contained in his Infirmment by one, or to come. Ja. 6. par. 12. cap. 157.

That in respect the *Admiral* Court, is a Sovereign Judicature, importing of its own nature fullmar Execution. Therefore Letters of Homeing pass upon their Decretes, scilicet as on Shireffes, &c. By the *Act* Jam. 6. p. 1. r. 1. cap. 10. Jam. 6. par. 20. cap. 15. And this *Act* Ratified, and the Court of Admiralty Decreeted to be a Sovereign and superem Court, in itself; That the high *Admiral* is his Majesty's Lieutenant, and Justice General on the Seas, and in all ports, Harbours, in Creeks herof, and upon fresh waters, or navigable Rivers, below the first Bridges, or within the highest Flood-marks: That he hath the sole judi-cation in all Maritime causes, foreigne, or Domestick, Civil, or Criminal, ex-clusive of all other judges: That he may cause parties find caution, bond for compliance, and performance: That he may punish the breakers of his arrest-ments, and deforcors of his Officers, and lath right to their fines: That the said high Court may reduce the Decretes of inferior Courts of Admiralty, and also review its own: That there be no Advocacy from the said Court, and no suspensions granted of their Decretes: But by the whole Lords in time of Session, and three Lords in time of Vacance, and they be discussed summarily. And hille that the *Admiral*, and his Deputy have the sole right of granting pafes, and Life condempns, to all Ships, and All *Acts* and Customes contrary to this *Act* are rescinded. Car. 11. par. 3. cap. 16.

ADULTERIE.

That nup, manifest, and incorrigible Adulterets, after the Kirk censures ex-ecuted upon them, be denounced Rebels, and their gudes elcheat, Q. M. par. 5. cap. 20. That open and manifest Adulterets after due monition made to them in publick, be punished in the death, relieving the former Laws against other Adulterets. Q. M. par. 9. cap. 74. And notour, and manifest Adulterie, worthe of death, Declared to be, where bairns are procreat, or the Adulters keep com-pany, and bed together, norisourille, or when suspect, and dwile admonished, they refuse the Kirk by Repentance, or Furgation, And are therefore excommu-nicat. Jam. 6. par. 7. cap. 105. A Woman divorced for Adulterie, and mar-ried, nupenible abed, and baird fortreit in company with her Adultrer, may not annulize her Lands, or Possessions, in prejudice of the Ance of the first Mar-riage, after her death. And all such allegations, as well since *July* 1587, as in time coming, are declared null, by force of exception, in all *Causis*. Jam. 6. par. 12. cap. 117. All Marriages betwixt persons divorced, and their Adultrerets, Declared to be unlawful, and null, and their issue inable to succeed in their Paterns. Jam. 6. par. 16. cap. 20.

ADVOCATS See Session.

Promise and Oath of the three Estates not to maligne, defend be Advocats, for, or stand at the bar with manifest Traitors, and other Notorious Malefactors, but only to compeir with their Kin and Friends in sober ways, defence of them in lawfull causes. Jam. 1. par. 14. cap. 28. See it in Treason.

Advocats may lath compeir for, and defend persons accused in Parliament for Treason, or otherways. Jam. 6. par. 11. cap. 38. And this warrant moretelle given as to Treason, and all other crimes before any Judge, and that the Judge may compel them to procure in case of their teltit. Ibid. cap. 20.

Advocat Fees, see the *Act* of Regulation. Car. 2. par. 2. Sect. 3. cap. 16.

ADVOCATION See Declarator.

That no *Advocacy* be used before the Judge ordinarie, Except for deadly feude, or that the Shireff principal or the Judge be partie, or in the causes of the Members of the College of Justice. Q. M. par. 6. cap. 39. But this *Act* is anent the warning of Tenants, and what is subjoyned anent Advocations, may seem to

relate to the Adfious of removing therein mentioned. Act discharging the Lords of Session, to grant Advocations from Judges competent, for suits within 200 Miles, or for any cause whereinto the Inferior Judges is by Law expellie appointed to be Judge. Cap. 2. par. 1. Self. 3. cap. 9.

AIRE and AIRESHIP.

The moveable Airship of Battons, is the best of ilk a thing, after the Statute of the Burrow Laws. Jam. 3. par. 7. cap. 14.

That Airs who were at the field of *Stirling*, with King *James* the sixth benot pre-judged by their Predecessors, but all Aliensations made sine to their lutt, are Declared void. Jam. 4. par. 1. cap. 6.

The Creditor may follow the Airt after a year, because the Executor in that year should be reponable, and the Airt may put him to compeit, and cause him find caution. Jam. 4. par. 6. cap. 76.

Airs of perfect age lying out unrented, may be charged on Fourtie days, to enter to their Lands, Year and day being paid, Redeemable always in seven years, on their fullie Compelling may proceed, Redeemable amongst them, albeit Minors. Jam. 5. par. 7. cap. 166.

And this course may be taken against them, albeit Minors. Jam. 6. par. 23. cap. 6. and afoer for their own, as their Predecessors Debts, And the former Act istaus expellie extended. Jam. 6. par. 23. cap. 6.

Tharthe Creditors of the Defunct, beggered to the Creditors of the Appeatand Airt, as to the Defuncts Estate, Provoyding they doe diligence against the Appeatand Airt, and real Estate of the Defunct, within three years after the Defuncts decease. Item that no right, nor disposition, made by an Appeatand Airt, in prejudice of his Predecessors Creditors, be void, unless made a full year after his Predecessors Death. Cap. 2. par. 1. Self. 3. cap. 34.

An Appeatand Airt, or Confidant to his behour, acquiring right to an ex-perted Compelling, against his Predecessor, the same is Declared Redeemable within the space of ten years after the acquiring, by any posterior Compeller upon payment alloverly of the sum truly payed out for the same, At least what retelling thereof, unsatisfied by the Appeatand Airt, or Confidants in contricion. Cap. 2. par. 1. Self. 1. cap. 62.

ALF, and BEIR.

The prices of Alf, and drinking Beir, should be set by the Lords of Council, according to the rates of the rough Beir, and Barley. Cap. 2. par. 2. Self. 1. cap. 15.

ALIENATIONS Double.

He who gets Lands, or Annual-tenures, by sale, or disposition, where warranty may fall, and bruike the same year and day, by labouring, or uplitting the mails and dewties, is preferred to the person having privat sale and failing of the time of before, and not publicly Infert, Item that no man grant such double Aliensations, or double Affidations, or Assignations, And that no Over-let receive double refiginations willingly, under the pain of Infamie, and to be punished in person, and gudes. Jam. 5. par. 7. cap. 105. And fardet that double dispositions be not made, and the making hereof is Declared, to be *Crimen Feloniae*. Jam. 6. par. 12. cap. 141.

Aliensations made by Traitors, after the committing of the Crime, are null. Jam. 6. par. 2. cap. 36.

ALIENATIONS Fraudfull.

Reductions of Aliensations in defaut of Creditors, are Priviledged upon Twentie one dayes warning, without dyet, table, or continuation: And before the Partie receiver of the Aliensation, be admitted to produce and answer, he should consign in the Clerks hands, a firm to be modified by the Lords, and given to the performer, in case the Aliensation be found to be fraudfull. Jam. 6. par. 7. Cap. 118.

All Aliensations, Dispositions, and Assignations, made by Debtors, of their Lands, Tenids, Reversions, and Gudes whatsoever, to any Conjund, or Confident person, without a true and just cause, after the contraiting of their Debts, may be Declared null, at the instance of just Creditors: And if any third Partie purchase lawfully the fids Lands, or Gudes, from the said Conjund, or Confident persons, his right shall stand, But the right of the price, shall be payable to make the same full coming to the fids Creditors. Item the fraud may be proven by the price, or costs of the Partie Receiver of the said security, that it was without any true and just cause, or that the Lands, and gudes being again sold, the price, or most part thereof was, or is to be converted to the Bankrupts use: Provoyding always, That what of the fids Lands, and Gudes, or his Confident, shall be really applied by the fids Intersceded Persons, to the Bankrupts lawful Creditors, shall be allowed, they making the red full coming. Item if any Dyvout, or his Confident, shall make any voluntarie payment, or right, in defraud of the more timely lawful diligence of another Creditor, having used inhibition, Horning, Attreiment, Compelling, or other lawful mean, to assid the Dyvouts Lands, Gudes, or price thereof, The Dyvout, or his Confident, shall be holden to make the same full coming, to the more vigilant Creditor, who shall be holden to his said Confident, And have action to make him restore, what was payed to his said Confident, in defraud, as said is, And all Bankrupts, and their interposed Persons, for covering their frauds, and all their wilfull Althiers therein, by Council, or orderways, shall be repute Infamous, incapable of honour, or office, or to pass upon Inquells, or to be witnesses in Judgement, or out with: Jam. 6. par. 3. cap. 18.

St. ANDREWS, See University. ANN.

The Ann due to the Executors of deceased Bishops, and Ministers, is Declared to be halfe a Years Rent, over what is due to the defunct for his Incumbency; *Ta* the full five Years, the half of that Year is due for his incumbency, and the other halfe for the Ann, and if he survive Michaelmas, the whole Year is due for his incumbency, and the half of the next Year for the Ann: And the Executors need not to confirm the Ann. Cap. 2. par. 2. Self. 3. cap. 13.

ANNEXATION, And ANNEXED Property, See Dissolution.

Annexation of the Customes, and Burrow mails, to the Crown. Jam. 1. par. 1. Cap. 8.

All Annexing certain Lordships, Lands, and Castles, to the Crown, therewith to remain perpetually, which may not be given away in fee, or franktenement, without Advice and Decree of the whole Parliament, and for great, and fene causes for the good of the Realme; And any alienation otherways made by the King, or his Successors, to be of none avail: But the King for the time may refine the Lands, without Process, and make the Possessors refound all profits, And tharthe King, and his Successors wear their Coronation, to keep this stat. Jam. 2. par. 11. cap. 41.

Annexation of the Earldom of *Ref* to the Crown, not to be annihiled, except thar it may be given to one of the Kings second Sons. Jam. 3. par. 9. cap. 72. And

the Earldom of *Ref*, and Lordship of *Ardmannach*, are appointed to be the pa-

per Partionary of the Kings second Son. Jam. 6. par. 11. cap. 30.

Annexation of the Earldom of *March*, and other Lands, to the Crown, with the same clauses, set down in the Act. Jam. 2. par. 11. cap. 41. Jam. 3. par. 14. Cap. 112.

Annexation of Lands to Baronies, and the effect of it, see *Baronies*.

Annexation of certain Lands by King *James* 5th, Not to be Annihiled, without decree of Parliament, for great reasonable causes, first advised by the *Justices*, Jam. 5. par. 6. cap. 84.

Another Annexation made by him of more Lands, with an exception only to let in few, for augmentation of the rental, conform to the Acts of Dissolution. Jam. 5. par. 7. cap. 85.

Annexation of the hall Temporality of the Kirk to the Crown, made the 29. of July, 1587. And to beginn the term of *Marriages* in the said Year; But

with a dissolution, that the same may be set in few: And the Ecclesiastick Per-

sons are declared free of warrantie, Except for their own deeds. And the Act contains many other conditions, and exceptions, as particularly it extends to

all Tenants pertaining to any Parsonage, or Vicarage, where the Ruck, and tithes, are not forterthore: All Castles, Houses, and Mansions, with Buggies, and Yards

thereof, lying within their precincts, pertaining to Bishops, and other Prelates, all Parsons, and Vicars Masters, with four Aikres of Glebe, appointed for Mini-

sters. All Lands, Tenids, and others disposed to Colleges, Schooles, or Hos-

pitals, or for satisfaction of Ministers, within Burgh, together with all Loke, Fi-

shings, or for satisfaction of all Fowes, Tacks, and other Rights, and all penions lawfully disposed of before: Providing always, that the Superiorities

belong to the King, and that the Airts of the Vallies be entred by Bieives out

of his Highnes Chancellarie, as the Airts of his other Tenements. Item that where

the stock and tithes are let in few, the Superiority remain intirely with the

King, as the Ecclesiastick person, to have the tenth of the whole dewties, pay-

able for stock and tithes. Item that Burrows of Regality, and Baronry, formerly

holden of the Kirk, enjoy the same Rights, and Liberties, of exercising Mes-

chandise, and having their own Officers, to be holden of the King, as also, that

the King now become their Superior, have the same right to the Tenements of

Tenements, and Annuities within the same, being they are not free Barons

Chancellarie. Item this Annexation prejudices not heretabill Baities, and Stear-

ts, in Kirk-Lands, exceptorally as to the change of their Superior, Item the King

referves liberty to himself to make from this Act of Annexation, what exceptions

he pleases being signified under his own, and the Lord Chancellars hand, signat

and the 15. of August then next, several of which exceptions are subjoined in the

Act. Jam. 6. par. 11. cap. 29. But this Act refekind in so far as prejudicial to the

Estate of Bishops. Jam. 6. par. 18. cap. 2.

Prelates and others, whose Lands are annexed to the Crown are declared free

of all warrantie of any disposition whatsoever made of, or meant their tem-

poralities: Except in the case of double rights, and from their own deeds. Jam. 6.

par. 11. cap. 10.

Beneficed Person, after their Deceale, remain with the King as part of the

patrimoine of his Crown. And iris Statute that none have right thereto hereafter,

without prejudice to Hospitals, Colledges, and Schooles. Jam. 6. par. 13.

Cap. 167. See Compellor, and Exchequer.

All annexing the Lands therein contained to the Crown, with the ordinarie clau-

se, as especially that they may not be given away in fee, frank-Tenement, Pen-

sion, or other disposition, except for great and reasonable causes concerning

the Realme, first to be advised by the whole Estates of Parliament, and then Decree

interposed. Ibid. Cap. 176.

Annexation of all Lands, Tenids, and others, lying on the North-side of

the water of *Forth*: Excepting the Barones of *Strathclyde*, and *Newburn*: And

with an ample Exception, and Ratification of the Infinitum of the Barones of

Midlothian, granted to the Lord *Thurloane*. Jam. 6. par. 13. cap. 189.

All Ratifying all former Acts of Annexation, especially the Acts Jam. 2. p. 11.

cap. 44. and Jam. 5. par. 6. cap. 84. and relending the Act of Dissolution past in

Parliament in King *James* the sixth his minority. Jam. 6. par. 9. cap. 6.

And the said Act of Annexation, and the said Act of Dissolution, and the

other Acts of Dissolution made in the Minority of King *James*, about the same time

the Infinitum thereon be Ratified in Parliament in their Majority. Jam. 6. par. 14.

cap. 208.

The Kings Castles, Palaces, Yards, Woods, Parks, Forests, Parkes, and in spe-

ciall the Lowmonds of *Falgaud*, *Coal-heughs*, and Offices, are annexed inseparably,

and excepted from the dissolution. Ibid. cap. 209. See the Act in Dissolution, And

all heretabill Aliensations, Affidations, Rentals, Penmissions, and other Dispo-

sitions, of the Kings Palaces, Castles, Parks, Meadows, *Coal-heughs*, and in spe-

ciall the *Palace of St. Andrewes*, and Park thereof, *Lintlogh*, Park, and

Coal thereof, *Falgaud*, *Coal*, Park, and Lowmonds thereof, *Calle of Stirling*,

Park, and *Ward* thereof, and of the *Townwood*, *Calle of Dunbar*, with the

Lands, and Mannes thereto adjacent, *Calle of Blackfriars*: And generally

as in the former Act are Declared null, from the beginning. Jam. 6. par. 15. cap. 23.

But the grounds of demolished Castles, bounds, Meadows, and Loches,

belonging thereto, with the said *Coal-heughs*, are again dissolved. Jam. 6. par. 16.

cap. 8. See the Act in Dissolution.

Annexation of the few, and small dewties, of all redictions to the Crown, and

discharging, and annulling all penions, or other dispositions, made since the

Act of Annexation of the same, or of any Temporalities of vacant benefices, same

to the King, since the said Act, notwithstanding of whatsoever grant, or con-

firmation thereto in Parliament. Jam. 6. par. 14. cap. 207.

That all Lands annexed to the Crown, by the Act 1587, Remain there-

with, and thar all fids Lands whatsoever be availed and recoured, and be lyable to

Taxations accordingly. Ibid. cap. 229.

All Infertment of the annexed property given by the King, or any of his Prede-

cessors, are Declared null, except letty them being of perfect age, after Dissol-

ution made in Parliament in their Majority, with augmentation of the Rental.

Jam. 6. par. 15. cap. 233.

The annexed property cannot be let, or disposed, but in few-term, and all

dispositions thereof, by ward, or other manner of holding, are null, except in-

ferments granted by the King, or his Predecessors, by way of exchange with-

out diminution of the Rental. Ibid. 234.

All Alienations, Rentals, Tacks, Penfions, Discharges, and other Dispositions

whomsoever, of the annexed property, and specially of the Customes made be-

fore lawfull dissolution, or contrary to the Conditions thereof, are null beyaw of

action or exception. Ibid. cap. 236. And felike of the *Alfide Herring*, because

they are part of the Kings Customes, and annexed property. Ibid. cap. 237. And

felike of the Few-term dewties of the annexed Temporality, or of any part of

the Patrimoine of the Crown. Ibid. 239. All free Gifts, and Discharges of the

Kings property, Fees, Casualties, or Priviledges, pertaining thereto, are De-

clared null. Ibid. cap. 238.

The vacant property unassigned of all Prelates, *sede Vacante*, De-

clared to appertain to the King, and that it may not be put away, by any dispo-

sition whatsoever. Ibid. cap. 242.

Ratifications in Parliament need not derogat from the general Laws, about the

annexed property, except the same be made expresse, depending with the fids

Laws by advice of the three Estates speciallie therein mentioned. Ibid. 243.

Annexation of the Earlom, Lordship, and Lands of Goswrie, and Scoone, to the Crown, not to be Annulled herefrom, without Advice of Parliament, for great, and free causes first to be advised, and considered by the Estates, but with several Exceptions contained in the Act. Jam. 6. pat. 16. cap. 2.
Act of Annexation, Ratifying all former Acts of Annexation, especially the Act Jam. 4. pat. 1. cap. 47. And annexing de novo all therein annexed: About annexing the Superiorities of all Lands, and others pertaining to any Abbey, Priory, or other Benefice whatsoever, created before or after the Act of Annexation, 1587 with the whole Feudals, and Revenues thereof, to abide with the Crown for ever. Referring to the Titulars of Ecclesiastical who have subverted the Summe, the Rents of the said Superiorities as till they receive payment of the sum of a thousand Marks, for each Chalders of Few-farm, and one hundred Marks of Few-mills, for each hundred Marks worth, of all other constant Rent, not being naked service of Vassals, as for their property, and proper Lands, to be holden of his Majesty, for the duties contained in their old Infeifments, before the said Act of Annexation, and all deeds preceding the date, and in prejudice hereof are Declared null. And the Acts Jam. 6. pat. 15. cap. 233, 234, 243, (all above) are especially Ratified, rescinding all deeds in the contrary: Excepting always from this Act, all Lands, Superiorities, and Others, pertaining to Archbishops, Bishops, and their Chapters. Cat. 1. pat. 1. cap. 10.
 And this Act Ratified, and the Superiority of all Lands, and others belonging to the said Benefices, wherof the prebendary belonged to his Majesty and Predecessors, and created as said is, of new annexed: And all Gifts and Grants made by his Majesty, or his father, since the Surrender 1627, whereby the profits of the said Superiorities were, or may be continued, in any, except the proper Vassals thereof, are Declared to be null, referring the said duties to the King, having right thereto, as before, and referring to the Earl of Argyll, his Justification, and the Lordship, and Regality of Argyllshire, and the Lords of Exchequer, and all others are discharged the paying of any of the said Rights, and Grants, hereby Declared null, except Infeifments in favour of the Lords of Erection, and will they be redeemed, and with the whole remission exceptions contained in the said former Act. Declaring nevertheless, that any who have got or shall get, new Infeifments of Superiority of Kildrannoch, the same shall stand good as such Vassals, who have given their consent to the said Rights: Because the said consent is of the nature of a Renunciation of property, in their favour, but prejudicial to his Majesty of his Right of Reversion, and of the Few-duties, and Casualties, to the said Act, 1633. Cat. 2. pat. 1. Self. 1. cap. 13. Special Ratification of that part of the Act of Annexation 1587, annexing the Right and Privilege of Regality, belonging to any Abbey, Priory, or other Benefice, and the Lords of Exchequer, and the Rents of Vassals shall be ceded by Breves forth of his Majesty's Chancery, Directed to the Magistrates of the Burghs of the said Regalities, and further all right granted be his Majesty, his Father, or Grand-Mother of any of the said Regalities, is Rescinded, and the right thereof is Declared to appertain to his Majesty, and his Successors, without respect to any Exception contained in the said Act of Annexation. Referring always to heritable Bailies, and Stewards of the said Regalities, the Rights granted to them by the Beneficed Persons, preceding the Erections. And this Act extends not to any Right of Regality pertaining to Archbishops, and Bishops, nor yet to the Infeifment of the Batriony of Breughston, granted to the Earl of Roxburgh, in the year 1630. Cat. 1. pat. 1. cap. 13.

Act Ratifying former Annexations, and the decrees Reducive against the Earl of Argyll, of the Earlom of Orkney, and Lordship of Zealand, and of new annexing the same to the Crown: As also excepting them from all General Acts of Dissolution, and that nothing to be granted thereof, for hereafter without the Advice and Decree of Parliament upon mature deliberation, and expelling the particular causes first given therein. As also the Act supplies the Office of Sheriff-ship, and Few-duties thereof, and creates them in a Stewary, not to be given hereafter to any Person, without the consent of his Majesty, and his Successors, and the Bishop of Orkney, of his Patrimony, and of his Majesty's Vassals, in the said Shires of their Privilege of sending Commissioners to Parliament. Cat. 2. pat. 2. Self. 1. cap. 13.
Annual-Rent, See Usurie.

All Annual-rents of Vassal, or Silver, fold in time bygone, and redeemable, may be redeemed, by payment of the principal, in the reversion and by-run Annals thereof, at Ten per cent, notwithstanding of security given for greater Annals. Jam. 6. pat. 12. cap. 13.
Annual-rent reduced from ten to eight per cent, & that the said rent be taken more under the pain of usurie, but the Execution of the Act full and good for three years, after the date, in respect of the said ten per cent, in that space granted to his Majesty. Cat. 1. pat. 1. cap. 21. dated, 28 June 1633.
Annual-rent Reduced to Six per cent, and the same declared to be free of all Retention, and other public Burdens. Cat. 2. pat. 1. Self. 1. cap. 49.

ANNUITY of 40000. pounds Sterling to the King.
Act for raising this Annuity to his Majesty yearly during his life, extending in Scots money, to 40000. pounds yearly; Wherof 90000. pounds Scots of 8000. pounds Sterling to be raised yearly by an Excise, upon the Coale, and Salt, and foreign Commodities, specified in the Act, and the remainder being 34000. pounds Scots, or 32000. pounds Sterling, to be raised by an Excise upon the Beer, and Ale, Aquavive, and Strong Water, and sold in the Countrey, at the rate in the Act, &c. (See Excise.) For which end it is proportioned among the Shires, and Burghs. And is ordained, that what the said Excise in lieu of each of them shall fall short of their quota, be supplied by the Heterors in lieu of the said Burghs, and Burghs, according to the rule of the Valuations as the said Burghs were valued in the year 1600. And Commissioners are appointed for each Shire, Burgh, and Burgh, with full power to Collect the said Excise, pound, and quarter, there, and do all things necessary. And they are declared to be obliged to pay in the same at four terms in the year, beginning the first at Lambhays, 1661. And the Council is empowered to name new Commissioners, in the place of any that shall be deceased, or disabled. Item the exercise of the Excise of the Inland Salt, and the said Burgh, overburdened, or disproportioned in their quota for four years, in the Act, Cat. 2. pat. 1. Self. 1. cap. 14. Anno 1661.
 This Annuity continued for five years after his Majesty's decease. Cat. 2. pat. 3. cap. 8. See Usurie.

ANNUITY of Teinds.
Act Ratifying the Act of the Commission of Teinds the 29. of May, 1627. Giving to his Majesty, and his Successors an Annuity out of the Teinds, except the Teind paid to Bishops, in the rate wherein the same is presently payable, and is the Teinds paid to Ministers, Colleges, Hospitals, and Pious uses, that is of every Teind boll of the best wheat 10. shillings, of the best Barley 8. shillings, of

the best Oats, Meale, Pease, and Rye, 6. shillings, and where the Oats tender but half Meale, 3. shillings: And where the Vintills is worse, for the annuity diminish that the Annuity be 6. per cent, with the Teind Parsonage or Vicarage confests in money from the down in the Act: And it is declared, that this Annuity, is not annexed to the Crown, but left to his Majesty's free disposal. Cat. 1. pat. 1. cap. 15.

APPAREL Ordinarie.
 That none wear Silk, or Coastile Farding, Except Knights and Lords, of two hundred Marks yessile, and their eldest Sons, without licence of the King, and that none other wear Brocade, Pease, or Bullion. Jam. 1. pat. 1. cap. 11.
 Another regulation of Apparel, and that no Women come to Kirk, or Meets, with her face muffled under the pain of excheat of the Courtier. Jam. 2. pat. 14. cap. 70.
 That none wear Silk, except Knights, Ministers, and Herald, and such as have a hundred pounds worth of Land-rent, under the pain of excheat of the King, and of Twelve pounds to the King. Jam. 3. pat. 6. cap. 45.
 And particular regulation about wearing Apparel, wherein Two Thousand Marks, and Fifty Chalders of Victual annuum, are equipt. Jam. 6. pat. 7. cap. 113.
 That none regulate Apparel, wherein so Chalders Victual, and Six Thousand Marks per annum, or more equivalent. Jam. 6. pat. 23. cap. 25. Anno 1621.
 Another Act about Apparel, Cat. 2. pat. 2. Self. 3. cap. 10. Anno 1622, and Ratified, Cat. 2. pat. 2. Self. 4. cap. 1. Bull their Acts are Invalid by the Act of Trade, Cat. 2. pat. 3. cap. 12. See in Trade.

APPAREL Solemn.
 The manner of Attirements for the Parliament, and for Fore-speakers, Jam. 2. pat. 11. cap. 67. Ratified, and that the King make the patents, Jam. 2. pat. 14. cap. 68.
 That Magistrates of Burghs, and their Commissioners to Parliaments, wear at Parliaments, and other Solemn times such decent Apparel as his Majesty shall prescribe: And the said Attirements refer to the King, to appoint the habits of the Lords of Session, and of all other Interior Judges, as also of all Criminal, and Ecclesiastical Judges, and of all Advocates, and others living by practice of Law. Item that all Ministers wear black, and all Peasants grave and decent Apparel: And further, that whosoever his Majesty shall prescribe for the Apparel of Kirk-men agreeable to their state, and no more, being sent to the Clerk Register, shall be by him sent in the Books of Parliament, in have the strength of an Act thereof, which letters may be directed to the Clerks, charging the Persons concerned, to provide in within Forty days, and wear, and use, the said Apparel, at the times, and in the manner, as his Highness shall appoint. Jam. 6. pat. 20. cap. 8. Item this power as to the Apparel of Kirk-men, is declared to remain with King Charles, and his Successors. Cat. 1. pat. 1. cap. 3. See it in King.

ARBITER and OVERS-MAN.
 The way of appointing an Over-man for Submissions then depending, and that the Clerk of the Arty, be chosen of an odd, and not of an even number, otherwise the Submission to be void. Jam. 1. pat. 6. cap. 88.

ARCHER.
 That all men buck themselves to be Archers, for they be Twelv years of age, and that in like ten pound Land, there be Bow-marks. Jam. 1. pat. 1. cap. 18.

ARMIE, See Host.
ARMOUR, or Harneis.

That all Merchants bring home Harneis, and Armour, Jam. 1. pat. 3. cap. 47. See Weapon-flouring.
 That all men of 20 pounds Rent, or 100 pounds of estate be harried, and haill Harried, and other Implet, as in the Act, Jam. 1. pat. 9. cap. 140. And that the men be harried for wear as the Act, ibid. cap. 141. And the said Harried, in the said Harried, the Harried his men, and the Harried his men, under the pains set down in the Act, ibid. cap. 122. and Jam. 3. pat. 6. cap. 45.
 That all Burghs of Fiffe pounds be armed as a Gentleman, and the manner set in the Act, under the pains therein set down. Jam. 1. pat. 9. cap. 123. And how men should be harried, Jam. 2. pat. 13. cap. 56. Jam. 3. pat. 11. cap. 21. and Jam. 5. pat. 6. cap. 87, and 88.

ARRESTMENT, and bracking, and lousing thereof.

Probation of all Arrestments made by Crowners, and Seigniors, To be written, Jam. 3. pat. 7. cap. 13.
 That the Lords proceed summarie in Actions for breach of Arrestment, to put them to a poynt, without Intimation: And the breakers to be punished by excheat of moveables, and their Persons to be in the Kings will, and their chiefest be burdened with the payment of the Arresters Debts, his expens highly taxed, and with a sum to be modified by the Lords of Session for his damage, in the first place. Jam. 6. pat. 7. cap. 118.
 That all Bills for lousing of Arrestments, pass by the Lords of Session, be kept upon caution, to be found in their Books: And that the Clerk receive the said caution, before he give out the Bill: and all lousing of Arrestments otherways made, to be null. Jam. 6. pat. 7. cap. 119.
 That all Arrestments of Burghs, or other Personal obligations whereupon no Infeifment hath followed, are declared arreable, and that without changing the nature of the sums, as to the Arty or any pretending right to them as heretofore, and also be prejudicial to Creditors to Compulse, rather then Arrest, if they lochooke. Cat. 2. pat. 1. Self. 1. cap. 21.
 For what Debts Burghs of Burghs Royal may arrest Strangers, Cat. 2. pat. 3. Self. 3. cap. 8. Where Magistrates of Burghs of Regality are prohibit to arrest any for Debts, but alienate their own Burghs. See the Act in Burghs.

ARTICLES, See Parliament.
The ARTICLES of Perth Assembly.

These Five Articles concluded in that Assembly, Ratified. 1. That the Satisfaction of the Lords Supper, be celebrat by the People on their knees. 2. That the Satisfaction of the Lords Supper, be celebrat by the People on their knees, and be present to private Administrat to Persons on death bed, three or four times, and be communicat with them, and a place convenient, and that the Ministers be communicat with them, and a place convenient, when great need shall compell, be administrat in private lousie, and declaration made thereof the next Lords day in the Congregation. 3. That Ministers Caretake all young Children at eight years of age, and that the Bishops in their visitations, cause present them to them, and be with them with prayers. And 5. That the dayes of our Lords Pasche, Pentecost, Trinitie, and Ascension 5. and sending down of the Holy Ghost, be observed by the Ministers, Commemoration of these in fitmable Benefices. Which Articles

are ordained to be obeyed as Laws, and all Laws, and Customs, in the contrary, reſcinded, Jam. 6. p. 23. cap. 1.

ASSASSINATION.

That not only all Affiſſines, but all who ſhall offend, that it is lawful to kill any man upon difference in opinion, or becauſe they have been employed in the ſervice of the King, or of the Church as now eſtabliſhed, ſhall incur the pain of Treſon, Car. 2. p. 3. cap. 15.

ASSEMBLY. See Synod National.

The General Aſſembly of the Kirk held at Glasgou, in the year 1618, Declared unlawful, and ſeditious, and all its Deeds, and Acts, with all Ratifications thereof, made voyd from the beginning, and in all time coming, Car. 2. p. 1. ſell. 1. cap. 24.

ASSISOURS, ASSISE, or INQUEST.

That no Officia of any Country, nor Indyer of any man, be on this Affiſſe, under the pain of ten pounds to the kings, Jam. 6. p. 3. cap. 70.

Aſſiſſours ſhould ſwear, that they neither have taken, nor ſhall take mercede, or buid of any party, and if they be proven or hecht or any priver made to them before the giving out of their verdict, they ſhall reveal the ſame in plain Court, Jam. 1. p. 13. cap. 138.

If any man be grieved by the partial malice, or ignorance of an Affiſſe or Inqueſt of Heterages, not being an Affiſſe of a Breive pleaſable, the Affiſſe may be Summōd before the King, and Council: And if the falſhood or ignorance be proven, that the verdict be reſcinded, and the Affiſſes puniſhed after the Law in the firſt Book of the Maſtie, *Contra tunc jurantes ſuper Affiſſam*. But if the Complainer be in the wrong, that he pay Ten pounds to the King, and to the Party his expences, Jam. 3. p. 6. cap. 48. See Error.

Aſſiſſors in Criminal cauſes acquiring the Perſons ſhewn before them wilfully, againſt notoriety or manifeſt knowledge, may be called by King, and Council, and inquired if they alledge, or not, and the Affiſſes confeſſing, or excuſing, are convicted by a great Affiſſe of Twenty five noble Perſons conſociating on the former evidents, are ordained to be puniſhed after the Law of the Maſtie, for their *juramentum temerarium*, but the deliverance of the foreſaid Affiſſe, ſo ſtand quoad the Party, Jam. 3. p. 8. cap. 64.

That in the Breive of Inqueſt, Perſons preſent, may be compelled, without Summons, to aſſiſſe upon the Inqueſt, Jam. 4. p. 6. cap. 94.

That Affiſſes may ſwear, and prove by themſelves, Inſinuat by the Acts, Jam. 6. p. 6. cap. 79.

That in Juſtice Ains, and particular Diſes, the hall Affiſſes be called, and the abſents Amerciat, to move them to better obediences, Jam. 6. p. 11. cap. 96. And that the extract of the AG of the Un-ſworn be delivered to the Treſurer, within five dyes, that the ſum ſhould may be charged for, and taken up without Compoſition, Jam. 1. p. 13. cap. 126. See the Pains of Affiſſes abſent, in Paines.

That the Accuſation, Reaſoning, Wits, and Witneſſes, and Other Probation, and Inſinuation, whatſoever, be Alledged, Reaſoned, and Deduced to the Affiſſe, in preſence of the Party accuſed. In face of Judgement, and no otherwiſe, Jam. 6. p. 11. cap. 90.

Any Affiſſer having a doubt ſhould propoſe the ſame openly in preſence of the Parties, in face of Judgement, and ſet the Affiſſes have choſen their Chancellours, they ſhould be included in a houſe by themſelves and none ſuffered to be with them, or reſort to them, in any wayes, neither Clerk, nor Others, under any pretence, or for any occasion, whatſoever, and that the houſe be kept ſeal, and they not ſuffered to come out for any cauſe, nor to continue the giving of their Sentence to an otherline, but that they be included until they be fully agreed, and return their Answers, and if the Accuſer, Informer, or any Perſon pretend to inform, ſpeak, or reſort to the Affiſſe, after their removing, and including, or tranſgreſſe any point of this Act, the Party accuſed ſhall be pronounced Clean, and this ſhall be a ſufficient warrant to the Affiſſours to doe the ſame. Ibid. Cap. 91.

That the Clerk, nor no other Perſon be preſent with the Affiſſe, after they are included. Item that the Chancellour of the Affiſſe mark every Affiſſers vote, Condemning or Alſinuating, on the ſame Paper, with the verdict, and to be cloſed and ſealed by the Chancellours; and ſome of the Affiſſers, and not to be opened, but by order of the Judges, Car. 2. p. 2. ſell. 3. cap. 16. Concerning the Juſtice Court.

ASSURANCE.

That the King's Peſſee be Aſſurance to all men, ſo that no man need have Aſſurance of another, Jam. 2. p. 6. cap. 13.

That none take, or fit under the Aſſurance of Thieves, or pay them black-maill, under the pain of Death, and Eſchear, Jam. 6. p. 1. cap. 22. See in Their.

B

BAILS.

The manner of taking by Bails, to give notice of Invaſions from England, Jam. 2. p. 12. cap. 48.

BAILLIES, See Judges, and Sheriffs.

BANKRUPTS, See Fraudful Alienations.

AG impowering the Lords of Seſſion upon a Proceſs at the Inſtance of any Creditor having a real right, to viſit ſuch Debtors as belong to notorious Bankrupts, and whereof the Creditors are in Deſpection, and to appoint Commiſſioners to ſell the ſame, at the ſaid rate, or more, and that the ſale be made by a Roup, upon the Intimation for ſet down in the Act, and being referred to the Lords, and Reſtiſt, that be alſo valide, as if made by all Perſons having intereſt; and that the price be diſtribut be the ſaid Commiſſioners among the Creditors ſo conform to their ſeveral Rights, and Diligences, Car. 2. p. 3. cap. 17.

BANDS, See Leagues.

There is mention, made in ſeveral Acts of Parliament, James Sixt, of a general Band, it ſeemes it hath been a Band for keeping the Peſſee, and it is Statut that the pains preſent be divided betwixt the King, and the Party, Jam. 6. p. 15. cap. 270.

BANDS PRIVAT.

That all Bands for ſums of money bearing Annual-rent, made ſince the 16 of November 1641, be underſtood to be moveable, unleſs they bear an expreſs oblig-

ment to Infeſt, or be conceived in favour of Ains, and Affiſſines, (ſecluding Executors) in which caſes, they are Declared liciteable, Declaring nevertheless, that the ſaid Bands bearing Annual-rent ſhall remain in the ſame Condition quoad *Preſentem & ſus Moris & Reliquas* they were before the 1641. Car. 2. p. 1. ſell. 1. Cap. 32.

BANQUETING.

AG limiting the number of Diſhes for every mans table, $\frac{1}{2}$, for the Earl, or Biſhop, Eight; The Lord, Abbot, or Dean, Six; The Baron, Four; A Burgeſs, or Other Subſtitions Man, Three; And one Kind of meſt in every Diſhes, under the pain of 100. pounds, 200. Merks, 40. pounds, and 20. pounds, reſpectively, Excepting from this Act Marriages, alſo Banquets, to be made to Strangers by Biſhops, Lords, Barons, Trowells, and Bailles of Burghs, and none els, Q. M. p. 3. cap. 25.

That no Perſons under the degree of Barons, & Landed-men worth, Fifte Chaldred of Victual, or Two thouſand Merks per annum have at their Table, ſo ſavage Drugs, or Confections, and that there be no Banquets at ſuppers, after Eaſter-tiſmes, under the pain of 20. pounds, to be paid by the Maſter, and all the Part-takers, and Eſcheat of the Offenders, Jam. 6. p. 7. cap. 14.

Another Act ſpent Banqueting, and diſcourageing Conſolations, under the pain of 1000. Merks, Jam. 6. p. 23. cap. 25.

AG reclaiming the exorbitant expences of Baptiſms, Marriages, and Burials, Car. 2. p. 3. cap. 14.

BAPTISME.

That none Baptiſe their Children, but by the Miniſter of their own Pariſh, or by a licenſed Miniſter, upon a Certificate from him, or in his abſence, from a neighbouring Miniſter, under the pains ſeverely ſet forth, or Wodienter, of a ſlight fault of his Valued-rent, every Perſon above the degree of a Tenement, or every credible Merchant, 100. pounds, every Inferiour Merchant, or considerable Traditian, and every Tenement, 50. pounds every meane Burgeſs, or Cottar 20. pounds, & every Servant, of half a yeare ſee. And the Execution be committed to Sheriffs, Stewards, Lords of Regality, and Magiſtrats of Burghs, who are allowed all the fines, except thoſe of Hierotons, for which they are made Compaſſable to the ſheriffs, Car. 2. p. 2. ſell. 2. cap. 6. And this Act, and the pains thereof extended, to ſuch as keep their Children un-baptiſed for the ſpace of Thirty dayes together, or produce not a Teſtimony under the Miniſter of the Pariſh his hand, or if the Kirk be Vacant, under a Neighbouring Miniſters hand, that the Children be Baptiſed within the ſaid ſpace, Ibid. ſell. 3. cap. 11.

The exorbitant expences of Baptiſmes reſtrained, Car. 2. p. 3. cap. 14.

BARRATRIE.

That no Clerk, Religious, or Secular, paſs out of the Realm, except he make ſaſh that he ſhall doe no Barratrie, and have licence of the Lord Chancellour, or his Ordinarie, and he that does in the contrary, or makes Barratrie, that he be liable to the Statute againſt hawkers of money out of the Realm, Jam. 1. p. 7. cap. 107. See Benefice.

That none Sute, or deſire Title, or Right of the Pope, or his Seſſe, to any thing in the Realm, under the pain of Barratrie, that be ſiniſtment, and Inſamie, and that no Biſhop, or Prelate, uſe any Juſtification by the Popes authority, under the ſaid pain, and Barratrie may be uſed before the Juſtices, or Lords of the Seſſion, Jam. 6. p. 1. cap. 2.

To Traffique abroad againſt the true Religion, Incures the pains of Barratrie. See James 6. p. 6. cap. 72. in Religion.

BARRONS.

Ratification of all Priviledges granted to Noblemen, and Barrenes, Jam. 6. p. 1. cap. 26.

BARRONIE.

Annexation of Lands to Barronies, exempts them not from the Sheriff Courts, and Juſtice Ains, where they lie, and they only oblige them to preſence, and ſervice, in the place whereunto they are annexed, Jam. 4. p. 6. cap. 63.

Magiſtrats of Burghs of Barronie, may arreſt none for debt, but their own Burgeſſes, Car. 2. p. 2. ſell. 3. cap. 8.

The Liberty, and Priviledge of Burghs Royall, as to Trade. See in Burghs, and Car. 2. p. 2. ſell. 3. cap. 8. there.

BEEES, See Hyves.

BEGGERS.

That no Beggars betwixt Fourteen, and Seventie yeares be tholed to beg, unleſs they have a token that they cannot win their own living, in Landward of the Sheriff, and in Burghs, of the Bailies, otherwiſes to be burnt in the cheek, and baniſhed, Jam. 1. p. 1. cap. 25. Ratified, Jam. 4. p. 6. cap. 70. Item, that the Magiſtrats, and Sheriffs negligent, pay Fiftie ſhillings to the King, Jam. 1. p. 2. cap. 42.

That no Begger born in one Pariſh be tholed to beg in another, and that tokens be made be the Heads-men of ilk Pariſh for that effect, Jam. 5. p. 4. cap. 22.

That in Burrows the Chamberlaine in his Air, ſhall ilk year inquire, if the Aldermen, and Bailies have kept the Statutes of Beggars, and the breakers to be puniſhed in 40. ſhillings to the King, Jam. 1. p. 7. cap. 104.

Ratification of the Acts ancient Beggars, containing particular orders for repreſenting Vagabonds, and relieving ſuch as are truly unable, and poore, Jam. 6. p. 6. cap. 54.

And this again Ratified, with a Commiſſion 10 Juſtices in that part, for Execution of it, in caſe the Judges ordinarie be remiſs, or negligent, Jam. 6. p. 11. cap. 147.

The Act againſt ſtrange Beggars, Vagabonds, and Egyptians, again Ratified, and they and their ſtains, be employed in Common-works, and their ſervice mentioned in the Act, Jam. 6. p. 6. cap. 74. Is proſtrug during life, and the power of Executing the ſaid Act, granted to Kirk Seſſions, Jam. 6. p. 15. cap. 268.

Item, all theſe Acts Ratified, and that the Kirk Seſſion be aſſiſted by one, or two, of the Presbytery, and that both they, and the Seſſions, put the ſaid Acts in Execution, under the pain of Twenty pounds, Jam. 6. p. 16. cap. 19. The Acts, Jam. 6. p. 6. cap. 74. and Jam. 15. cap. 268. Specially Ratified, Car. 2. p. 1. ſell. 1. cap. 16.

AG eſtabliſhing Correction-houſes in the Burghs therein named, for ſide Beggars, and Vagabonds, Car. 2. p. 2. ſell. 3. cap. 18. See Poore.

DRINKING BEIR.

Twentie ſhillings of Cuſtom impoſed on every Tun of Drinking Beir brought in to the Realm, Jam. 6. p. 13. cap. 179.

to admit the benefice thereof, la. 6. p. 18. c. 9.

Against relief of Fugitives from the Borders to the in-Countries, and that none born or long habitant in the Borders be refect in the in-Countries, without a Testimonial of the great Commiffioner of the borders, and that none forge or use a false Testimonial, under the pain of death, la. 6. p. 20. c. 10.

The Borders, especially within *Berwick, Roxburgh, and Drumfrie* Shires, and Stewartry of *Annandale*, are diffracted of all actions (Decrees already obtained being full excepted) of spoliare, or wrongous intromission, for any thing done before King *James* his fucceeding to the Crown of *England*, and also of all Criminal purfuits intended, and to be intended, for whatsoever crime, imports the life, committed before the faid time, without prejudice nevertheless to the Kings Advocate, Justices, and Commiffioners, to pursue the fame as accords, la. 6. p. 21. c. 6.

BORGH.

The form of finding a *Borghi* in Court, Ja. 1. p. 9. c. 116. And he who recoutra *Borghi*, and a witness thereof, times the action, *ibid.* c. 118.

BORROWS. See LAW-BORROWS.

BOUNDS AND MARCHES. See INFESTMENT.

BRANDY.

Al allowing Brandy to be imported, and that it be lyable to 20. pounds per Tun of Customs, and fix pence per Pint of Excise, to be payed by the retailer; and this Excise to be applied for the relief of the Annuity of Excise, in Shires or Burghs where the Brandy is retailed, Car. 2. p. 2. Seff. 4. c. 2.

BREAD.

The Privy Council shal set down the price of Bread, according as the Wheat rules, Car. 2. p. 2. Seff. 1. c. 15.

BREADTH

Of what breadth Draggats, Linnen, and Stuffs should be, Car. 2. p. 3. cap. 12.

BRIEVE.

That no exception avail against the Kings Brieves, holding the old form, and unstated or bled, in the name and surname of the Followet and Defender. The name of the Land, Cause, and Date, Ja. 1. p. 9. c. 114.

The old form of having the Brieve of Sealing, and of breaking of Sealing, *ibid.* cap. 127.

Order ancient Brieves pleadable, according to the old form of Procefs, Ja. 3. p. 6. cap. 42.

That Exceptions not be proposed against the Brieve of Inqueffas against a Brieve of Exceple, but only Exceptions against the Judge, the Inqueff, and that of Bailiffard, but only Exceptions present, may be compelled without Summons, to pass upon *Item*. Persons present, may be compelled without Summons, to pass upon the Inqueff. *Item*, their Brieves should be eried openly in plain Meets, and on an oulk day, fwa that the Officers of the Town, and fix more be present, la. 4. p. 6. cap. 94.

That Brieves for ferving to Lands within the Stewartries of *Strathern* and *Menteth*, be proclaimed at *Perth*. for Lands within the Stewartry of *Aber*, at *Perth*. within the Buriaries of *Kyle, Carrick, and Cunningham*, at *Aber*. Within the Stewartries of *Kirkcudbright* and *Annandale*, at *Drumfrie*. But that they be at ways ferved within the Tolbuth of the head Burgh of the Shire, Stewartry, or Buriary, as of before, la. 6. p. 11. cap. 60.

BREWERS. See MALT-MEN.

BRIDGES.

The Council may lay on modet Customs at Bridges, for the upholding thereof, Car. 2. p. 2. Seff. 1. c. 16. See the *Akt* in *Wyes*.

BROOM. See PLANTING.

BUCHANAN.

That *Buchanans* Chronicles, and *de Jure Regni apud Scotis*, be brought in by the havers, to the Secretary within 20. dayes after the publication of this *Akt*, under the pain of 200. pounds, to the effect they may be purged of certain offensive and extraordinary matters therein contained, la. 6. p. 8. c. 134.

BUILDING.

That every Prelat, Lord, and Landed Gentleman, make his ordinary dwelling at his own Houfe, with his Family; and that they forbear to build themselves in Burrows, Ale-houses, or their own Houfes, under their pain of 50. pounds. The Lord or Prelat: 100. merks the great Baron: And 200. merks ilk other Landed Gentleman, for the Kings use, la. 6. p. 7. c. 116.

BULLION.

That foverie be found to the Customers of the Ports, for Goods exported, to bring home the quantities of Bullion mentioned in the *Akt*, la. 6. p. 14. c. 13.

The quantities of Bullion again appointed, and that the Customers make compt thereof yearly in Exchequer, la. 3. p. 7. cap. 51. And that they ratified: And that the Merchand have twelve fillings for ilk ounce of burnt Bullion from the Cuinze, and that of ilk ounce be made twelve groats, la. 3. p. 8. cap. 65. And la. 6. p. 12. c. 107. That there be brought home for Bullion four ounces of burnt silver of 7. 10. pence, or eighty times of Wool, or Lark of Salmon; And that the Merchant have ten of the fourteen penny groats for ilk ounce, la. 3. p. 11. cap. 61. The fame Ratified, and that compt be made of the Bullion yearly in Exchequer, la. 4. p. 1. c. 2. and p. 21. c. 14. And that the Cuinze give for the ounce of burnt silver eleven fillings fix pence, *ibid.* c. 17.

Akt ratifying the *Akts* about Bullion, that foverie be found for bringing it home equivalent to the goods transported, that it be compted for yearly in Exchequer, and defalcation given to the Merchants, if any loss of goods happens him. And that for every ounce of burnt silver fillet, the Malt Cuinze pay to the Merchant forty fillings, and make compt for the profit to the King, la. 6. p. 7. c. 107.

Ratification of all *Akts* about the home-bringing of Bullion, and that the Treasurer and his Deputies compt therefore yearly in Exchequer, la. 6. p. 14. cap. 203.

That for the ounce of Bullion twelve deniers fine, which the Merchants are astricted to bring home, they have an ounce of his Highnesss own Cow of eleven deniers: And that the full of the Bullion that they voluntarily bring in, the thutich piece may only be retained to his Majesties profit, la. 6. p. 1. c. 2. and p. 16. c. 9.

That forsoo Cuinze be made use of only for Bullion, and that the Officers of the Mint make a Table of the prices thereof, *ibid.*

Commiffion given to the Lords of Council for asking order about the home-bringing of Bullion, and discharging the transports of Gold, Silver, and forbidden Goods, under such pains corporal and pecuniary, as they shall think fit, la. 6. p. 16. c. 9.

That all Commodities lyable in payment of Bullion, pay according to the Alphabet set down in the *Akt*: That the Customers, with concurrence of the Clerks of the Coquer, cause every Merchant, Native, or Forreiner, exporter of the faid Commodities, find ficles (overly, or give pledges, that the due Bullion be delivered to the Officers of the Mint: And that of Forrain Bullion, either *Plumb* or burnt Silver, twelve denier fine, and being asted, to be made up by weight and reckoning, and that before he receive his Coquer. That none of his Majesties, or his Predecessors Coyne, or any other satisfaction be received for the faid Bullion, under the pain of defalcation of the Customers, or Clerk of Coquer, and for the punishing in their perfions and goods: That the Privy Councils direction: And who shall have payed any such collation, shall receive a third of the value of the Bullion to have been delivered by the Merchant. That the Customers be controlled by the Receipts of the Officers of the Mint, and be answerable for the superplus: And that they give the Merchant convenient time, after the receipt of the Bullion, to come for the bringing of the Bullion. And lastly, that the forefaid Alphabet be of force from the date of this *Akt*: And all Commodities hereafter exported lyable accordingly, without respect to any other *Akt* made, or to be made in this Parliament, Car. 2. p. 1. Seff. 1. c. 37.

But all Native Commodities and others exported forth of the Kingdom, are discharged of the payment of Bullion, and the forme imposed on goods Imported, and at the rates specified in the *Akt*: Which rates the Merchant is to pay to the Officers of the Mint at importing, or twelve fillings Scots for ilk ounce to the Collector of the Port, redeemable always within 40. dayes, upon payment of the Bullion. And for every ounce of Bullion twelve penny fine, the Merchant is to get back three pound ten pence Scots, and of eleven penny fine fifty five fillings nine pence, and so forth. And all Customers *verray* Officers, are declared accountable to the Officers of the Mint for the faid Bullion, or prices thereof, and are bound to give in accounts of the whole forefaid Commodities imported, and that upon Oath yearly to the Exchequer, and to produce the Merchants subscribed entries: And the Officers of the Mint are obliged to import the Stock of Bullion themselves, for the faid prices they shall receive, and to Coin the same in his Majesties Coin. And no *Akt* made, or to be made in favour of Manufactures, or others, shall extend the faid Goods imported from the forefaid Bullion, Car. 2. p. 2. Seff. 1. c. 8.

BURGHs, See Craft, and Merchant.

That in all Burghs there be Eight, or Twelve Persons, after the quantity of the Town, chosen of Secret Council, and fivome thereto, to decide matters of wrongs or unlaw to the avall, of Five, or Eight pounds within eight dayes warning, Ja. 2. p. 11. c. 46.

That a man in Burgh be found in man-ten, not ride in towne, in feir ovelts, with any burthen, or Cart, or other Carriage, or other Carriage, and that the Officers of the Lord be in opprefion of their Neighbours, under pain of Confefion, and their lives to be in the Kings will, Ja. 2. p. 14. c. 77. Ja. 3. p. 3. c. 34. and Jim. 5. p. 4. c. 27. See *Leagues*.

That all Merchants be Free-men Indwellers in Burghs, Jim. 3. p. 2. cap. 17. See *Merchants*.

That Officers in Burgh be not continued farther then a year, that the Old Council be choiced in the New; And then both Old, and New choise the Officers: And that ilk Craft have vote in the Election of Officers, by one to be chosen by the Craft yearly: And that no Captain, nor Constable of any Caille may bear Office in the Town, Ja. 3. p. 3. c. 30.

In all Burghs forth of the Old Council should be chosen yearly, to fit with the New, notwithstanding the preceding *Akt*, Ja. 3. p. 7. c. 17.

That the Election of Officers in Burghs, be without partiality, or Masterfhips, Ja. 3. p. 14. c. 108.

That all Officers in Burgh, be changed yearly, and that they be Persons using Merchandize within the Burgh, Jam. 4. p. 6. c. 10. Honelt, and Substantious Burgesses, Merchants, and Indwellers thereof, under the pain of Tinfel of their Freedom, who does in the contrary, Jim. 5. p. 4. c. 41.

That none be capable of the Magistracy, or any other Office within Burgh, except Merchants, and Aduat Tricsequents within the faid Burghs alioenerlie, and no others: And that the faid Magistrats, and Commiffioners for Burghs to Parliaments wear such decent Apparel in all folemne occasions, as his Majesty shall prescribe, Jam. 6. p. 20. c. 8.

That the Commiffioners of Burrows convene yearly in *Junekathline*, the Morn after St. James day to treat about the well-fare of Merchandize, and their own common profite, and the Burgh absent pay Five pounds, to the cost of their pfect, and that the Letters be directed thereupon, Jam. 3. p. 14. c. 111.

That all Ships, Strangers, and Others, come to free-Burrows, and these make their Merchandize, and that Strangers buy no Fish, but falted, and Barreled, and they make no Merchandize at the Lewes, and that no Subject take the Ships to freight in default of the King, under the pain of Tinfel of Life, and Gudes, and Strangers contravening, time Slip, and Gudes, Jam. 4. p. 1. c. 1.

This *Akt* Ratified, and farther, that none buy from the faid Strangers, but from Free-men, at the ports of the faid Burrows, under the pain of Elecheit of their Moveables, Q. M. p. 6. c. 59. But this *Akt* is called an *Act* about liberty of Merchants at the Well-head.

And these *Akts* Ratified, and that Strangers neither buy, nor sell, any Merchandize, but at free-Burrows, and with Free-men, and that none Conduct, Freight, or Pilot any Stranger to the Isles, under the pain of Tinfel of Life, Lands, and Gudes, Jam. 6. p. 7. c. 120.

That Strangers Merchants, lodge in the free-Burrows, or principal Towns of the Ports where they arrive, and that their Hoifs give an account to the King of their gudes, inward, and outward, Jam. 4. p. 4. c. 41.

That there be fivelve Troops for the recovering of the Anwels, at the Fourth Court in the Burgh of *Perth*, and in other Burghs, as in *Edinburgh*, Jam. 4. p. 2. c. 20. But this manner of Procefs is defunct.

That the Common-gude of all Burrows, be spent for their Common profite, by the advice of the Town Council, and Deacons of Cotts, where they meet: And that the Chamberlaine enquire into this yearly. And that the Rents of Burrows be not let, but for three years aliently, under pain of Nullitie, Jam. 4. p. 3. cap. 36.

In all Burrows of the Priviledges of Burrows, and that none dwell out of Burrows, use Merchandize, nor tap, nor sell, Wine, Waxe, Silk, Spicerie, Wadd, nor fiske, Salt, nor fiske Cudes, nor fiske, nor sell, in *Leith*, or other places, out with Burrows, under the pain of elecheit of the gudes, Jam. 4. p. 2. c. 84.

That Commiffars, or Heads-men of Burrows, be warned to the giving of taxes, as one of the Three Estates, *ibid.* cap. 85.

That

Commends bygone, and in time coming discharged, under the pain of tinsell of temporality for the purchase of time, and also under the pain of rebellion, except that the Ordinar may commend for six moneths, Ja. 3. p. 1. cap. 3.

The Commissars Judges competent to Actions of Benefices, Jam. 6. par. 1. cap. 29.

The Commissars of Edinburgh appointed, two of them to be nominat by the Archbishop of St. Andrews, and the other two by the Archbishop of Glasgow, with sole power to decide in all causes of divorcement, and to reduce all other Commissars Deceets, *in prima instantia*, with subordination nevertheless to the Lords of Session, J2. 6. p. 20. c. 6.

That Commissaries keep Circuits in Spring and Harvest vacance, for confirming Testaments in places convenient in each Presbytery, and thereto cite Parties personally, or at their dwelling houses, and Kirk doors on Sabbaths after service, Car. 2. p. 2. Seff. 1. cap. 19.

That no Commission be given for serving of Brieves, or comprissing of Lands, but to the Judge ordinary, unless he be called to the giving thereof, Ja. 5. p. 6, cap. 82.

The King may give Commission to try Fornicators, Ja. 6. p. 1. cap. 13. As also to try such as shoot at Doe and Rae, Canney, Hare, Dove, &c. *Ibid* c. 16. As also, to try slayers of black Fish and Smolts, and cutters of green Wood. *Ibid*, cap. 10.

As also, to certain persons of each Paroch, for executing the A^d for observati-
on of the Sabbath, Ja. 6. p. s. c. 70. And the A^d about Beggers, Ja. 6. p. c. 74.
And the A^d for punishing the observers of superstitious Rites, Ja. 6. p. c. 104.
All special Commissions of Jurisdiction should be made By Signatures, and paid
the Quarter Seal, that the Respondents may be made thence, and the Grand Jury
may have power to return a Bill of Indictment, to report his delinquency in forty days
after the pain of forty pounds: And that no Commission be granted on flau-
ther, but the Chief Justice and his Deputies to proceed thereupon, Jam. 6. par. r.
c. 29. 75.

And discharging all Commissions of Justiciary granted of before, and that none be granted hereafter generally, or longer then for the eirand in hand, and upon Caution to produce the Process, and pay the issues to the King, as officers,

That Commissions for executing of Penal Statutes be only granted to honest men of good quality, sufficiently authorized by the Lords of Secret Council for that effect, Ja. 6. p. 23. e. 23.

His Majesty may by himself, or any Commissionar by him, take cognition and decision of any case or cause he pleases, *ibid.* cap. 18. See the Act in King.

COMMUNION. or LORDS SUPPER.

That the Parsons of all Paroch Kirks furnish Bread and Wine to the Communion, so oft as it shall be administrat, Ja. 6. p. 3. c. 54.

That all men Communicate once a year, without respect to the excuse of deadly Feede, under the pains, viz. the Earl of a thousand pounds, the Lord of a thousand merks, the Baron of three hundred pounds, the Free-holder three hundred merks, the Yeomen fourty pounds, and the Burgesles as the Councell shall modifie, Jam. 6. p. 16. c. 17.

COMPENSATION.

That Compensation *de liquido in liquidum*, instantly verified by Vrit or Oath, be admitted by all Judges before Decreet, but not by way of Sülgenfion, or Reduction of the same Decreet, [a. 6. p. 12. c. 141.

That failing the Debtors Moveables, the Sheriff cause [sell] his Land, and pay the debt redeemable by the Debtor, upon payment of the price and expence to the over-Lord, for Charter, Selling, and Infuement; and if the Sheriff find not the Buyer, the Sheriff cause Apprife the Land, by thirteen of the worthiest of the Shire, and sell the same up to the Creditor to the avail of his loan. Item, That the over-Lord receive the Creditor, or the Buyer, upon payment of any years Mill, as the Land is let for the time, or else he may take the Land to himself, and undergoing the debt, [la. 3. D. 5. cap. 37.]

[illegible]

A Compriser of Lands bolden of the King, wanting his Authours Chaser under the Great Seal, may extract it off the Privy Seal, if it be not Registered to the Great Seal, and get the Great Seal appended to it at any time, providing this prejudice not a third Party, who hath an Infeftment of these Lands passed the Great Seal, prior to the said Infeftment to pass the Great Seal, which is only of force against the Person from whom the Lands were comprised, and his Aits and Successors, Ja. 6. p. 3. c. 2.

At discharging the Registration of Comprissings, but ordaining them to be allowed and recorded within sixty days after the date, otherways a posterior Comprissing first recorded to be preferred, as to this step of diligence; but prejudice of farther diligence by Charges, &c. *provis de jure*. Car. 2. p. 1. Sell. x. cap. 31.

The Legalty of all Compounding, either before led, or whereof the Legalty is not then expired, extended ten years. As also the Exemption of Compounding from the Statute of Mortmain, *Item*, That the Statute of Mortmain be not extended beyond the first of January, 1652. or whereof the Legalty is not then expired, prolonged for three years next *Whituesday*, 1661. *Item*, Where the Rent of the Lands exceeds the Annuitment of the sums due to the Compiller, the Debtor may waive the Statute in this point to, or take security for his Annuitment within the Legalty, at sight of the Lands or the Receipts thereon, or the Receipts of the payment of the Legalty. *Item*, That all Compounding be done the first of *January*, and to be led in time coming, before the date of the first effectual Compounding (That is to say, the Compiling preferable in respect of Infection thereon, or the discharge for obtaining the same) or after, but within year and day, thereof, come the first of *January*, (or no more preferable) Compilers, all ways satisfying the full effectual Compiling, (or no more preferable) Compiling hereafter all Compounding for total Annuitments, and other *devis* funds, which are to be effectual and preferable, according to the Laws and practice now standing. *Item*, If a Compiller be delinquent to take Lands in security or satisfaction of his debt, the Debtor shall be holden to give the same to the Lords of Session from their right, or otherwise shall forfeit all benefit of this Act, Car. 2. p. 1. Sect. 6. 22. Anno 1651.

But there is an exception made from this Añ, asto Comprisers coming in *pavi passu*, where a second Compriser hath satisfied the first, and acquired right to it, *bona fide*, before the making of the said Añ, in which case he is not to be prejudged as to his right of the fore said first Comprising, and only his own second Comprising, is to come in *pavi passu* with the rest, Cat. 2. p. 1. Sess. 3. c. 22.

That the Comptroller charge himself with the whole Rent of his Highness's Property, and be answerable for all the removable Chamberlains, as being in-part by himself, and that he do diligence against such as are Heretable, Jam. 6. par. 11. cap. 67.

That no precept, or discharge of the property be allowed in Exchequer, except subscribed; and excepted by the Comptroller. *Ibid.* cap. 67. See *Exchequer*.

All few Infeſtments, or Confirmations of the Property, whereby the ſtate of the Lands is altered, not ſubſcribed by the Comptroller, and paſſing his Regiſter are null, 1a. 6. p. 12. c. 127. Ratified and extended to all Infeſtments of the Property in general, 1am. 6. p. 13. c. 171.

That no un-lawful, or impossible conditions be made in Contracts, or Obligations, such as for a Party to consent that what ever be his distance, a Charge upon a short day, and Denunciation, both at the Mercat-crofs of *Edinburgh*, with Registration in the Sheriffs-books there, shall be sufficient, but the same are here declared un-lawful, and void. Jam. 6. p. 12. c. 138.

At Annulling all former A^{ts} of Parliament not agreeing with Gods Word, and contrary to the Confession of Faith, Ratified in this Parliament, and whereof the tenor is subjoynted to the A^t, Ia. 6. p. 1. c. 3.

The Confession of Faith, and Doctrine of the Protestants of Scotland, authorised by the Estates of Parliament as a Doctrine founded on the infallible Word of God, and whereof the heads follow, First, of God. 2. Of the Creation of Man. 3. Of Original sin. 4. Of the Revelation of the promise. 5. The

continance, encrease, and preservation of the Kirk. 6. Of the Incarnation of CHRIST JESUS. 7. Why he believed ofie Mediator to be verie God, and verie Man. 8. Election. 9. Christs Death, Paffion, and Buriall. 10. The Resurrection, and Ascension. 11. Affliction. 12. Faith in the Holy Ghost. 13. The use of Gods Sacraments. 14. The Sacrament of Baptisme. 15. The Sacrament of the Supper of Gods Word. 14. But in the Old Copies marked thus. 16. Of the Kirk. 17. The Immortality of the Soul. 18. Of the Notes by which the true Kirk is discerned from the false, and who shall be Judge of due Doctrine. 19. The authority of the Scripture. 20. Of General Councils, of their power, authority, and cause of their Convention. 21. Of the Sacraments. 22. Of the figures, and ministrallion of the Sacraments. 23. To whom Sacraments appertain. 24. Of the Civil Magistrate. 25. The Gifts freely given to the Kirk. 26. The Adts, and Articles Read, and Sacrificed by the Three Estates, upon the Seventen day of August.

1560. Jam. 6. p. 1. Benefices, or beneficed Persons, or who hath penſion, or portion, that all Minifters, Kuls, or beneficed Perſons, within a Month after his admiffion, ſubſcribe the Confefſion of Faith, and give his Oath for acknowledging his Majeſty, and make publick Profeſſion of both in the Kirk, where he hath intereſt on a Sabbath day in the time of Divine Service. Item, that any ſuch Perſon maintaining any Doctrine directly contrary to any Article of the ſaid Church Biling, Iam. 6. par. c. 46. Item, after admonition, be deprived of his ſaid Confefſion, and reſtitution, or retaining ſuch Doctrine, give any ſuch Perſon, to depart, and remain forth of the Realm, and ſhall not be admitted, or receive any ſuch Penſion, or intereſt, or ſhall not be admitted to ſuch ſeaſon, or ſhall be any effect, in prejudice of the ſaid Act, or of the Perſons provided to benefices ſacking by virtue thereof, Iam. 6. par. 7. c. 106.

That in all Kite, or Crowe Lands holden of the King, the first Confirmation be of avail, and prevail the second Confirmation by way of exception, or reply, albeit irbe of the first Infeifment, without prejudice to these having Interests to quarrel the Infeifment confirmed upon nullities, or other reasons competent. Item, that no such double Confirmations be granted hereafter, and that the keepers of the Seals do not put, as also that the second Confirmation be of none avail, l. m. 6. p. 5. c. 66.

That there be in ilk Burgh a Deacon of the Goldsmiths to mark made work, and his fee a penny of the ounce, Jam. 2. pat. 14. cap. 63. and Jam. 3. p. 13. cap. 66.

That no Craft-men, nor Cordoners take Custom from such of their own Craft, as come to the weekly Mercat, other then was wont by old Law, under the pain of paying his life thereto, as for common Oppression, Jam. 4. pat. 4. cap. 42.

That all Deacons of Crafts cease for any year, and have no other power, but to examine the fines of their, and work. Item, that all makers, and users of the statutes, (that wages be paid for Holy-days, as well as for Work-days, and that no Craft-men of the work begun by another, be punished as Oppressors, libid. cap. 43.)

Who have biggines, and reparation, either to Burgh or to Land, may choose Craft-men, free or un-free at their pleasure, and where he that begins delays to end the work, others may be taken in his place, and that no Craft-men make impediment thereto, under the pain of Tinfel of his Free-dom, Ja. 5. p. 7. c. 11. Ratified, Ja. 6. pat. 19. cap. 4.

That there be no Deacons of Crafts, but a Wintour of every Craft, chosen yearly by the Town, Bailies, and Council of the Burgh, to visit the Craft, to settle upon Oath, but without any power to gather, or convene the Craft, and this Wintour, to have vote in choosing of the Officers, and otherwise as Deacons had. Item, that no Craft-man bring Office within Burgh, except two of them to be chosen yearly on the Council, and on the auditing of the Comptrol of the common gude, and the breake of this Act, to be punished by wairding for a year, Tinfel of Freedom, and the eldest of a third of their moveables, Q. M. Pat. 6. cap. 52.

CREDITOR.

That no deed made by a rebell un-reluctant, be valid against a Creditor. Item, that gift of Elcheath, Affignation, or other right thereto, alleged made in default of the Creditor, and in favour of the Rebell, be valuable, if it be instantly verified by writ, that the Rebell is still at the horn, for the same cause, and that his good exception against any pretending title by Affignation, or gift of the Rebell's eldest, that is, his Wife, Bailies, or Friends, remain in possession to his behoove, Ja. 6. p. 12. c. 145. See *fraudulent Affignations, Bankrupt, Debtors, and Creditor, and Elcheath.*

CRIMES, and CRIMINAL PROCEEDS.

Crimes may be persequed by the Sheriff in the Kings name, if no follower Apper, Ja. 1. p. 13. c. 140. (and Jam. 6. p. 11. c. 76.) And that the Law for seven years (from the year 1424.) be holden where the trespass was done, without deferring to Regalities, or Barrowes therein, Ja. 1. p. 14. cap. 148.

That in Criminal Persecutions the Letters be subscribed by the Writter, and Justice Clerk, and his Deputies, and that the Justice Clerk take soverie for reporting the same, under the pains contained in the Letters. Item, if the Defendant in mutilation be absolved, he shall conclude called for any crime, and be found innocent, the Persecutor shall be in an-charge of Ten pounds, less or more to the Defender, and pay the expenses of the Assisors, at the discretion of the Justice, and who has no nigh guides, may be punished Corporally, Jam. 5. p. 1. c. 31. Item, the accused being found innocent, shall their expenses be modified by the Justice, Justice Clerk, and their Deputies, beside the foresaid pains for such as are requit, or paid from, Ja. 6. p. 11. c. 87.

In Criminal causes the Persecutor may compare with four, and the Defender with six of his Friends, and no more, otherwise the Justice may charge the Breakers to enter their Persons in waith, there to remain during the Queens pleasure, under the pain of Rebellion. And if they disobey, put them in the house, Q. M. p. 6. c. 41.

No Criminal Letters be direct against complices in general, but against special Persons complained upon, and that no Offender presume to charge Complices given in Bill. Item, that he summons no more Persons without special warrant to be Assisors, then Fourtie five, given him by the Persecutor, in 3 Roll subscribed be him, or an Notar for him; Which Roll shall be annexed to his Execution unaltered, and that under the pain of Five hundred marks, and Deprivation, and his Person to be in the Kings will, Ja. 6. p. 6. c. 76.

That no Officers summons more Persons or Goods, but as above, nor put nor put in the saids Vols, for the trouble or assidue, under the pain to be punished as an Oppressor to Death, Jam. 6. p. 11. c. 88. But now the Roll of the Assisors is appointed to be signed by the Judges, Car. 2. pat. 2. Self. cap. 16. Concerning the Justice Court, That the unjust Persecutor in Criminal persequis, if the Persons be acquit, and within the number of Ten, pay Ten pounds, and if more, Twenty pounds; and that dooem be given thereto, and the Party kept in waith, until he make payment, and if the Kings Advocate be only Persecutor, that his Informer be liable, and Letters of Homing and nonvinding shall be summarily drawn on the Adversus Criminal. Item, that the Justice Clerk, and his Deputies, take soverie at giving of Criminal Letters, for the reporting of them duly execut, and that the taller shall inflict, under the pains contained in the Act of Parliament, Ja. 6. p. 6. c. 78. See the pains, in Pains.

Capital crimes are reckoned, Treason, Slaughter, Mutilation, Adultery, Incest, Theft, Common Oppression, Usury, Perjury, and Falshood, Jam. 6. p. 1. cap. 132.

That the soverie to be found in Criminal persequis by the Pursuer to report, &c. and the Defender to compare, be found by them also for their comparing in sober manner, with the numbers prescribed, Q. M. p. 6. cap. 40. Reckoning their Prolocutors, otherways the pains to be incurred by the pursuer and the defender to be adjudged absent and fugitive. Item, That the Justice and his Deputies make record of the persons present in Court contrary to the said Act, and also denounce them. Item, That in the criminal Denunciation made at the Mercat Cross of the head Burgh where the Justice Court sits, and Registration in the Journal Books shall be as sufficient as Denunciation and Registration in the Shire where the Re-bells dwell, Ja. 6. p. 8. cap. 147.

The Thesaurer and Advocate may pursue all crimes, albeit the Parties should be silent, or agree, Ja. 6. p. 11. c. 76.

That all Criminal Libells, libell Art and Part, which part of the Libell shall be relevant against all exceptions, Ja. 6. p. 12. cap. 151.

That in all Criminal persequis, the Defender, or his Advocates be the last speakers, except in cases of Treason and Rebellion against the King. Item, That the Defender have the list of Witnesses to be made use of against him, given him with the Libell, and the Pursuer in like manner such as the Defender intends to use for Exculpation with the Summons thereof, Car. 2. p. 2. Self. 3. cap. 16. concerning the Justice Court. See Justice.

CROWNER.

The Crowner shall arrest as well before as after the cry of the Justice Air, but only such as shall be given to him in pious by the Justice Clerk, and none other, Ja. 1. p. 13. cap. 139.

That the Crowner receiving his pious and stailes, if there be any person therein that he dares not arrest, that he go to the Baron or Sheriff, and if they refuse to be soverie for the persons dwelling within their respective bounds, that they shall forfeit him for arresting the said persons, under the pain of ten pounds, to be paid by them to the King, Ja. 3. p. 14. c. 59.

That the Crowner do not intromet with the goods of men convicted, but by the Sheriffs warrant, under the pain of Reiff, and that the Sheriff give the Crowner no more then his due, libid. cap. 102.

That the Crowner should have of the goods of persons convicted, the daimoned Horst depute to work, and not to the Saddle, never hood, nor tied to moone, libid. cap. 132.

That the Crowner arresting persons at their dwelling places, and Paich Kells, soverie of them, and arrest their goods until the said soverie be found, or else waith the persons, or deliver them to the Sheriff, Ja. 5. p. 3. c. 5.

If the Crowner cannot apprehend personally, it is enough that he waith the Person to be arrested at his dwelling place, and make publick intimation at the Fauch the Kirk next Sunday thereafter, which shall be a sufficient attestation, the Crowner proving it by his own and one witness Oath, Ja. 5. p. 4. c. 34.

CRUVES and ZAIRES.

That all Cruves and Zaires set in fresh Waters where the Sea flows and ebbs, be destroyed, under the pain of an hundred shillings, and that they that have them in fresh waters, where the Sea flows not, keep the Saturdays Hop, and suffer them not to stand in forbidden time, under the pain of ten shillings and that the Heck of the saids Cruves be three inches wide, Ja. 1. p. 1. c. 11.

Ratified with this addition, that the mid-fine in fresh Waters be left free by the space of six foot, under the pain of ten pounds, Ja. 3. p. 1. c. 74.

Again Ratified, but the mid-fine must not be left free by the space of five foot; that ilk stick of Cruve be five inches wide, (four three inches is found by the Lords to be the just measure.) And that Shieris, Stewards, &c. cease to use the Ads annexed Cruves, under the pain of twenty pounds, Ja. 4. p. 2. c. 15. and Ja. 5. p. 4. c. 17. And the holders of Cruves against the Laws to be punished as flayers of Red-hill, Salmon, and Smolts, libid. c. 17. See *Salmond.*

The Ads, Ja. 4. p. 2. c. 15. Ratified: And further, that ilk Landed Gentlemen put the Ads for putting down of Cruves to execution within their bounds, under the pain of an hundred pounds; and if they fail, that Sheriff and Bailies do it under the like pain, Q. M. p. 9. c. 68.

Ratified, and Sheriff, Stewards, Bailies, Lords of Regality, and Magistrates of Burghs next adjacent, are empowered to call and hold down the saids Cruves, and to remove the Leiges for this effect, Ja. 6. p. 6. c. 79.

A Commission given to certain Judges within their respective bounds throu the Kingdom, granted for this end, without prejudice to such as are duly letely, and in possession of holding of Cruves, Lincs, and Coives within fresh Waters, providing they keep the Saturdays Hop, and due warden of the Hecks, Ja. 6. p. 7. c. 111. No mention here of keeping the mid-fine free.

CUNNINGAIRS and CUNNINGS.

Destroying of Cunningaires and Cunnings: point of ditty, Ja. 1. p. 2. cap. 33. and Ja. 2. p. 14. cap. 88. See *Theft.*

That ilk thief Cunnings out of another's Cunnings under the pain of ditty and theft, Ja. 2. p. 14. cap. 88. Q. M. p. 6. c. 61.

Ratified, with augmentation of the pains, according to, ten, twenty, and forty pounds, or corporal, of Prison, Stocks, and Death, for the first, second, and third fault, Ja. 6. p. 6. c. 84. See *Theft.*

CUINZIE. See Bullion and Money.

The Cuinzie nor observing the Standard of the Groat, times life and goods, Ja. 4. p. 2. c. 17.

CURATORS. See Minors, and Tutors.

That a Minor desiring Curators, come before his Judge ordinary, and take out an Edict to waith two at least of the most honest of the Minors Kin personally, or at their dwelling places, and all others having interest generally at the Mercat Cross of the Shire where the Minor hath his Lands or goods, upon nine days warning, to be heard the Curators desired given into his perfit age of twenty, one year complete, and upon the said Edict Curators being thus given, no other to be chosen, nor they to be removed, but by order of judgement, Q. M. pat. 6. cap. 31.

That the nearest Agnats and Kinsmen of natural Fools, Idiots, and Furious Persons be served, received, and preferred, according to the disposition of the common Law, to their Tutor and Custody, Ja. 6. p. 1. c. 11.

That Curators ought to make Inventory of the Minors estate and means, Car. 2. p. 2. Self. 3. c. 2. See the Act in Tutor.

CURSING, and CURSED PERSONS.

See Excommunication.

That Capien be given against cursed Persons, and if they flee, that their goods be distrizied; and if they have no goods, that they be put to the Horn; And this to endure until the next Parliament, Ja. 2. p. 6. c. 17.

That beside Letters of Capien that may be given after fourty days against Persons cursed, Letters of Excommunication and Apprehending them for payment of the debt, or Letters of four forms for doing of the deed, the ground of the sentence of cursing, Ja. 5. p. 4. c. 9.

Addition to this Act in case of Appellations, (now in defectude) libid. cap. 36.

That Persons cursed lying in that state year by year, or receiving the Sacrament therein, uncondemned, use all their moveables self-heath to the Queen, with preference to the Creditor or other lay person they are denounced cursed, Q. M. p. 4. cap. 7. See *Excommunication.*

CUSTOMES.

Great and small Customes, with the Burrow Mills, are to abide with the King to his living, Ja. 1. p. 1. c. 8.

That of Nolt, Herring and Sheep had out of the Realm be payed for Customs twelve pennies per pound of the value; And of ilk thousand fresh Herring taken, a penny by the Seller: And of ilk List of Herring taken by Scots-men, and bachelled, four shillings, and if by Strangers, six shillings; And of ilk thousand Red-hearing made in the Realm four pennies, Ja. 2. p. 1. c. 31.

Customes of Mettick and other shew and forth of the Realm, for the Mettick raw shillings per piece, for the hundred Cunnings skins value pennies, &c. libid. cap. 36.

Customes of ilk poundsworth of Woollen Cloth had out of the Realm raw shillings, of ilk poundsworth of Salmon bought and had out by Strangers, thirty pennies; And of ilk poundsworth of English Goods brought in, thirty pennies, Ja. 1. p. 2. c. 40.

They that have out of the Realm Merchandise not paying the Customs, either Cold or Silver, to be banished without doom, but prejudice of other pains, Ja. 1. p. 2. c. 101.

That Customers take no more Customs nor is due, under the pain of oppression, Ja. 4. p. 4. c. 46.

Ad Ratifying former Acts about the Customs, and these a Customs Role to

Ad Ratifying former Acts about the Customs, and these a Customs Role to make, and the Sack of Wool to contain but twenty four stone, and the hundred skins skins

skins six fables, and the dozen of Cloth twelve elms allannerly, Jam. 6. par. 7. cap. 14.

The taking of unlawful Customs dishonoured, under the pain of oppression, and thence Customs be taken, but according to orold Laws and Acts of Parliament, and whereupon the up-takers have special warrant, atleast have been in possession past memory of man, Ia. 6. p. 1. c. 34.

That Customers and Searchers committing fraud, in suffering forbidden goods to be transported, fine their moveables, and that their persons be in the Kings will, *ibid.* c. 85.

Item, That they compare yearly in Exchequer, and make faith that they have done their duty truly; and if they be found guilty of suffering forbidden or of uncustomed goods to be transported, that they be deprived, and fine their moveables. Ja. 6. p. 13. c. 163.

That all Packs of English Goods be brought whole unbroken up to the Customs-house, and that no English Goods be concealed, in default of the Customs, under pain of confiscation if found, and of the avail if not found. Item, Customs men are impowered to search Bauls and Houses, and confiscate, and incomes with all English Goods uncustomed or Evil of Cloths unsealed; and if need be, to make Doors and other lock-fast Looms open, and that the relaters be punished as defectors. Item, That Magistats of Burgles give concurrence when required, Ia. 6. p. 12. c. 129.

The Allie Herring are a part of the Kings Customs, Ia. 6. p. 35. c. 237. That all Cloth and other Merchandise whatsoever brought from Foreign parts, pay Customs at the arrival, at the rate of twelve pence per pound of the value; and that therefore an A, B, C, be made of their Wares, and their prices; as also, of such Goods transported as are not in the A, B, C, thereof already made: But prejudice to Noble-men, Basons, and Free-holders, of their privilege of sending their Goods outward, and bringing home Wines, Cloths, and other Furnishing for their own use, *ibid.* c. 251. See the A & B, 6. p. 12. cap. 152. in *Burgh*.

That the forbidden goods after-mentioned, if licensed to be transported, pay Customs as follows: The Stone of Wool *five shillings*, the dozen of elms of Linen Cloth *five shillings*, and each Boll of Virtual *five shillings*, and each pounds worth of forbidden English Ware licensed to be imported, *twelve pence*, Ja. 6. p. 6. cap. 254.

That none import or export uncustomed goods, under pain of forfeit of their Moveables, the uncustomed goods to be medled with by the Comptroller, the rest by the Treasurer: And Licences not passed in Council, and through the whole Seals, and composed, are declared null, Ia. 6. p. 16. c. 15.

That each Web, Piece, or Stiek of Cloth, Silks, or stuff imported, be sealed by the Customs before it be presented to Merchants, under the pain of forfeit thereof; And they are impowered to require and take the Oaths of Merchants ancient what goods they had then uncustomed, and to Seal these with their other goods already Customed, Ia. 6. p. 16. c. 24.

That the Customs keep a Book, and take notice of all goods exported, or imported to and from England, to be sent twice a year to the Customs of England, under the like performance from them, and they send returns for discharging of Bonds mutually to one another, Ia. 6. p. 17. cap. 6. See the rest of the A & B in England.

As discharging all Customs and Impositions not allowed by Acts of Parliament, especially the last two and an half per cent. and four pounds on the Tun of Wine, and all raising of Customs without consent of Parliament: As also, the taking of Merchants, Mathers, or Mariners Oaths, in matters of Customs. Item, That all goods imported, and again exported, paying inward Customs, be free of outward, as the wares in England. Item, Upon consent of the Burrows, a Commission is ordered to be drawn to the Exchequer to establish the Books of Rates, as the price of Merchandise now rules, Car. 2. p. 1. Seff. 1. c. 57.

As concerning the Customs and Excise, and how the non-payers of the Customs may be proceeded against, and put to their Oath, notwithstanding any former Acts, Car. 2. p. 1. Seff. 1. cap. 12. See the A & B in *Excise*.

Customs augmented on Tax and Iron imported, *ibid.* cap. 14. Customs of Bandying imported, *right pence* per Tun, and of Mum-beer *twenty shillings* per Barrel, the Barrel not exceeding twelve Gallons, Car. 2. p. 2. Seff. 1. cap. 2.

D

DAMAGE. See *Expence*.

DEACON. See *Craft*.

DEAN of GILLD. See *Gild*.

DEERE. See *Wilde Beasts*.

DEBITOR and CREDITOR.

Discharge of personal execution for six years after *Whitsunday*, 1661. For all debts exceeding a *thousand pounds* contracted before *Whitsunday*, 1658. In manner provided in the A & B in case a Debtor have voluntarily renounced the benefit of any Act of this nature, made or to be made, the same is declared to be of force, and effectual. As also, that the Laws, as all debts and payments, shall be observed inviolably hereafter, Car. 2. p. 1. Seff. 1. c. 62. The toll of this Act is in *Comptrolings and Wages*.

DEBT PUBLICK.

As discharging such as during the late troubles, gave Bonds for sums employed for the use of the Publick, and their Aids and Executors, with the said Bonds themselves, and all that hath followed, or may follow thereupon *simpliciter*, providing the persons claiming the benefit hereof take the *Treffe*: That is, the principal Debtor for himself, and his Cautioners, or if he do not, each Cautioner for his own part: Discharging with the Aids and Executors of the late Duke of *Rest*, Car. 2. p. 3. c. 26.

DECLARATION.

As for signing the Declaration therein set down, by all in Publick Trust, at, or before their admission thereto, under the pain, that if they enter or exercise without doing the same, they shall be punished as usurpers of his Majesties Authority, and their places disposed upon to others, Car. 2. p. 1. Seff. 2. c. 5.

The same again enjoyed, with the method how and when the same is to be signed by all in publick Trust; and such as refuse, when elected to be Magistats, Clerks, or of the Council of *Burghs*, to sign this Declaration, do also farther admit their liberty as Burghesies, *ibid.* Seff. 3. c. 3. See *Teff*.

DECLINATOR.

The A & B, 6. p. 14. c. 212. That no Lord of the Session sit or vote in the cause of their Father, Brother, and Son, extended to the like degrees in Affinity, in their Uncle, or Nephew to either party. And this Act extended to the Lords of Council, Exchequer, and Judiciary, and all other Judges, who may be declared, when related in the degrees forecited, Car. 2. p. 3. c. 13.

DECREET.

That on all Decrets given by the Lords of Session, or other Decretes whereunto their Authority is inteposed, Letters as well of *Horning* as *Forsyding* be directed, where the Decreet be given for a liquid sum, or that the execution consist in *factis*: And that no suspension be granted, except real offer be made, and refused, and upon consideration of lawyers had of the dayes of the Charge, of the dilliance of the Party, and quantity of the Summs, Ia. 6. p. 6. c. 139.

DEFENCE of the REALM. See *Hoff* and *Weapon-shawings*.

DEFENDER.

The Defender not comparing should be Decreeted in costs and skaiths to the Party comparing, and *forth following*, *ibid.* Seff. 1. c. 30. Persons accused of Treason, or other Crimes, may freely defend themselves by Advocats, Ia. 6. p. 11. c. 31. See *Advocats*.

DEFORCEMENT.

That the Lords proceed summarily in actions of Deforcement, to put them to point without intermission, and the persons convicted of Deforcement, to be punished by effect of Moveables, and in their persons, at the Kings will, and that their *Escheat* be burdened with the payment of the debts, the Parties expences highly taxed, and a sum to be modified by the Lords for their damage in the last place, Ia. 6. p. 7. c. 118.

Deforcetors of Officials in executing their Office, may be called Civilly or Criminally, and their lives and goods are in the Kings will, Ia. 6. p. 11. c. 34. An Officer or Sheriff in that part, being Deforcet, Molested, invaded, or pursued, to the effusion of blood, in the executing of any Summons, or Decreet by the person summoned or charged, or any other of their calling, the Deforcet or Invader times all his Moveables, half to the King, half to the Party, and the Execution is declared lawful, Ia. 6. p. 12. c. 750.

DEMEMBRATION.

Demembration by forethought Felony, permissible by death, Jam. 4. par. 2. cap. 28.

DENONCIATION. See *Horning*.

DEPONING against DELINQUENTS.

As declaring it to be the duty of every Subject, without exception, to declare and depone upon Oath, when called by the Rivy Council, or any other lawful authority from his Majesty, their knowledge of any Crime against the publick Laws and peace of the Kingdom, especially of Conventicles and other unlawful Meetings, and of the Persons present, and things done therein, or of the relating of intercommuning with Fugitives, and Rebels; and that who refuse, or delay, be punished by fineing, imprisonment, or banishment to the Plantations in the *Indies*, or else where, as the Council shall provide, provided that no mans deposition against another, shall utter against himself, loss of life, or member, or banishment, Car. 2. p. 2. Seff. 2. cap. 2.

DEPREDAATION, See *Robberie*, and *Spuilzie*.

DICE, See CARDES.

DELAPIDATION.

That Ministers provided to Benefices under Prelacies, make no disposition of the Rents thereof, to the prejudice of their Successors, or Diminution of the Rental, under the pain of Depivation, both from Office, and Benefice, and these Set, and Location, be deemed null, Ia. 6. p. 7. c. 101.

That all Persons provided to Bishopricks, and other Benefices, whatsoever at his Highness prelevation, find Caution to the Clerk at the passing of their Signatures, to leave the same after their Decease, or Dimission unhurt, or vitiat, and all Fews, Tacks, pensions, changing of Vidual into money, or other Disposition in the contracts are declared null, Ia. 6. p. 10. c. 11.

Ratified, and that no Person provided to a Bishoprick, dispose or give in pension, any part thereof, to outlive longer then he shall bruck the said Bishoprick, and if he shall dismember any part thereof, the same to be a deed of Delapidation. Item, that no Bishop sit in Few, or Tack, or Dispose otherwise of any part of their Benefice, without consent of their Chapters, or greater part of them, but no necessity that the Chapter be Chapitelle convened for that effect. Item, that rental be of their Bishopricks, to remain in their Integrity in all time coming, Ia. 6. p. 18. c. 3. See *Bishop*.

Ratified, declaring all Tacks of *Quotes* of Testaments, or other Casualties pertaining to Prelates, to be let in time coming to be null, and that they can only dispose, or set the same during their own life-times allannerly, Ia. 6. p. 22. cap. 5.

DISSOLUTION, See Annexation.

As of Dissolution, that his Majesty may set all his Lands annexed, or not, in Few, fens, so that it be without Diminution of his Rental, and other duties. Item, the Dissolution is but for the Kings life, albeit he few by virtue thereof stand perpetually, Ia. 4. p. 6. c. 90.

As of Dissolution, Jam. 1. that it be not in diminution, but in augmentation of the Rental, Ia. 5. p. 7. c. 116.

As of Dissolution, Jam. 6. In order to the setting of Fews, Providing they be not within the just avall, which it declared to be the dewtie, to which the Lands are or may be reoured for the new extent. Ia. 6. p. 2. c. 6. Anno 1584. Referred Anno 1594. As also all Acts of Dissolution, made by Kings in their Minorities, shall the same with the Infirmities thereon be Ratified in Parliament, in their Majesties, Ia. 3. p. 14. c. 201.

Another Act of Dissolution in order to certain Lands therein except, bearing the ordinary conditions, and the Earldom of *Rest*, and Lordship of *Ardamansch*, the

(the Patrimony of the Kings second Son, are also contained in this Disolution. l. 6. p. 11. c. 30. Anno 1587.

Disolution of all Annexations of fore-faulted Lands, where the fore-faultures are reduced. *Ibid.* cap. 37.

General Disolution of all Lands pertaining to the Crown, and un-annexed, to be set in Few, with Augmentation of the Rental, and with preference of thole that have already Few Infelements thereof, Providing they renew the same betwixt and a day prefixed, Excepting from this Act, the Kings Castles, Palaces, Yeards, Woods, Parks, Forests, Pastures, and in special the Lowmonds of *Falkland*, *Cost-heughs*, and Offices. *Iam* 6. p. 14. c. 206.

But the ground of demolished Cables, with the bounds, Meadows, and Loches, theretobelonging, as also his Majesties *Cost-heughs* are also disolved, to be set in few with augmentation of the Rental. *Id.* 6. p. 16. c. 8.

Disolution of the Lands and Earldom of *Gourie*, especially of the Lordship of *Huntowour*, and Lands of *Stra-brand*, to be set in few for augmentation, &c. Declaring certain parts thereof to be disolved, to be set in-lehn to the Earl of *Marshall*. *Id.* 6. p. 18. c. 12.

Disolution of the Lowmonds, and Moors of *Falkland*, to be set in Few-form for Augmentation, &c. *Ibid.* c. 19.

Disolution of the annexed propriety, to be set in Few-form for Augmentation, &c. But excepting the Kings Castles, Palaces, Yeards, Woods, Parks, Forests, Pastures, for Sheep and Nolt, and in special the Lowmonds of *Falkland*, *Cost-heughs*, and Offices, and the disolution to indure *ut supra*. *Car.* 1. p. 1. cap. 11.

DONATIONS PIOUS.

Gifts Legacies, or Donations for Pioususes, may not be inverted from the specific use definable to the Disposer, and the Persons instituted are made comparable for the same, and ordinary profits thereof, to the Kinks, Colleges, and others to whom they are disposed, or to the Bishop of the Diocese, for their use, and this extended to all such Dispositions made since the Majority of King *James* the Sixth, and that Letters be thereon directed. *Car.* 1. p. 1. c. 6.

DOOMES,

The forming of falling of Doomes, and the faller to offer a Bough, aillgoue a nation, and profit for moe. *Id.* 1. p. 1. c. 117.

The process of falling of Dooms now not in use, *Id.* 4. p. 6. c. 95.

The words to be used in falling of Doomes charged. *Ibid.* 99.

DOWCATS, and DOWES.

Destroyers of Dowcats a part of Dittay. *Jam.* 1. par. 2. cap. 33. See it in *Therf*.

That no man break, or take, or steal Dowes out of anothers Dowcat, under the pain of Theft. *Iam.* 3. par. 7. cap. 61. *Iam.* 4. par. 6. cap. 69. Q. M. par. 6. cap. 58. Ratified with an Augmentation of the pains even to death, against such as cannot pay the Fines. *Iam.* 6. par. 6. cap. 84. and *Iam.* 61 par. 19. cap. 3. See *Therf*.

That Lords and Lairds make Dowcats, &c. *Id.* 4. p. 6. cap. 74. See it in *Planting*, and *Polities*.

That no man have liberty to build a Dowcat in Burgh, or in the Countrey, except he have Lands and Teinds to the value of Ten Chalder of Victual yearly, within two miles of the said Dowcat, and he may only build one, and no mote. *Iam.* 61 par. 22. c. 19.

DRUNKENNESS.

That Persons convicted of Drunkenness, or haunting of Taverns, and Ale-houses, after ten of the clock at night, or any time of the day, except the time of travel, or for refreshment, pay for the first fault Three pence, or be put in Jogs, or Jaily Sex hours, for the second Five pounds, or be put in Jogs, or Jaily Twelve hours, and for the third Ten pounds, or Stocks, or Jaily Twenty four hours, and if they refuse to suffer unchangeably, to be put in Jaily till they find caution, and all Shirreffs, Stewarts, Provosts, Bailiffs, Justices of Peace, and Kirk Sessions, are impowred to execute this Act, and apply the pines, *ad pios et necessarios usus*. *Jam.* 61 par. 22. cap. 20.

Ratification of all Acts against Drunkenness, and farther who drink to excess shall pay, the Noble-man Twentie pounds, the baron Twentie shillings, the Gentleman, Heretot or Burges Ten marks, the Yeoman Twentie shillings, and the Servant Twentie shillings, *ut supra* quod. And the Minister the fifth part of his Suspend, and the Fines to be applied as in the Act assent the Justices of Peace made this Parliament, and the Unable to pay, to be punished in their Persons. *Car.* 2. p. 1. Sess. 1. cap. 19. And both these Acts Ratified. *Car.* 2. par. 2. Sess. 3. cap. 22. See Acts in *Proffessio*.

DUMFERMLING.

Confirmation of the Gift of the Abbacy and Lordship of *Dumfermling*, Lands, Teinds, and Others thereof, lyand on the North-side of the water of Forth, made by the King to the Queen for her life-time, at *Uppslo in Norway*, the 24. *November*, 1519. *Jam.* 6. par. 3. c. 190.

Another Act concerning the same Gift, calling it the Kings Morning-gift to the Queen, but mentioning neither for her life-time, nor yet for her Aits, but confirming her Charitor and Selin thereof, and compensing to her so much as wants of the said Abbacy. *Ibid.* cap. 191.

Ratification of the Queens Infelement of the Lordship of *Dumfermling* to her, & the Aits of her body, by the King, which falling to the King, and his Aits, and Successors. *Id.* 6. p. 21. cap. 10. See *Queen*.

E D I N B U R H.

Order for Bigging *Leith* wind in *Edinburgh*, and removing the Flethers from the East-side of it. *Id.* 5. par. 7. c. 102.

That the Meat-Mercat of *Edinburgh* be removed off the High-gate. *Ibid.* cap. 103.

That there be three Bred Metcats oukely in *Edinburgh*, where all may sell Bread, viz. on the Mounday, Wednesday, and Fryday. *Ibid.* cap. 111.

As also three Fleth Metcats, on Sunday, Mounday, Thursday, wecklie with the same liberty. *Ibid.* cap. 112.

Ratification of all Donations, and Modifications, made by the King since his Coronation, or by his Mother in her best age, to the Town of *Edinburgh*, for sustentation of their Ministers, and entertaining their Hospitals, especially of *Edinburgh*, Annual-rents, and Tenements within the same, founded to whatsoever

Bendice, great or small, and Lands, or Annual-rents without the same, annexed to any Benefice, or Religious place within it, annexing the premises to the Community of the said Burgh, and dissolving the general Annexation, and discharging the Kings Revocation, in so far as they may be prejudicial thereto. *Id.* 6. p. 1. c. 159.

Ratified, and all Gifts given by his Majesty of the premises to any others, since the date of the Gift of the same granted to the said Town; Revoked, &c. reconfirmed. *Id.* 6. p. 13. c. 185.

That none of whatsoever Estate, or degree, disloyal, or contraven the Charge of the Provell, and Bailiffs of *Edinburgh*, proceeding by immediate command of his Highness, by virtue of Letters of the Lords of seet Council, or of the Lords of session, or by fault of their own Council, or by their own Authority, agreeing with their own Liberty, and not prejudging that of others, or do violence to them, or their Officers, in the execution of their Aids Offices, under the pain of Defforcement, and Sedition. Item, full power, and authority is given to them, having full acquainted his Majesty for his allowance, to convocat, and stirrable in Aits, to raise men of war on pay and use Habguts, and all other Armour at all times when they shall think expedient. Item, if any Person in resisting the Aids Magistars, or in the redding of Parties, (Trowling it be with long Weapons, and not by sluing Habguts or the like) shall be hurt, or slau, the saids Magistars and the Community of the Burgh, and all their Ailliers, are therefore single indemnitied. *Id.* 6. p. 13. c. 184.

That no Person build in *Edinburgh* in time coming any Houles, except such shall be covered with Skait, or Skanie, Lead, Tile or Thack-lane, and that such Houles as are now chacked with thack or Straw, becoming ruinous, shall be repaired, and covered as stone-laid, and that Letters be directed for this effect. *Id.* 6. p. 21. c. 26.

Actifying the Act of Privy Council 17. of February, 1618. That no stacks of Hether, Broom, Whins, or other Fowl, be kept in *Edinburgh* in the Streets, or Houles thereof, after the first of May, 1618, unexcept the pain of Ten shillings and Five Hundred pounds beside, to be payed by the keepers; but that the same be set some remote parts of the said Burgh, where there are no Houles. Item, that Flethers keep no slaughtering Houles in the said Burgh, nor in some fifth on the streets thereof, but at the North-*Leith-side*, and that Godsmen keep no smelting Houles, but at some remote parts of the Town, after the said day, under the said pain of 500. pounds, and that the Magistars take special care to see this Act observed. *Ibid.* cap. 29.

EGYPTIANS, See Beggars.

Act Banishing all the Vagabonds commonlie called Egyptians, forth of the Kingdom for ever, after the first of *August*, 1609, and not to return, under the pain of Death, to be executed upon them, as notorious Thieves, on traly to be taken by an Afsile, that they are holden, and repure Egyptians, and that none reftitern, and all warrands in the contrary are declared void. *Iam.* 6. par. 20. cap. 13.

EJECTION, See Removing.

That the Defendens in Ejection, find caution for the violent profits, as in causes of removing, the first dyet of the Ejection-coutail, or otherwise decreet to be given against them. *Id.* 6. p. 14. c. 217.

E L L.

That the Ell contain Thirtie seven Inches. *Id.* 1. p. 4. c. 63.

ENGADGEMENT.

Act approving the Engadgement in war for the Kings relief, in the year 1648. *Car.* 2. p. 1. Sess. 1. c. 9.

ENGLAND, and ENGLISH, See Burders.

That no man buy *English* Cloth or gudes from *English* men in *Scotland*, without-out, under the pain of eicheit, and do no *English* man bring any, except they be speid in his coodra, or in pay ment of Ransome of *English* men. *Iam.* 1. p. 14. c. 145.

That Salt-mone be neither feild, nor sold in *England*, and to *English* men buying them in *Scotland*, for *English* gold. *Ibid.* cap. 146.

That no Carrel be sold to *English* men in *Scotland*, but for ready Gold, and Silver, under pain of eicheit, betwixt the King, and the Wairden. *Id.* 2. p. 8. cap. 35.

That no man pass into *England* in time of War, without leave, under pain of Treason. *Iam.* 21. p. 121. cap. 50.

That any *English* man coming into *Scotland* without conduct, may be made Prisoner, and that no man sit upon special Assurance of any *English* man, without leave of the King, or Wairden, under the pain of Treason, and that none supply *Derwick* or *Rosburgh* under the same pain. *Ibid.* c. 51, and 52.

That no *English* man have Benefice in *Scotland*. *Id.* 3. p. 1. c. 7.

That no man find, or sell Carrel, Victual, Fish, or Salt, to *England*. *Iam.* 5. p. 4. c. 20. This Act made, because of the Scarcity then in *Scotland*.

No men assured by *English* men, if wamed to discharge the Affairance, give no restitution of goods (pulsized from them) theretray by Scots men un-assured, Q. M. p. 5. cap. 13.

Scots men furnished by both Scots and *English* in company, hes gude ailon of Restitution against the Scots men. *Ibid.* cap. 14.

An assured Scots man tyding with the *English* Armie; may be perswared for all the skin due to Scots men un-assured. *Ibid.* cap. 15.

That Wool, Skin, Hides, or other lible gudes Customable, be not carried to *England*, under the pain of the eicheit thereof, or of the value, and the traffigellor to be punished in his Person. Q. M. p. 6. c. 45.

That no Scots man Marrie an *English* woman, in the opposite marches, without the Kings licence under the great Seal, under the pain of death, and eicheit of moveables. *Iam.* 6. p. 11. c. 104.

That the Wardens put in Bill all *English* men occupying possessions in *Scotland*, against the Treasies, and fecked effects thereof. *Ibid.* c. 105.

All *English* Cloth or other Wares, and Merchandise of Wool, forbidden to be imported into *Scotland*, under the pain of eicheit thereof, and of the whole other gudes of the Importers. *Id.* 6. p. 11. c. 252.

That all gudes passed by Land, to, or from *England*, pass by the wayes of *Berwick*, or *Carlisle* alternately, and with Certificates from the Justices of *Scotland*, and *England*, assestres, under pain of Confiscation of the gudes. *Jam.* 61 par. 18. cap. 6.

Act annex the *Unions* of the two Realms, marked Act 3. of the Index of the not Impaired Acts. *Iam.* 6. p. 19.

That Persons committing any offence in *England*, declared by the Law of *Scotland*, to be heinous Treason, Murder, Man-slaughter, Felonies, Burning of Houles, and Com; Burglary, Robbing of Houles by day, Robbing, Theft, or Rape, and

and fleeing into Scotland, and there taken, may be reclaimed by the Judges or ordinary examination of the Fact, to be tried, and punished, in England; In this videlicet always, that in the first Parliament held in England, after the date of this Act, the third of October, 1612, the like Act be made in favour of Scotland, *Id.* 6. p. 21. cap. 2.

A high imposition on all goods imported from England, or of the growth and Manufacture of England, imposed from any other Place, as the rates set down particularly in the Act, and at 10. per cent. of all others omitted, and that the Customs give the Care and Benefit, with other Right orders of treatment, *Id.* 2. p. 1. Self. 1. c. 13. This Act was made because of some retainers the English had laid on Scots Commodities.

ERECTION, See Kirk-lands.

ERROUR, See Summons of ERROUR, and Prescription.

ESCHEAT simple, and LIFE-RENT, See Creditor, and Horning.

That the Horning be executed before the escheat be disposed, otherwise says the gift is null, and that no gift bear, (or when it shall happen the Offender to be Attainted,) *Id.* 6. p. 1. cap. 23.

That the Horning due Escheat being presented to the Sheriff, Letters shall be raised at his instance due to the Sheriff of the Shire, or Messengers, for up-taking of the Rebels (chest, and the party to be payed of his Debt, and expence out of the fill and deadlied. *Item*, if the Messenger be deforced, that Letters be directed by the Lords Deliverance, to the Sheriff, or others well affected to his Majesty's service, to free the former Letters executed, and with other Letters and they are privileged, as these are that pertain the Kings Rebels, *Id.* 6. p. 6. 75.

That all Inheretments with escheats simple or Life-ent, Donastry, Assignees, or Others, be holden to pay the debt in the Horning, whereon the escheat fell; And that Letters be summarily direct against them for that effect, *Id.* 6. p. 12. cap. 24.

That the Escheat is bound to dispose escheats, to the behoove of the Parties offended, or otherways to respondal men upon good caution for his relief, of the debt, and if the Dought be found not respondal, the gift is declared null, *Id.* 6. p. 145. And that the Creditor cannot be prejudiced by any deed of the Rebel, upon any Gift, or Right of his escheat, given or taken to his behoove, if the same Act in Creditor, and in Rebel.

Gifts of Escheat, and Life-ent, granted to the Bishops, or Convent Persons of these who being suspected of Papistry, have been excommunicat, and have retained possession of their Lands, and Gables, are declared null. Notwithstanding of any Decree following thereupon, and what ever might have been the cause of the falling of the said escheats, *Id.* 6. p. 14. c. 197.

Life-ent Tackles of Lands and Tenants, fall not under simple escheat, but the Life-ent escheat only, and if the Tackles contain more Life-ent, the Rebels Life-ent escheat prejudices only the Rebel, but not his Airs or Assignee alter his decease, *Id.* 6. p. 22. c. 15.

ESSEINZIE, or EXCUSE.

The Esseinzie must have his Power, and find Caution to prove; And that no Esseinzies be admitted, but such as the Law allows: Or if a poor man fall sick, two tell him his neighbours, or his Paroch Priest shall wear it, and it shall be admitted, *Id.* 1. p. 9. c. 15.

EXCEPTION.

That Exceptions lawful be admitted, and frivolous, or fraudulent repelled; and that Pleys be not wrongfully prolonged, *Id.* 1. p. 3. c. 55.

Who proposes within Bugh an Exception proposed before, to the delay of the Party, whether Procurator or Party proposer, should pay twenty shillings to the poore, *Id.* 6. p. 6. c. 97.

EXCHANGE, Bills thereof.

That Foreign Bills, or Letters of Exchange from, or to this Realm, in case of non-acceptance, or non-payment, be Regitable, with the Protests against the Drawer or Acceptor, within six months after the date of the bill, or day of payment respectively, that Execution on fax dayes may pass thereon as on Regitlat Bonds; and that sums continued in the said bills, in the cases foresaid, bear Annuall after the said respective dayes, but after six months they cannot be Regitlat, but must be payed by way of ordinary action: As also, relating to purchase for exchange (if not in the bill) re-exchange, damage, interest and expences as records, *Id.* 2. p. 3. c. 20.

EXCHEQUER.

That all Sheriffs, Stewards, Chamberlains, Cnformers, and others Inheretments with the Kings Rents, compare at every Exchequer, and make their accounts, and full payment of Rents with the Rolls, and that they also make compy and payment of casualties, under the pain of imprisonment, *Id.* 5. p. 7. c. 26. Declared be sundry ordinances of Council, that the Kings Compositors should not deny his Confirmation upon the reasonable expence of the Party, and upon his pencil, *Id.* 6. p. 5. c. 66. See Confirmation.

That the Exchequer for the Kings Rents begin the first of July, and end the 1st of October, that the Receiver of the Kings Rents, upon the pain of forty pounds, to the falsity; and be charged at all times to the end of the Exchequer, to compare, and in case of disobedience, be denounced; and this denunciation at the Mercat Cross of Edinburgh, and Registration in the Treasurers Books, or Sheriffs Books of Edinburgh, is declared to be as good as if made at the Cross of the head Burgh of the Shire, and in the Sheriffs Books where the Parties live. That for the head Burgh pay and pay the Exchequer full every Tuesday afternoon, during the Session, or other times when the King pleases, *Id.* 6. p. 11. c. 63. Ratified Car. 2. p. 1. Self. 1. c. 14.

That no Precept of Discharge of the Property be allowed in Exchequer, except be subscribed and accepted by the Comptroller: And that acquaintances be produced upon compy, and nothing allowed *periculo comptrolleris*, either in the Comptroller, *Id.* 6. p. 1. c. 67. or the Treasurers accounts, c. 77. That the Treasurers execute not above one hundred in a year in his Discharge, otherwise no *superfide* to be granted lot *super expence*. *Item*, That interior accounts that should enter in the Treasurers, be first heard. *Item*, That no Intendment be pulled, except presented by the Treasurer, that composition may be payed to him, *Id.* 6. p. 78.

The Exchequer impowered and declared to be proper Judges to cognosce and decide in all causes concerning his Majesties property, and the Annuity of Teinds; and that they direct Letters under their Deceases in simple Charge of ten dayes on this side, and on twenty dayes by North Deceallany, *Id.* 1. p. 1. c. 18. But for explanation of this Act, it is declared that the validity or invalidity of Inheretments

of the property, or of any other, may not be discussed and decided in Exchequer, but is subject to the Lords of Session, *Id.* 2. p. 1. Self. 1. c. 59.

Intiments, Gifts, and others pass in Exchequer, the years 1649, and 1650. Albeit the authority of their meetings be declared null, 216 appointed to find and allow, except new Gifts, and other Gifts to his Majesties prejudice, and such as upon compy should to the new Exchequer, shall be found unrightly entered in prejudice of prior Gifts under his Majesties hand, though not pulled in Exchequer, *Id.* 2. p. 1. Self. 1. c. 9.

The Gifts and proceedings of the Commissioners of Exchequer under the English Writs Ratified, excepting new Gifts, Gifts of Bastardy, and *ultra* heret, not of new pass in Exchequer; as also, Gifts and Confirmations pass to prejudice of theirs who have been under his Majesty, or his Royal Father: And generally, providing that all these gifts and proceedings may upon complaint be reviewed by his Majesties Exchequer, *Id.* 2. p. 1. Self. 1. c. 12.

Act regulating the proceedings and matters of Exchequer, *Id.* 2. p. 2. Self. 3. c. 16. concerning the Exchequer.

EXCISE. See Amnuty.

Act imposing the Excise for raising his Majesties Annuity of forty thousand Sterling, viz. *viz* about one hundred Sterling thereof by an Excise upon the Inland Salt, and Foreign Commodities specified in the Act, and the other 2000, pounds Sterling upon the Excise of *rum* made of Malt, brewed and sold in the Kingdom on the Pint of Aquavite not made of Malt, brewed and sold in the Kingdom, (which sum is proportioned upon the Shires and Burghs, and what shall be in the hand in their Excise, to be supplied by the heretors by way of Cess: And that the Commissioners in every Shire and Burgh up-lift and be liable for the said proportions, in manner as in the Act Car. 2. p. 1. Self. 1. c. 14. But the proportions here set down are in the Act, *Id.* 6. p. 12. cap. 25.

Act regulating the payment of the Excise, as to the Importer and Retailer, containing several rules and provisions thereabout, especially that the Excise be payed according to the Book of Rates for the Customs: And if there be any Excisable Goods not there set down, that they pay at the rate of five per cent. That the Merchant not pay the Excise, he, and all accessory to his concealing or abating, may be punished upon Oath, or any other probation, providing it be within six months of the imbezling, and the Delinquent commonly, may be imprisoned for twenty four hours, and until he pay the full value of the goods imbezled, and shall be further liable by the Exchequer. As also, goods not duly entered, and sealed, shall be confiscated, and their Owners imprisoned and fined as laid is. And the same Statute, as to the not paying of Customs, *Id.* 2. p. 2. Self. 1. c. 12.

Act declaring, that if three quarters payment of the Annuity of Excise in the Shires of *Refs. Sutherland, Cathness, Argyle, Inverness, and Burghs* thereof, shall run in the four upways, then the Shire, Burgh, or Person declared, to be liable in the double of the whole years Annuity, *Id.* 2. p. 2. Self. 1. c. 20. The obligation for single payment on the Commissioners of the said Shires, confirmed by the Act, *Id.* 2. p. 1. Self. 1. c. 14. above Car. 2. p. 2. Self. 1. c. 20.

All Salt made in this Kingdom exempted from Excise, and *fourty shillings per* Bull imposed on Foreign Salt, *Id.* 2. p. 2. Self. 1. c. 1. See the Act in Salt.

Excise of Brandy *six shillings per* pint, to be payed by the Retailer, and the Excise of Mumm-brew *thirty shillings per* barrel, the barrel not exceeding twelve gallons, and both appointed to be applied for the relief of the Excise of Shires and Burghs, *Id.* 6. p. 12. cap. 25.

That the Quarter Tax for the Excise be regulat according to the rules set down for Quartering for the Cess in the Act Car. 2. p. 3. c. 3.

The Excise on Foreign Commodities, and of *rum* made on the Boll of Malt, and three shillings on every pint of Aquavite not made of Malt, brewed and sold within the Kingdom, established by Act, *Id.* 2. p. 1. Self. 1. c. 14. above, continued for five years after his present Majesties decease. In neither the Commissioners, Heretors, nor Land Rent of the Shires are to be liable for it, but only the Brewers, Vintners, and Tappers, *Id.* 2. p. 3. cap. 8.

EXCOMMUNICATION. See Carfing.

Persons Excommunicat, after 40. dayes may be charged by Letters of four forms at the instance of the Party, the Kings Advocate, or the Procurator of the Kirk to satisfy the sentence, and reconcile themselves to the Kirk; and if they falsifie, are to be denounced, and Caption and other Executorial to pass against them, *Id.* 6. p. 3. c. 53.

A person Excommunicat entering the Kirk the time of the Ministration of the Sacraments, or Common Prayers, should be charged in God and the Kings name to remove, and he that refuse, the Minister or the Service may cause apprehend and ward him, until he be taken Caution at the Minister and Elders sight, to reconcile himself to the Kirk, and make amends for the offence: And if he refuse any in the execution of the premises, that his moveables be escheat, and his person in the Kings will, *Id.* 6. p. 11. c. 26.

That no persons Excommunicat for not conforming to the Religion presently professed, directly nor indirectly, possess their Estates; but that the same be meddled with to his Majesties use, *Id.* 6. p. 20. c. 3.

That the Shires give up to the Treasurer and Director of the Chancery yearly a Roll (subscribed with their hands, of all Excommunicat for Religion within their Dioceses; and that the Treasurer receive no Relinquishments, nor grant Infirmments, nor the Director direct Brieves, nor Precepts, nor receive Returns in their favours, until their Relation be certified by the Bishop. And all Lords of Regality, or other Superiours may refuse to grant Brieves, or Precepts of *Class commut*, or Charters on Apprehensions of the said Persons, *Id.* 6. p. 2. cap. 4.

Ratification of all the Acts of Parliament or Council proceeding the year 1640, against Excommunicat Persons; and that forty dayes after sentence Letters be direct by the Lords of Privy Council or Session, at the instance of the Kings Advocate, for denouncing them Rebels: And that the same being done at the Cross of Edinburgh, and Peer of Shair of Loth, shall be sufficient for Caption and Escheat, providing that the Process of Excommunication be first exhibit to the Lords of Session, in Session time, to consider the same, *Id.* 2. p. 1. Self. 1. c. 25. But this proviso is rescinded, *Id.* 2. p. 1. Self. 3. c. 23.

EXECUTIONS, or INDORSATIONS.

See Summons.

Executions of the Kings Brieves or Letters should be sealed or stamped by the Official of Fee, or in that part, before witness, otherwise make no faith, *Id.* 3. p. 5. cap. 33.

That all Execution or Indorsations be stamped, otherwise make no faith, and the Executor to be deprived, *Id.* 3. p. 6. c. 74.

That all Execution or Indorsations, or Letters delivered to any party, be subscribed by the Office Executor thereof, *Id.* 6. p. 12. c. 119.

That Execution at dwelling places where the Party cannot be personally apprehended, be made at the principal dwelling where the Party actually resides: And if the Officer get entry, that he view the Parties, and leave a Copy, or affix it on the Gate; and if he get not entry after six knocks, that he shew a Copy on the Gate, and all other firms witnesses, and his name to be made mention to the Officer; and if the Officer fail, that he be imprisoned, and punished at will, *Id.* 5. p. 6. cap. 75.

Item, Thatin Criminal Letters the Copy be delivered to the Party personally, if he can be apprehended, or otherwise be delivered to his wife or servants, or affixed on the Gate of his dwelling House, and therefor open Proclamation to be made, and a Copy affixed on the Crosses of the head Burgh of the Shire. *Item*, If there be more than two in the Letters all called for one Crime, this order used to two of the Principals shall be sufficient as to the rest, Q. M. p. 61. c. 33.

That all Executions and Warnings in the Kings Causes against Wives-men, High-land-men or Bondstivers in broken Courts, *ubi non patet tunc cessant* be made at the Mercat Crosses of the head Burghs of the near Shire in the Low-land, J. 6. p. 11. c. 68.

That all Criminal Letters, Letters of Law-borrowers, or others importing tinfell of Life or Goods, be execute upon all persons contained therein, personally, or at their dwelling places, and by open Proclamation at the Mercat Crosses of the head Burghs of the Shire where they dwell, betwixt eight and twelve in the Forenoon, in open time of day, before famous Winesles specially designed, and that Copies containing the whole names be affixed on the Gates of the dwelling houses and Mercat Crosses, under the pain of 200. marks, *Ibid.* cap. 85.

That Charges of Treason be execute by Heralds and Purlevans in their Coats, or by Maceis, as of before: Declaring all Executions under the pain of Treason, otherwise execute to be null, J. 6. p. 12. c. 125.

That all Executions of Summons bear explicitly the names of the Parties Pursuers and Defenders, and that it shall not be sufficient to relate generally to the Summons, else they shall not be sustained, Q. 2. p. 2. Sess. 3. c. 6.

That the Winesles in all Executions of Inhibitions and Interdictions, Homings, or Arrerments, or for Interruption of Prestitution in real Rights be designed in the body of the Execution, and also subscribing thereto, Q. 2. p. 3. c. 5. See the Act in *Winesles*.

EXECUTORS. See Testament.

A sum fcutured by the Act to the Life-renter upon Land, yet declared payable to her Executor, Q. M. p. 4. c. 10. at the end.

Executors Strangers nominate, are obliged to make compt and payment to the Defendits Wife, *Heiress*, and nearest of Kin, relieving only to them the third of the said sum after deduction of Debts, in which third, any Legacy left them, must be computed without prejudice to them of their Legacies, if they exceed the said third, J. 6. p. 22. c. 14.

EXPENCES.

He that times the Action before the Lords of Council, should pay the Winesles Expenses, at the Lords Modification, and *fourty shillings* to be disposed upon by the Clerk of Session, J. 6. p. 6. c. 10.

The Expenses of Play to beinfert in the Detrect Condemnator or Absolvitor, Q. M. p. 7. c. 64.

Who loses the Play within Burgh, payes the Parties Expenses, and *twelve pennies per pound* to the Poore, J. 6. p. 61. c. 91. See in *Burghs*.

That the time of the Play pay the others Expenses, at the Judges modification, J. 6. p. 11. c. 43.

That the damage, interest, and expenses of Play made and sustained by the Parties, be admitted and liquidat by the Decreet, whether Absolvitor, or Condemnator, before all Judges, especially where the Wit, the ground of the Action, or the Summons beas it, J. 6. p. 12. c. 142.

F

FACTOR. See Merchant.

That no Merchant employ an Alien as Factor beyond Seas, on the account of *Stots Merchants*, under such Pecuniary pains, as the Council of Trade shall impose, half to the King, half to the Informer and Pursuer. Q. 2. par. 1. Sess. 1. cap. 44. *Antient Shipping and Navigation*.

FAIRS.

At Fairs the Sheriff should only have the best Ox, or Cow, or un-ridden Horse, flailed and brought to sell: And of great Stalls, or covered Crains, he may take a distrefs, but he should deliver it again at the Court of the Fair, if the Person hath done no default. And that no distrefs be taken hereafter of Goods of little quantity or price, brought on mens heads or backs, J. 2. p. 13. c. 59.

That in Fairs, Parliament times, or General Councils, great Constables of Castles, Sheriffs, or Bailiffs of Burghs use no extortion, by raking from poor folks for Loads or Burdens, what they call their Fees, under the pain to be punished at the Kingswill, and approved for a year, J. 3. p. 5. c. 34.

That no Fairs be holden on Holy Dayes, but on the morn after, *Ibid.* c. 35.

FALKLAND WOOD.

Falkland Wood ordained to be cut and hained, as being found by an Assize to be old and failed, Q. M. p. 6. c. 48. *The Loomends of Falkland*. See *Annexed Property*.

FALSHOOD.

That false Notaris and Winesles, who induces them thereto, or uses false Instruments writingly, be punished with hal rigour, according to the disposition of the Common Law, J. 6. p. 6. c. 80.

The Act extended to all manner of Evidents and Writings, and the Makets, Feinziers, Users, Seducters, Corrupters, and Falgers thereof, and the pain declared to be Prostitution, Banishment, Dismembering of the Hand or Tongue, and other pains of the Canon, or Civil Law, or Statutes of the Realm, Q. M. par. 5. cap. 22.

That false Winesles and their Inducers be punished, by piercing the Tongues ofchees of Moveables, and Infamy, and farther at the Judges discretion, Q. M. p. 6. c. 47.

That makets or users of false Writs, or conveyance to the making thereof, be punished with the pains of Falshood, and the Counterfeiter, Falsifier, or Aceffory, cannot by passing from the Wir quarrelled, free himself of the punishment, Jam. 6. p. 23. c. 22.

FEE.

The Sheriff-Fee appointed to be *twelve pennies of the pound*, J. 4. p. 3. cap. 30. See in *Sheriff, Chalkers, and Servants Fees*. See *Chalkers, and Justices of Peace*.

FEEDES. See Peace.

Deadly feede no just pretence, to excuse from not Communicating, J. 4. p. 16. c. 17. See in *Communications*.

Ad and Order for extinguishing deadlie feedes, and for prevention thereof in time coming. That the Perfever doe not invade, or bear, feede against any friend of the Offender innocent, and not accused, under the pain of Tinfel of his Action, relieving the fine till to the King: And the friend of the Party guilty, pains against feede of Rebels, and the Editors of Parliament swear to observe the Articles in the Act, and the King solemnly promises to grant no respite, or remission for odious crimes, until these inveterate feedes be rooted out, J. 4. p. 16. c. 22. Ratified J. 6. p. 20. c. 7.

FERRIERS.

That all Boat-men, and Ferriers have Treene-bridges for receiving Horse, under the pain of 40. *shillings* each Boat, J. 2. p. 1. c. 59.

That all Ferriers on either side the Firth, make Bridges, and Posts, in their Boats for the shipping of Horse, under pain of Confiscation of their Boats, Jam. 3. p. 1. c. 50.

The time freight, and also the quantity of the freight appointed, to be paid at *Kingsburgh, Queens-ferrie, and Portmerry*; And that Hostie, or Beasts, payand freight, make the Ferriers, and Burdens free, Jam. 3. par. 7. cap. 62.

That Ferriers take no more freight nor is itary, under the pain of *Five pounds Scots* to the King, and to Affish the Party, J. 3. p. 10. c. 75.

Ratified Jam. 3. p. 13. cap. 95, with an Augmentation of the pains.

Freight appointed for Ferriers at *Kingsburgh, Queens-ferrie, and Dundie*, and that they observe the same under the pain of death, Q. M. par. 5. cap. 21.

The freight at *Kingsburgh* for Horse and Man appointed by King James 3. *June 14. 1549* *Sess. pennies*, and for the Man *Ten pennies*, but is higher *Antient* 1551. for Horse and Man *Twelve pennies*, and for the Man *Six pennies*, Q. M. p. 5. c. 21. See *Wages*.

FEW, and FEW-FERM, See Few cum Martagio in Waird.

That the King, Prelates, Barons, and Free-holders, may fet their Lands in Few, and the Lands waiting to the King, the King shall only have the Few-dewie, so that the fer be made to a competent value, J. 2. par. 14. cap. 91.

That all men Spiritual, or Temporal, may fet their Lands in Few, without diminution of the Rental, and it shall be no ground of recognition, J. 4. par. 6. cap. 91.

The Act Jam. 2. explained, and declared not to extend to the Vassals of any Earl, Baron, or Free-holder, holding their Lands wair of their fairs Superiority, for so long as they are not to be lesion, to them, or to their Lands in Few, without the consent, or confirmation of their Superiors, and any Alienation other ways made, is declared null by way of action, or exception, J. 6. par. 18. c. 12. And this explanation, and statut, extended to the King and Prince, and Vassals holding wair of them, and all former Acts that may any wayes derogate to this Act, are rescinded, Q. 1. p. 1. c. 6.

That all Fewers not paynd their dewie by the space of two years hail and together, admit and time their Fewes, as if there were a clause in their rights, J. 6. p. 15. c. 246.

FIRE.

That to prevent fire, no Hemp, Lint, Strie, Hay, Hedder, or Bloom, be put near, or above the fire, in Houses within Town, and that the Officers within Town make trial every Month, under the pain of 40. *shillings* to the King, J. 1. p. 4. cap. 71.

That all Lads of Hay, and Fodder come not to their Hay-houses without a Lint, under the same pain, *Ibid.* cap. 72.

That Ladders, Sayes, and Cleiks of Iron, be appointed, and keep in Towns for fire, under the same pain, *Ibid.* c. 73.

That after the fire hath happened, the Magistrais inquire into the cause, and if it be found on purpose deed, that fore-faulture be the punishment, and if it show neglected, the Servant be haled to be punished in his Goods, and Person, if he have no goods, and banished for three or seven years, if a Man, his Wife, or Bairns, in his own House, or if of a Miller, shall repair the skair of others, and be banished three years; If of a Stranger he shall repair the skair or abide in prison at the Kingswill, if the fire happen thow chance it is unpunished, if the Magistrais neglect the Execution of this Act, that they pay *Ten pounds* to the King, that fire be not ferched from house to house, but a covered vessel, and if fire happen in Towns of Bannock, that their Lords punish it as above, *Ibid.* cap. 73.

That Burning of folk in their Houses, and all Burning of Houses, and Corns, and wilful fire raising be treason, and lese Majestie, J. 5. p. 3. c. 8.

That fire kailers be put under severity to the Law, as in the crimes of Slaughtere, and mutilation, and that there be no remission given to them that burns Corns in fields, or Barns, but that they be punished to the death, or else banished, Jam. 5. p. c. 118. But it is again statut, that Burning of folk in their Houses, Burning of Houses, and Corns, and wilful fire raising, be treason, and lese Majestie, Jam. 8. par. 1. cap. 33.

Wilful firing of Coal-heughs is also Treason, Jam. 6. par. 12. cap. 146. See *Treason*.

FISH, and FISHING.

That for Fishing certain Lords Spiritual, and Temporal, and Butrows, make Ships, Busses, and Boats, with Nets, and Other pertinents, Jam. 5. par. 6. cap. 49.

That Ships, and Busses, with all their pertinents for fishing, be made in each Burgh, in number according to the fish-ance of the Burgh, and the least of them to be of Twenty Tuns, and that all fish-men be compelled by the Sheriffs in the County, or by Bailiffs in Burghs, to passethem their wares under the pain of Banishment out of their bounds, and that the Sheriffe or Officer in Burgh negligence, pay *Twenty pounds* to the King, Jam. 4. par. 4. cap. 49. Ratified, *Ibid.* cap. 52.

The times of Mercat appointed for Fish, and that no white Fish be sent out of the Realme, but that Strangers may come and buy them. *Item*, where any Person hath Fish, packed or dried, that they be ready to sell the same, for half-price of the Leiges, under the pain of Confiscation of the Fish, Jam. 5. par. 7. c. 95.

That Barrels of Fish be burnt and marked, *Ibid.* cap. 100.

That the Herring and white Fish Barrel, contain some Gallons, of the Sterling

That

That all Fishers of Herring, or white Fish, upon the coast or within the Isles, or Fishings bring the same to free ports, that the Lieges may be first served, and the rest bought, filled, and transported by free men, under the pain of Tinfel of the Vessels, and hall other Moveables of the Contravenors. *ibid.* cap. 60.

Ratified, and all Judges ordinary Impowered for executing thereof within their bounds. *Jam. 6. p. 6. cap. 86.*

That there be a just standard for herring, or white fish, kept at *Edinburgh*, and staples are appointed for the said herring, and white fish, and that no Fishers (all their herring to Strangers, or Unfittment, or to transport them to other Countries, under pain of Efcheat of their Moveables. *Jam. 6. p. 2. cap. 141.*

But the Ruple of Herring and white Fish upon either side of Footh, appointed to *Leith*, and *Garrat* by the said Act is discharged, and full Liberty allowed to the free-Burrows on either side of the said Water. *Jam. 6. p. 2. cap. 14.*

Caution be taken of Ships going to the North-fishing, to return the third part of their loading of Herring, or white Fish within the Fifth or other free-Burrows, under the pain of an hundred pounds. *Jam. 6. p. 11. cap. 57.*

Act for Fishing, and erecting of Companies for improving the Fishing of Herring, and white Fish. Letting down their Rules, and Privileges, as in the Act, and that each Barrel of green Fish contain Twelve Gallons. *Car. 2. par. 1. Seff. 1. cap. 39.*

FLESH.

That none carrie Flesh forth of the Realm, under pain of efcheat of the whole moveables of both Owner, and Skipper. *Q. M. p. 6. cap. 40.*

For preventing this transport, that Ships be Viewed at the fight of the Magistrates, and Customers of the Burghs and free Ports, where they lye, and if any more be found, shall be Confiscat. *Is. 6. p. 1. c. 67.*

Battelled Flesh may be exported by Sea free of Custom, Bullion, or other Impositions, for Nineteen years. *Car. 2. par. 1. Seff. 1. cap. 12. Anno 1663.*

FOOT-BALL, and GOLF.

That no man play at the Foot-ball, under the pain of Fifty shillings to the Lord of the Land, or to the Sheriff in his neglect. *Jam. 1. c. 17.*

The Foot-ball, and golf discharged, and that they are not to be used in time coming. *Jam. 2. p. 14. cap. 64. Jam. 3. p. 6. c. 45. and Jam. 4. p. 3. cap. 32. And this last Act appoints men to use shooting, and archery, in place thereof. See it in *Weapons-making*.*

FORBIDDEN GOODS to be Exported, or Imported.

Goods forbidden to be transported, Linen Cloth, Lint-feed, made Candle, and Wax, crying Bares, Barked Hides, or made Shoes, under the pain of efcheat of the buyers, and transporters whole Moveables. *Jam. 6. p. 4. cap. 59. See Befiall, Carrell, canes, Flapb, Horfe, Tallow, Wool, &c. in their own places.*

Act Ratifying all Acts made against the transporting of forbidden goods. *Is. 6. p. 9. c. 6.*

Calfs Skins, Hudders, and Kids Skins, forbidden to be transported, packed, and peeled, under the pain of Confiscation thereof, to the King. *Jam. 6. p. 12. cap. 155.*

Ratified and extended to Schutling Skin, under the same pain, and also Transporters to be further punished in their Persons, and Goods, at the Kings will. *Is. 6. p. 13. c. 178.*

Ratified, and farther, that none export Galf, Kid, Hudderton, or Schutling Skin, or any Goat, Hart, Buck, Deere, or other wild Beasts skins, under the pain of Confiscation, referring to the Exchequer to grant licences. *Car. 2. p. 1. Seff. 1. cap. 45.*

That none export, or import forbidden goods, under the pain of efcheat, the forbidden goods to be intimated with by the Comptroller, and reby the Treasurer, and that all Licences not granted by the Council, and composed, and putt all the Goods be null. *Is. 6. p. 16. c. 12.*

That none, Stranger, or other, transport forth of the Countrey, Batter, Tallow, or other forbidden goods, under the pain of Confiscation of the Ship, and whole goods the Owner of the forbidden goods bath therein. *Jam. 6. p. 23. cap. 12.*

That none export, Worked, Woolen-Yarn, Raw or unworked Cloths, or stuffs, made in *Switzerland*, (halving excepted) broken Copper, Brass, or Tensler, under the pain of Confiscation, (half to the King, half to the Apprehender, or Pursuer. *Car. 2. p. 1. Seff. 1. cap. 45.*

FORBIDDEN to be imported.

Made-work by Tradfmen. *Car. 2. par. 1. Seff. 1. cap. 47. See it in *Made-work*.*

That no *Aquavite*, strong Water, Mum-beit, or other Drinking-beit, (black or Spence-beit excepted) be Imported, under pain of efcheat thereof. *Car. 2. p. 1. Seff. 3. c. 7.*

But Brandy, and Mum, or Brim-beit, Licensed to be imported. *Car. 2. p. 2. Seff. 4. cap. 2. See Brandy, and Mum-beit.*

Great prohibition of Import. *Car. 2. par. 3. c. 12. See the Act in *Trade*, see *Licence*.*

FORE-STALLER, and REGRA-TOUR.

That Fore-Stallers buying Virtual, Flesh, and other stuff, before it be presented to the Mercat, or in the Mercat before lawful time of day, be punished by Imprisonment, and escheatung of the goods bought or sold, two thirds to the King, the third to the Discoverer. *Jam. 5. par. 4. cap. 21. and Jam. 5. par. 7. cap. 98.*

That Magistrates of Burghs, and none other, punish Fore-Stallers within the same. *Im. 3. p. 7. c. 113. And all these Acts Ratified, and the saids Magistrates confirm their Highness Justices for the effect thereof. Jam. 6. par. 6. cap. 88.*

Who buy any Merchandise, or Victims coming to Fair, or Mercat, by Land, or Water, or makes any bargain about it before it be in the Mercat place, (Burg, Port, or Road ready to be sold, or who makes any motion by word, or writ, for raising of prices, or dividing the bringing of any thing to the Mercat, he is a Fore-staller: And who gets any Corn, Flesh, Fish, or other Vivers, in any Fair or Mercat, and sell it again in any Fair, or Mercat in the same place or four miles about, or who buys, or bargains for growing Corns, be a Regrator, and the Treasurer, Kings Advocate, as well as the Magistrates of Burrows, may perforce such, and that without a special lybell, but only upon Fore-stalling in general, and

the pains for the first *£40. pounds*, for the second an hundred mark, and for the third Tinfel of Moveables. *Is. 6. p. 12. c. 148.*

FORE-THOUGHT Felonie.

That all Judges, and Officers, whom it offiers, upon complaint inquire diligently if the deed was done on fore-thought felonie, or throw Chaud mella. And if on fore-thought felonie, that the Party hurt be Afflicted, and the life and goods of the Trespasser in the Kings will, and that the Trespasser be incontinent imprisoned, but if the deed was done throw Chaud mella, it is to be followed after the course of the old Laws. *Is. 1. p. 1. c. 51.*

If any man bargain, (that is quarters) either in Burgh, or Land, that whether plaint be made or not, both Parties be arrested, and the same, or next i. full day, Inquisition be made by an Assize, whether it be fore-thought felonie, or sudden done, And if suddenly done, that they be damned as the Law tears of before, and if be fore-thought felonie, the Party to be Imprisoned, and a mends made, and the Party punished as the Law will. *Is. 1. p. 6. c. 95.*

If such Bargain in Burgh shall be called fore-thought felonie, and the Party escape unarrested, the Sheriff, or Lord of Regality, where he is ret, when certified, shall perforce, and fend him back to abide the Law. *Is. 2. p. 5. c. 36. See *Girth and Slougher*.*

FORE FAULTURE.

Sentence of Fore-faulture of the Earldom of March, and Lordship of *Dunbar*, and of all other Lands, which the Earl of March held of the King in chief. *Im. 1. p. 12. c. 131.*

All Alienations by Persons Fore-faulted, or to be Fore-faulted, for the murder of the Kings Father, and of his Regents, made since the committing of the Crimes are declared null. *Im. 6. par. 2. cap. 36. Extended against Burgesses, and great detection from the King, and Affiding declared Traitors. *ibid.* cap. 39.*

That all Faithful subjects brack and joyse their Tennyments, to be holden of their next superiors, notwithstanding of any Fore-faulture of their immediate Superiors in this Parliament, Providing they do not thereafter make detection from the Kings authority. *Is. 6. p. 2. cap. 37.*

Act Ratifying the former Act. *Is. 6. p. 2. c. 37. And declaring it to have been valid from the beginning. Is. 6. p. 3. c. 65.*

That no Process of Fore-faulture for Treason against the King, or his Estate be reduced for any pretensid nullitie of Process, while first the Crime be freely remitted, or the Party tried, and acquit: And that no Advocate, Writer, or Others, travel, solicit, or advice, in the Countrey without warrant of King and Parliament, to the intent to be reputed partners with the saids Traitors. *Item*, that the King retiore against Fore-faultures, only by way of Grace. *Im. 6. par. 8. cap. 155.*

That by Fore-faulture of Persons convict of Treason, the King hath right to all Lands holden of himself: As also to prevent heretable Tenements in their place, to their other Over-Lords, and likewise to all Tacks, and Possessions, pertaining to them. And therefore, and for preventing the abstracting of writs, it is ordained, that all Lands, and Heretages, peaceable possessed by any Persons Fore-faulted for *lefe Maittie*, or by them to whom the Appelland Air Fore-faulted should succede, for five years before the Sentence, or the decree of the said Appelland Airs Predecessors, by labouring, setting, and upliking, the mails thereof, as their Heretage, and thus repute heretable Possessions of the same for the saids Five years, shall appertain to the King, and his Donors, and his Donors, without any question to be moved thereunto, albeit they may now have the fees and the fees due to them to the Persons Fore-faulted, or their Predecessors. *Item*, that the said Poffion be tryed upon a commission under the Queen Seal by an Assize of the Shire where the Lands lye, or Others that befits know the rule, and their verdit to be returned to the Chancery, and to be of as great strength as the Fore-faulted Persons Rights to the Lands. *Item*, that the King, or his Donor be sumfully entered to the Possession, & Tacks of the Lands, and that the King, or his Donor therein unaltered, or thighted for five years, that they may search out the Tacks, & Ties. *Item*, that the Person presented to a Few Fore-faulted, or any Valfall of a Fewer Fore-faulted, be not compelled to produce acquiesces of Few-mills, or Annual-rentout of the Fore-faulted Lands, of any years preceding, or since the Fore-faulture, they always payand the saids Annual-rents, or Few-duties in time coming, how soon it shall be verified that the Lands are lye by the Infirmitie, and the Persons Fore-faulted. *Is. 6. p. 9. c. 2.*

That the annulling of the Parliament, first of June, 1592, in favours of Vassals of Persons Fore-faulted, and ordaining it to be Delict, *Is. 6. p. 14. c. 201. and accordingly the Act is not now found.*

That no Bands, Affligations, Fenshon, or Factory, granted by Persons Fore-faulted be valide, unless either confirmed by His Majesty, or authorized by a decree before the Persons Fore-faulted were first Summoned, for the Crime. *ibid.* cap. 10.

Fore-faulture of the Earl of *Gowrie*, and his Estate, annexed to the Crown, *Im. 6. p. 16. cap. 2. And the Act Im. 6. p. 2. c. 37. Ratified in favours of his Vassals, and Tack-men, and that notwithstanding of the Act. Is. 6. p. 14. c. 201.*

They payand to the King and their other Superiors, *respective*, Ten pounds for each Twentie shilling Land, and that they hold of *Gowrie* betwixt and Whit-forday, 1601, for composition. *ibid.* cap. 3.

Ratification of the Forfeitures of the Earl of *Buchan*, and of the Earl of *Gowrie* and his Brother; that no restitution of grace prejudice the Kings Donators, but be allyenly extended to the rehabilitation of the Person to whom it is granted: and that the Extracts of Dispositions or Confirmations shall be as valide to the Kings Donours, as if the Principal evidents were extant, which are not be improven for no production: the Donatur abiding at the verity of the deed, and of its extrat. *Is. 6. p. 16. c. 4.*

Act Ratifying the Process and Dooms of Forfeiture laid and pronounced against certain Persons named in the Act, for the Rebellion 1666, before and by the Justices, albeit the Parties were absent. *Car. 2. p. 2. Seff. 1. c. 11. And this precedent is made a rule in time coming. See the Act in *Treason*.*

FORFAR BURGH.

Act changing the Mercat day of Forfar from Sunday to Friday weekly. *Is. 6. p. 13. cap. 192.*

FORNICATION.

Fornicators, as well the man as woman, to pay for the first fault forty pounds, for the second an hundred marks, for the third an hundred pounds, and so forth alwayes an hundred pounds, or else to be punished corporally, as in the Act, and the saids Fines to be applied ad pios usus within the bounds, as the King shall order. *Is. 6. p. 1. cap. 13.*

Fornication made sinable by the Justices of Peace in four hundred pounds the Nobleman, two hundred pounds the Esquire, and hundred pounds the Gentleman and Burgess, and ten pounds the inferior Person; and that the pains be doubled twice quater, and levied of the woman as well as the man, and applied as in the Act. *Car. 2. p. 1. Seff. 1. c. 38. See it in *Justices of Peace*.*

FORRESTS.

That all precepting right by Infirmitie, or Tack of keeping the Kings Forests, produce the same, and that no such keeper infer any manner of Goods to be Fawced

figured therein, under the pain of fine of their Offices, and eche of their Moveables, If others be found purloining therein, that they be imprisoned, and the Goods found echeat, two part to the King, and a third to the Keeper. *Item*, That the negligent Keeper keep his Office, and that Landed men, or their Keepers may echeat all Goods found within their hined Woods or Forests, *Item*, s. pat. 4. cap. 12.

All Goods found Paffuring in the Kings Parks or Forests without the Comptrol- lers licence, may be by him echeated to the King, *Ja. 6. p. 12. c. 128.* And the Keepers may introne it herewith, half to the King, half to himself, who eue any Timber within the Kings Woods, or Forests, or Hayes Deere, or Wilde Fowl therein, with Gun, Bow, Dog, Hawk, or other Engine, or fhoote with any Gun therein, or in the night, within a mile thereof, or fhoates any Deere flaying in time of florm, time all their Goods as echeat. *Item*, That none Hunt or Hauk within fix miles of the Kings Woods, Parks, Castles, and Pallaces, under the pain of an hundred pounds, half to the King, half to the Delator, *Ja. 6. p. 14. c. 210.*

That the Keepers of Forests, and Others having right thereto by their Infeff- ments, shall have power and iustification to convert by force them the transgressors of the said Statutes, and to try them by an Inquest, and execute the said Acts a- gainst them, to wit, the flayers and shooters at Deere, Rae, and Wilds Fowl, being Landed men, under the pain of five hundred merks, and being un-landed, an hundred merks, &c. conform to the former Acts, *Ja. 6. p. 22. c. 18.* But this pain of 500. merks fhal be formerly flature again Landed men does not appear.

FRANCE.

That the old Alliance with France be renewed and confirmed, and reformation fought of abuses, conform thereto, *Ja. 4. p. 2. c. 21.*

French-men naturalized in Scotland, as Scots-men are in France, and the French Letter of naturality for the Scots is insert and recorded in the A.B.Q.M.p. 8: c. 66.

FREE-HOLDER.

That all Free-holders dwelling in the Shire, compete at the three Head Courts, with their Seals, or send a sufficient Attorney therewith, and so upon Courts set on fifteen days waiting, and if the Court be not sufficiently furnished in the trial, the Sheriff may charge the Geories of the Regality, and the pain of non-com- pearence, an law of Court, *Ja. 1. p. 9. c. 130.*

That all Free-holders give suit and presence at the three Head Courts, if they owe the same, or send sufficient Sutors if they owe but Suit, *Ja. 5. p. 6. c. 71.*

The Acts ancient Free-holders, or small Barons sending their Commitmentors to the Parliament, or Convention, See in Parliament.

FUGITIVE. See *Horning, and Rebell.*

That all Fugitives from the King, or any of his Lieutenants, be punished as publick and notour Rebels, *Ja. 1: p. 8. c. 111.*

FURIOUS.

That their nearest Agnats or Kinsmen be served and preferred to be their Tutors, or Curators, according to the Common Law, *Ja. 6. p. 10. c. 18.* See *Curator, or Idiotry.*

G

GALLEYS.

That Barons and Lords having Lands in the West and North, on the Sea Coast, and not less than with this burden, have Gallies, each four merks Land an Oar; And if the Lands within fix miles, contribute to the fuellication of the said Gal- leys, *Ja. 1: p. 2: c. 126.*

GARRISONS.

Order for Garrison in the Borders, and that the Sheriffs Tax and return mens A- vails for bearing the charge, *Ja. 2. p. 12. c. 51.*

The power of commanding, ordering, or otherways disposing of all Strengths, Forts, and Garrisons, doth properly belong to the King and his Successors, as their undoubted right; as the Subjects being always free of their provision, unless con- cluded in Parliament, *Car. 2. p. 1. c. 1. c. 1.* See the Act in King.

DEAN OF GILD.

Confirmation of the Dean of Gild and his Council their jurisdiction, in all Afi- onconcerning Merchants, and as it is used in *Edinburgh*, and time according to the form used in *Paris, Rouen*, and other towns of *France and Flanders*, *Ja. 6. p. 13. cap. 180.*

GIRTH, or SANCTUARY.

That where the Committer of slaughter on fore-thought Felony flees to Girth or Sanctuary, the Sheriff require him on Caution, and take till by an Inquest if the Crime was committed by him on fore-thought Felony, *Tanquam Infidatior & per infidatior*. And if so, then the Committer to be punished: And if not, then he be restored to the Girth, *Ja. 3. p. 5. c. 36.* Ratified, *Ja. 3. p. 6. c. 43.*

That all Matters of Girth make Deputies under them, dwelling at, or near the Girths, who may be charged to deliver all Committers of slaughter on fore-thought Felony, and other Trespasours, who break Girth, and make not trunks pri- viledge: And if these Gallies being charged, refuse to deliver, that they be rigorously punished in their Bodies and Goods, *Ja. 3: p. 4: c. 23.* This Act made before the Masters of Girth, Spiritual men, were said to refuse to deliver Trel- passours.

GLEIB. See *Manse.*

The Quantity, Designation, and Priviledges, and other things relating to Gleibs, all set down under the Manse, because of their Contingency, That Ministers and Readers pay no Teinds for their Gleibs, *Ja. 6. p. 5. cap. 62.* Or for their Sums Gats appointed in ftead thereof, *Am. 6. p. 23. cap. 10.* but see *Manse*.

GOLD and SILVER. See *Money.*

GOLD-SMITH. See *Craft* and herein

GOLD and SILVER WORK.

That Gold Work made be Eleven Grains fine, and that it be marked by the Maker and Deacon; And if there be but one Gold-Smith in a Town, by him and the Magistars: And if either the Work be not of that fineness, or not marked in

the first case, both the Maker and Deacon, and in the second, the Maker shall time his Goods to the King, and his Life be in the Kings will, *Ja. 2. p. 14. c. 65.*

Item, That Gold-Smiths work be marked by the Maker, Deacon, and Towns Mark, of the fineness of eleven penny fine, otherwise the Work to be broken, and the Maker in the Kings will: And that Gold-Smiths be admitted by the whole Craft, and their Officers, *Ja. 3: p. 13: c. 56.*

Item, That their Work be marked by the Maker, and Deacon; and that Silver Work be of the fineness of the new Work of *Brass*; and Gold Work as fine as the Matter of the first melting down by the owner *Ja. 4. p. 2. c. 13.*

That no Gold-Smith make Work of Silver under 1. penny fine, and of Gold under twenty two Carat fine, under the pain of death, and echeat of moveables, and that all Work be marked by the Makers, and the Towns mark, *Q. M. p. 6. c. 56.*

GOLF See *Foot-Ball.*

GOVERNMENT.

If any person by Writing, Printing, or say malicious and advised speaking, ex- press or declare words to stir up people to the hatred or dislike of the Kings Supre- macy, or of Episcopal Government, as now established, or to justify any of their things declared against in this Act, that he be uncapable of all Publick Trust, and lyable to the pains of Law, providing he be proceeded by the King or Councils or- der, and no other way, within eight months after the offence, and sentenced within four months after Process, *Car. 2. p. 1. c. 1. c. 1.*

Ratification of all Acts for securing the Government of the Church as now estab- lished, *Car. 2. p. 1. c. 4.*

EARL of GOWRIE. See *Forfaultour.*

CLANN-GREIGOUR.

A Bill Act against the Clann-Greigour, Ratifying all former Acts of Council against them. Impleading the name, and obliging them after 16. years of age to make compenance yearly the 24. of July before the Council, to find Caution, or otherways if they be denounced for their falsitie, declaring them to be inter- communed, and that none refer or assist them: And the Act continues several Jutices in that part against them, *Car. 1. p. 1. c. 30.*

GUERRA. See *Courts.*

GUNS.

That Landed men and Others provide Guns: For each hundred pound Land of new extent, an Hagbut: For each hundred merks Land, two Culverings: And for each forty pound Land one Culvering, with all their pertinents, as in the Act, *Ja. 5. p. 7. c. 94.* And that Merchants bring them home, *ibid. c. 95.*

That no man shoot with, or wear Guns, under the pain of cutting off the right hand, except that man may shoot for his game within their inner Clois: And also, or coming from Weapon-flawings, or called to Holts, or to assemble in Arms, or in defence or pursuit of Thieves, *Ja. 6: p. 1: c. 18.*

Ratified, and the pain lessened and changed to be ten pounds, and tinsell of the Gun and Armour, unless the King appoint the former pains to be execute, and Magistars of Burghs are impowred to execute the same, so waid the persona coward, until they pay; as also, to cause them find Caution to desist, under double pains, *Ja. 6: p. 1: c. 87.*

Again Ratified, and the pain made echeat of Moveables, half to the King, half to the Apprehender; But prejudice of the pain in the said Act, *Ja. 6: p. 1: c. 19.* And all heretis, Sewards, Magistars of Burghs and Baronies are impowred to execute this Act as fupra, *Ja. 6: p. 1: c. 24.* Simple Bearers and wearers of Guns guilty of no odious violence, declared reasonable before the Council, and the thing to be probable by Winesells, or Oath of Party, but only to intell the pain of wairding and echeat, or a pecuni- al pain; but prejudice of the former Acts, if his Majesty like better to have the of- fences purified Criminally before the Jutices: And all Licences except granted by his highness and Council, and composed and pass all the Seals, are declared null, *Ja. 6: p. 1: c. 6.*

H

HAGBUTS See *Guns.*

HAINING. See *Forests and Planting.*

HAULKING. See *Hunting.*

HAULKS and HOUNDS.

That no man take or flesh another mans Haulks or Hounds, as maid or wilde, nor Eggs out of Haulks nests, under the pain of ten pounds, *Ja. 3. p. 7. c. 86.* And this pain of ten pounds, heightened to an hundred pounds, half to the King, half to the Dilator, *Ja. 6. p. 23. c. 34.*

HARES. See *Hunting, and Wilde Beasts.*

To fley Hares in Snow time is a point of Dittay, *Ja. 2. p. 14. c. 88.* *Ja. 3. p. 7. c. 61.* And *Ja. 5. p. 4. c. 13.*

That no man shoot at Hares with Gun or Bow, *Ja. 6. p. 1. c. 16.* See this and o- ther Acts in *Wilde Beasts*.

HEDGES. See *Planting.*

That no man make Hedges, dry Straiks, Rice, or kewn Wood, but only of lynch Wood, *Ja. 2. p. 14: c. 13.*

HERAULD. See *Lyon, and Messenger.*

HERESIE.

That Heretics be punished according to the Law of Holy Kirk, and that the Sec- ular power assist, *Ja. 1: p. 21: c. 28.*

HERRING. See *Fish and Fishing.*

That none buy, Pack, Peill, Sale, Barrell, or Transport Herring south of the Realm before Michaelmas yearly, under pain of Confiscation of the Herring, *E 2*

Ship, and all other Goods of the contraveners, to be part to the King, and third to the Apprehender: And that all Licences in the country be granted in Council, and pass all due Seals, otherways are null, *l. 6. p. 16. c. 10.*

HIGHLANDS, and BORDERS.

That the Council meet promptly the first day of every month, for registering the boundaries of the High-lands and Borders, and that a particular Kegillie be kept of all things concerning their good rule, *l. 6. p. 11. c. 92.*

As to appointing Land-lords and Bailiffs of Lands in the Borders and High-lands, where broken men continued in the Roll at the end of this Parliament, have dwelt, and dwell, to find Cause, and be otherwise liable for the dwellers on the fairs Lands, and for their lives passing through the same, in manner contained in the Act, *l. ind. c. 93.* But if the Land-lord or Bailiff do diligence to remove these dwellers, and make them the Kings Rebels, and do all he could do to shall relieve him of the pain and danger, *ibid. c. 107.* And if they shall be continuing to burn any Malefactors House or to hold or receive their Wives and Banns of the ground, for their not leaving them, they shall be forfeited therefore, *ibid. c. 108.*

That the Captains, Chieftains, or Chieftains of all Clans, and their Etanches within the Borders, and noted in Roll as said is, give pledges to be kept and changed, and also be otherwise liable as the Act; And that such as refuse to give Pledges, be pursued with Fire and Sword, as enemies to God and the King, and the fairs Pledges may be executed, in case refused, not be made by the Persons or Etanches, as they lay, *l. 6. p. 11. c. 94.* And the Pledges for the High-lands to be placed on the South side, and for the Borders on the North side of the Water of Forth, *ibid. c. 106.*

That all notorious Thieves born within the fairs bounds be removed out of the In-land where they dwell, to be sent to where they were born, unless their Lands-locks will become surety for them, *ibid. c. 95.*

That a Kegillie be made of the fairs Pledges, and other Persons for whom they lay, and who should relieve them; As also, of all the Land-lords, Bailiffs, and dwellers and Clans within the fairs bounds, *ibid. c. 96.*

That all Vagabonds within the fairs bounds be expelled, or banished, or be charged to find for their lives, in case of fall, be denounced, and them their refectors, or the Magistrates of the bounds where they are willingly taken with Goods stolen or left, to be liable to satisfy the Party, *ibid. c. 97.*

That all Bonds and Ads made for, or sent born men, oblige as Ads, albeit not therein mentioned, *ibid. c. 98.*

That loveties made by Land-lords and Bailiffs, and by Chieftains of Clans, are not prejudicial to the fairs, *ibid. c. 100.*

That Land-lords, Bailiffs, and Chieftains of notable Linners, present such of them as the King shall require by clove Valencies, otherwise they are to be punished for their contempt, *ibid. 103.*

As to Raising all former Ads against the disorders of the High-lands and Borders, ordaining Catalogues to be made, Custom to be found, Malefactors and Free-lancers to be liable to the fairs, and confuting all Judges, and Free-holders, *ibid. c. 104.*

That all Thieves and Sorners of the fairs bounds, in manner set down in the Act, *l. 6. p. 16. c. 227.*

That all Land-lords, Heretors, and Leaders of Clans in the High-lands and fairs, compare and bewail the fairs, *l. 6. p. 16. c. 228.* before the Exchequer, and produce the Rights and Titles, and find Caution for payment to his Majesty of his fairs, and that they and their men, Tenants, Servants, and Dependens, shall be answerable to his Highness Laws, and Justices, and that they shall not injure any of his Highness Leiges, travelling in their bounds, and shall redress all Fines slain by them, otherways if they fail to compare, &c. that they forfeit and amitt all their pretended Rights, and all summe to be null, *l. 6. p. 15. cap. 262.*

Ratified as to the payment of his Majesties Rents, *l. 6. p. 15. c. 15.*

That three Burghs be bigged in the High-lands, and fairs, one in Kintyre, another in Lachar, and the third in the fairs, to which his Majesty grants all the Privileges granted to any other Burghs, and it is declared lawless for him to give them the ground, and dispoise to them Lands, and Fishings, for their Common good, to be holden Burghs, *l. 6. p. 15. c. 263.*

HIVES, and BEES.

That no man steal Bee-hives, and the pain of Ten pounds, and amends to the Party, and that it be a point of Dittay, *l. ind. 4. p. 6. c. 69.* See in *Thiefs*, and the Ads there cited.

HOLY DAY, See Sabbath.

HOMICIDE, See Slaughter.

That a capital Homicide in law full defence, or committed on Thieves, and Robbers, beeking Houses in the night, or the time of Masterful depredation, or in pursuit of heres denounced for capital Crimes, or of such who shall assault the fairs Rebels, and Depredators by Armes, and by force opposite their pursuit, or apprehending, shall not be punished by Death, Providing that in homicide casual, or in defence, the Criminal Judge may not be left with the Advice of the Council, fine the Party in his means to the use of the defents Wife, and Banns, or nearest of kin, or Inquisition his person, and that this Act drawn back to the thirteenth of February, 1649. Car. 2. p. 1. c. 22.

HORNING.

That Persons possessing Benefices, or other Ecclesiastical Rents, remaining year and day at the Home, time their life-time, as well as Temporal men due, *l. 6. p. 3. c. 49.* See the Act about Temporal men losing their Life-times to their Superiours, in the case fore said being, *l. 6. p. 4. c. 32.* See in *Superiours*.

That all Zenets of Horning, and Relaxation, by Regillie within fifteen days after the Denunciation, or Relaxation, made in Sheriff-books, and masked, and given back by the Clerk, (receiving for his pains See *fillings*, Eight pence) within Twenty four hours, otherways the fairs Letters not to be holden lawfully executed, but the Execution to be null. Item, that the extracts make faith, and be esteemed as Authentick. Item, that the Relaxation be made at the Mercat-croft of the Head-burgh of the Shire where the Rebel dwell, and the Denunciation was made. And that he be regillie in the fairs Books, *l. 6. p. 6. cap. 76.* Some doubts arising upon this Act (*quo ad preterita*) not now cable, decided, Item, that Letters of Horning shall execute for not comparing to induly the Law, or for not finding loyalty, and reported as life, to the Justice Clerk, and his Deputies, shall be as sufficient as if regillie in the Sheriff-books. Item, that Homings within Stewartries, and Regillies, be regillie within the Books thereof, and thus Homing against which needs no Regillation, *l. 6. p. 8. c. 142.* Item, Denunciation at the Mercat-croft of the Head-burgh where the Justice Courts, and Regillation in the Journal-books, in the cases of not comparing, or not finding loyalty, as said is, are declared to be as sufficient, as Denunciation, and Regillation in the Shire where the Rebels dwell, *ibid. cap. 140.* See the Act in *Crimes*, and *Criminal Process*.

Item, that the Denunciation of such as are able to comply in the Exchequer, made for their disobedience, at the Mercat-croft of Edinburgh, and Regillation in the Sheriff-books, or Sheriff

of Edinburgh his Books, decreed to be as said is, made at the Croft of the Head-burgh of the Shire where the Terion lives, and in the Books of the Sheriff thereof, *l. 6. p. 11. c. 63.* See the Act in Exchequer; as also the Act, Car. 2. p. 1. c. 14. *l. 11. c. 63.*

That Denunciations to the Hom on Ads of Adjournment, made at the Mercat-croft of Edinburgh, be as lawful to make the efficient fall, as if made at the Head-burgh of the Shire where the Rebel dwell, declaring nevertheless the Inhabitants not to be made false to refuse, until the Denunciation be duly made within the same, *l. 6. p. 12. c. 126.*

Denunciations to the Hom of Persons excommunicat, made at the Mercat-croft of Edinburgh, and Peli and Shoot of *Lith*, declared to be sufficient both for capous, and clerical, Car. 2. p. 1. c. 25. See the Act in Excommunicat.

That Letters of Horning, and Relaxations of Persons dwelland within Stewartries, and Ballaries, Royalty, or Regality, be executed at the Mercat-croft of the Head-burgh, and regillie in the Books thereof, and that all Executions, and Regillation otherways made, be null, *l. 6. p. 15. c. 264.*

That the Letters of Horning, and Relaxation be made Judicially, by a Justice of the Peace, and four witnesses before the Clerk, and if the Sheriff, Steward, or Bailie, refuse to regillie, and be thereupon influenced, the Letters may be regillie by the next Sheriff, Steward, or Bailie, or by the Clerk Regillie, and his Deputies, *ibid. cap. 265.* But that part of the Act requiring a Notary, and Witnesses refused, declaring Regillations made by the Sheriffs, Stewards, and Bailies Clerk, by the Clerk Regillie, and his Deputies, to be sufficient, Jan. 6. p. 1. c. 13.

That the tenor of Letters of Horning, and Executions thereof, shall not be admitted to be proven by witnesses, *l. 6. p. 6. c. 94.*

That Letters of Horning be not generally directed against all and sundry, except it be a Burgh, College, or Community, requesting a bodie, at all that no Person be thereon denounced, unless first specially called to hear the fairs Letters directed against him, for a special cause, and forthwith sent in all Ministers, signations to thirds, or the like, the fairs Lands, Tenants, and dwellers, be contained. Item, a Beneficed man may seek General Letters, conform to his provision, for Publication thereof, but not to denounce thereupon, as said is, *l. 6. p. 15. c. 140.*

As to a Reduction of an Horning and Denunciation, being presented upon an acquittance, proving the Debt to have been paid before, for preventing collusion in prejudice of his Majesties Casuality, the Producer thereof shall swear solemnly before the Lords, that the acquittance is true, and of a true date, otherways he shall not be heard against the King, *l. 6. p. 4. c. 29.*

That the Letters of Horning, such as for finding of Bur-burrows, or compensating before the Council be directed against Persons dwelling be North Dore, upon short time then fifteen days, otherways the same to be null, *l. 6. p. 16. cap. 25.*

That Letters of Horning be directed on Sheriffs, Stewards, and Bailiffs of Royalty, or Regality their Deputies, as on Deputies of Sheriff, and Bailiffs of Burgh, by the Act, *l. 6. p. 15. c. 177.* in *Burghs*, *l. 6. p. 18. c. 10.*

The same statute as to the Admirals Decretes, *l. 6. p. 20. c. 15.*

And as to Commissaries their Decretes, *l. 6. p. 21. c. 7.*

Ratified, and pointing as well as Horning, ordered upon the fairs Sheriffs, Commissaries, and other inferior Judges, their Decretes Ca. 2. p. 1. c. 29.

The Act indeed only Ratifies, and Relates to the fairs, *l. 6. p. 18. cap. 10.* Within whose Commisaries, or Admirals, or Commissaries, or other inferior Judicatories, as therein named, is probable that the meaning of the Act is as large as here it is made.

Horning for a Civil cause, declared to be of no force to any Party who shall fly, or omit, the Person so denounced, and that this Act have place allanelle, for sic times as shall be committed therewith, *l. 6. p. 21. c. 3.*

HORSE.

That no Horse under three year old gone, be sold out of the Realm, under pain of forfeiture of the Horse, *l. 1. p. 2. c. 31.*

That no Horse be transported forth of the Realm by Sea, under the pain of forfeiture of the Horse, Ship, and remanent gades of the transporters, *l. 6. p. 1. c. 22.* The preface of this Act mentions transporting of Horse to *Bourdeaux*.

That a Smith shoeing a Horse in the quick, pay the cost of the Horse, till he be whole, & And furnish the owner with another, and if the Horse will not mend, that the Smith hold the Horse, and pay the price, *l. 6. p. 10. cap. 79.*

That layets, or hockers of Horse, or Oxen, or other Cattel, and their maintainers, and refectors, be punished to the Death as Thieves, And the maintainers, and Refectors of Thieves, *l. 6. p. 7. cap. 110.* Ratified, but Confined to the time of Labouring, and extended to Cutters, and Destroyers of Fleuch-gate, in time of Tilling, and to flickers, goaters, and sellers of Oxen, or Horse, in time of Leading of Cornes, or Fewel, *l. 6. p. 11. c. 82.*

That none under a Barton, or Landed man, worth a Thousand merks of yearly free Rent, keep Horse at the hard meat, after the Fifteenth of May, or take them in before the Fifteenth of October, under the pain of forfeiture of the Horse, *l. 6. p. 7. cap. 122.* But this Act rectified, And it is Statute, That none under the Ten-pound yearly yield, keep Horse at hard meat after the first of June, And after the said day, the Earle, and Lord keep it only, and the Barton one, at most, under the pain of forfeiture of the Horse kept in the contrary, with which the Sheriffs are impowered to intromet, half to the King, and half to themselves, *l. 6. p. 11. cap. 56.*

HORSE-RACES.

If any man gain by Wagers upon Horse-races above the sum of an Hundred merks, the superfluous be Configned in the hands of the Collector for Poor, and Magistralis in Burghs, Sheriffs, and Justices of Peace in the Country, are impowered to peruse for the said superfluous gain, or else are Declared liable to the Informer in the double thereof, half to him, the other half to the Poor, *l. 6. p. 23. cap. 14.*

HOSPITALS.

That Hospitals be visited by the Chancellour, the Ordinary, and two honest men, and their Foundations examined, as if they cannot be found, that Inquisition be taken, and the matter referred to the King, *l. 6. p. 1. c. 69.*

That where the Foundations of Hospitals cannot be found, the fruits be assigned to the Poor, *l. 6. p. 1. c. 10.*

That Hospitals be visited, and the King name Visitors, *l. 6. p. 7. cap. 161.*

A new Visitation appointed, viz. for Hospitals the Kings foundation by the Bishop, and the other by the Bishop, with the Bishops, with power to the Visitors, to Charge for production of the Foundations, Fews, and Tacks, And that they report betwixt, and *Pass* next, *l. 6. p. 5. cap. 63.* Anno 1578. See *Donations* *p. 101.*

HOST.

That all men berewix Sixtie and Sixteen be ready Horfed, and Geired, as they best may, for defence of the Realme, and to come to the Borders, Otherwise to be punished in their Bodies, and Goods, and that Weapon-hawking be kept, from thirty dayes, to thirty dayes, 1s. 2. p. 13. cap. 56. Anno 1456. See *Weapon-hawking*.

That no felloe coming to the Kings Holi, destroy Meadows, or Coms, or spallize Goods, in coming, or going, and that each Barren answer for the men of his Lending, to prevent them, or pay the skath. 1s. 3. p. 11. cap. 22. That for loving Coms, and Meadows, the Kings Army be unhorded, and ready to march on foot, except Lords, Barons, and others Licensed by the King, 1s. 2. p. 8. cap. 86.

If any man be slain, or hurt to Death by the Enemy, or Die in the Kings Holi, during the time of it, that his Attire have his Waid, Reliefe, and Marriage of the King free, 1s. 4. p. 7. cap. 102. This Act bears to be made at *Wurshburgh*, in *Northumberland*, by the King, and his Lords present in the Holi, 24. of *August*, 1513, the same Statute, and extended to the Vassils of all other Superiors, 1s. 5. p. 2. cap. 3. That this Act mentions not such as die in the Holi, this is also extended to un-landed men, that their Wives, and Bairs, breik their Tacks and Steedings for five years after their slaughter, or wounding to Death. Griefum free. *Ibid* cap. 4.

A Church-man slain, or hurt to Death, or dying of Sicknes taken in the Holi, then matching against the English, that his nearest of Kin (most able therefore) have his Benchce, Q. M. p. 33. cap. 4.

Also that any Vassil lo slain, or dying, have his Waid, Marriage, Non-entry, and reliefe free, only if their be betwix the Air, that then they have the benefite of the Waid of the Lands, *Ibid* cap. 1. That in case of any mans death as forefid, his Wife, Bairs, Attorneys, or Executors, have his Tacks, and Steedings, Griefum-free for five years thereafter, payaid the wonded Dewty, *Ibid* cap. 6.

That three last Acts renewed in favours of such as should be slain, or wounded to the Death by the Rebels, then within the Burgh, and Caille of *Edinburgh*, refusing his Majesties Authority, 1s. 6. p. 2. cap. 41. 42. and 43.

HOSTELLARES.

That in all Burrows, and through Fairs, their be Hostellaries having Stables and Chambers, and provision for Horfe, and Assen, 1s. 1. p. 1. cap. 24.

That all Travelling men on Horfe, or Foot, lodge in Hostellaries, unless they lead money with them, in which case, they may lodge with their Friends; and that none receive Travellers, except Hostellaries, under the pain of *Fourtie shillings*, to the King, 1s. 1. p. 3. cap. 56. That honest, and competent Hostellaries, be made in all Burghs, 1s. 1. p. 6. cap. 85.

Ratified, and that all Bailies of Burrows, and Barones fee to the provision of the said Hostellaries, 1s. 5. p. 4. cap. 18.

HOUSE-HOLDERS.

That all House-holders worth *Three Hundred marks* of yearly rent, or *Five Hundred pounds* of stock, have an Bible, and Islam book, in vulgar language, in their Houses, under the pain of *Ten pounds*, two thirds of it to the Poor, and the other third to the Magistrais in Burgh, and to the Kings Commissioners in Parishes to Landward, who are appointed to execute this Act, 1s. 6. p. 6. cap. 72.

HOUSES Ruinous, See Burghs.

HUNTING, and HAULKING.

That none fly Hares in snow time, See *Hares*, and that no man flye Die, Rae, nor Deere, in time of Rorme, or snow, or their Kids, while they be yeast old under the pain of *Ten pounds*, 1s. 3. p. 7. cap. 61. See in *Wild Beasts*, and the Acts that there follow.

That no man ride, or gang in his neighbours Coms, in Hunting, or Haulking, from *Passy*, till they be shorn, and under Whet at no time in the year. Item that no man fangidger taken till *Michaelmas*, and that no man range others Woods Hunning, nor Inclosures, within Dikes, and that no man damages to the Fattie, and *Ten pounds* for the first, *Twenty pounds* for the second, and cleifst of Moreables for the third fault, to the King. Q. M. p. 6. cap. 51. And that no man hunt, or flye Deere, or Rae in others inclosures. See in *Thefts*.

That none hunt, or Haulk within six miles of the Kings Woods, Parks, Calles, and Palaces, under the pain of an *Hundred pounds*, half to the King, half to the Delator, 1s. 6. p. 74. cap. 20.

That no man hunt, or Haulk who hath not a Pleugh of Land in Heretage, under the pain of an *Hundred pounds*, half to the King, half to the Delator, 1s. 6. p. 23. cap. 31.

IDIOTRIE.

That the Brevie of Idiotrie, beart to inquire of the folly, and furiosity, and how long time the Person was of these conditions, to the effect, that all Alienations made by the Fool, or Furious Person, after that time, may be recreated, as well as Alienations made after leaving of the Breve, 1s. 2. p. 3. cap. 67.

That the nextest Agent, or Kinman, of uttural Fools, Idiots, and furious Persons, be seised, and preferred to their Tutor, or Curator, after the disposition of the Common Law. 1s. 6. p. 10. cap. 18.

IDLE-MEN.

That the Sheriff inquire after Idle men, and put them to Work, or Service, or els in Prison, and that the like be done in Barrowes, 1s. 1. p. 3. cap. 68. See *Beggers*, *Manufactories*, and *Poor*.

JESUITS.

The Acts against Jesuits. See in *Papists*, and *Religion*.

IMPORT, See Forbiddengudes, and Trade.

IMPROBATION, See Falschood.

Who offers to Improve a Writ as Fals, either by way of action, or exception, should find caution, or enact himself to pay a pain arbitral, in case he luccumb, half

to the Queen, half to the Party, and where the Kings Advocat perfives, that the Informer had the caution, Q. M. p. 7. cap. 62.

INCEST.

That such as commit incest, by abusing their bodies with Persons in degree expressly forbidden by Gods word *Leviticus*, Chap. 18. be punished by Death, 1s. 6. p. 1. cap. 14.

INCLOSURES.

That no man range anothers Inclosures, Q. M. p. 6. cap. 51. See it in *Hunning*. Act for making of Inclosures, Cap. 2. par. 1. Sell. 1. cap. 41. See it in *Planning*.

INDEMNITY, See Oblivion.

Act of Indemnity, and Exoneration to them that served the King in the civil troubles, preceding, 1s. 6. p. 7. cap. 109. Anno 1581.

INDORSATION, See Execution.

INFESTMENT, See Charter, and Seafin.

A bounding Infestment proceeding upon the Vassils Refignation, albeit it contain a new Gift, prejudices none asent the bounds, and Matches, except the Superior the grantee, 1s. 6. p. 12. cap. 156.

INHIBITION AND INTERDICTION.

That all Inhibitions and Interdictions, with their Executions, be Registrat within in fourty dayes after their Publication and Execution, both in the Books of the Sheriff of the Shire where the Party dwells; and if he have his Lands, or most part thereof lying in another Shire, in the Books of that Shire also, and that the Clerk give back the Letters and Executions marked by him within twenty fourt hours, receiving *five shillings* for his pains; and the Exalts to make faith in all cases, except that of Imprisonment; and that no inhibition or interdiction be of force, but null, except it be Registrat, 1s. 6. p. 7. cap. 139.

That Inhibitions and Interdictions against Feudons dwelling within Stewartries and Bailiaries in Regality or Royalty, be execute at the head Burgh, and Registrat in the Books thereof, otherwise the Executions and Registrations be null, 1s. 6. p. 1. cap. 244.

That their Registrations be made judicially, or before a Notar and four Winnefles, beside the Clerks; And if Sheriff, Stewart, or Bailie Clerk, and the three underinfluenced, the Letters may be Registrat by the next Sheriff, Stewart, or Bailie, or by the Clerk Register and his Deputies, *ibid*, c. 265. But that part of this Act requiring Notar and Winnefles Releifed, and Registrations made by the Sheriff, Stewart, and Bailie Clerk, or by the Clerk Register and his Deputies declared sufficient, 1s. 6. p. 16. cap. 13.

SUPER INQUIRENDIS.

That the Secretary and his Deputies pafs no Letters charging men to compare *Supeer Inquirendis*, or to enter their Testimonies in Writ, or to do any other deed, under the pain of Treason and Rebellion, and in case of Failure, to denounce notwithstanding the Subscription of his Officers, or any two, or more of his Council, unless they be subscribed by the chief Officers of State, at least four of them, Whereof the Chancellor, Theasurer, or Secretary, one who shall answer that the Letters are for Treason, or matters of the highest importance, 1s. 6. p. 10. cap. 19.

INSTRUMENT. See Notar and Witnesses.

INTERRUPTION. See Prescription.

IRELAND.

That no man pass to Ireland without licence, 1s. 1. p. 3. cap. 61. And that such as come from Ireland have a Certificate of the cause of their coming, *ibid*, c. 62. And that they be examined before their landing, *ibid*, c. 63. And that be declared that this is not done to break old friendship with *Ireland*; but to prevent correspondence with the Kings Rebels there, and *English Ships*. And that the pain of contravening, be cleifst of Goods, and body in the Kings will, *ibid*, cap. 61. and 64.

Imposition of *three pounds* upon each Boll of *Wheat* imported from Ireland, but when *Meal* and *Barley* here exceed *eight pounds* the Bull, the Council is empowered to remit this imposition, Cap. 2. p. 1. Sell. 3. c. 14.

Another Act moit furdly prohibiting the importation of *Wheat* from Ireland, to remit the same, under pain of Confiscation of Vell and Goods, and *twelve hundred pounds* upon the Heretors, and Magistrais of Burghs within the Shires, named in the Act, in case they, or their Tenants, or inhabitants *respectively* import or relet the same; and that they give Bond for this effect: But the Council when *Meal* and *Barley* at, or exceed *eight pounds*, and *Wheat* at *ten pounds* or above, may allow importation, Cap. 2. p. 1. Sell. 3. c. 3.

ISLES. See High-lands.

That Justices and Sheriffs be appointed for the North and South Isles, 1s. 4. p. 6. cap. 59.

JUDGES or OFFICIARS. See Sheriff.

That Officers and Ministers of the Law be appointed, who can hold the Law to the Commons, and that have sufficiently of their own, wherein they may be pursued in their steps; And that such as are Infeist in Office, and not sufficient, niched in Deputies, Ios whom they shall be answerable, 1s. 1. p. 1. cap. 6.

That all Judges do sell Law, and Justice, as well to poor as rich, but fraud or guile, and appoint Advocats for poor folk at the Kings direction, who should be paid by the other Party, if found in the wrong; and that Judges refusing to do the Law evenly be rigorously punished, 1s. 1. p. 2. cap. 65.

That all men that ken the Law be made Justices and other Officers, 1s. 1. p. 6. cap. 12.

All Officers will trespassing in their Office, times the same for year and day, *ibid*, c. 16.

That Officers or Sheriffs, &c. faultless or negligent, if Heretors, time their Office for a year, and if not, for all the time they have it, and both to be further punished at the Kings will, 1s. 1. p. 14. cap. 76.

That all Parties shall pafs to their Judge Ordinary and putre Justice, and if he refuse,

refuse, that he be put from his Office by the King and his Council for a certain time, and if he falsify and do wrong, and be an Officer of Fee, that he be put from his Office for three years; and if he be not of Fee, that he be put from it for one year, and both the one and the other shall pay the expenses of the Party, and be in error, and both the one and the other shall pay the Judges expenses, and the Kings will, and the Judges ordinary shall hold to answer for their Deputies, and if he shall be leasuror for the King to take decision of any matter that comes before him at his displeasure, as it was wont to be of before, Jan. 3. par. 5. cap. 27.

That in case the Ordinary fail in his Office, both he and the Party be summoned before the King and his Council for Justice and Reformation, Jan. 3. par. 8. cap. 69.

That all Civil Actions be full paid before the Ordinaries, and what Actions are proper for the Lords of Session, Ja. 3. par. 14. c. 205. See it in *Admon.* But the A.D. is only appointed to endure until the next Parliament.

That Sheriffs, and other Officers give the Process, whether it be of Debt, or Bienes to the Party, on his expenses for each A.D. four pence at allance, Ja. 4. p. 6. cap. 67.

That all Sheriffs and other Temporal Judges let their Counts in all Personal Actions upon fifteen dayes *peremptorie*, and at thirday proceed summarily, & *deplains*, Ja. 5. p. 6. c. 72.

That all Sheriffs and other Judges make their Deputies able men, for whom they will answer, and thairthey cause them be sworn, and that yearly, if continued, at the Head Court after Michaelmas, *ibid.* c. 73.

That all Judges whosoever do not and equalize, without any partial Council, Rewards, or Bribes, under the name of *officiary*, and if any murmur them fully, he shall be punished in flemable manner, providing that Spiritual men be called before their Ordinaries, Ja. 5. p. 7. c. 104.

That the Deputy may be Judge where the Principal Sheriff, Stewart, or Bailie is the Justice, Ja. 6. p. 6. c. 84.

Who strikes or hurts any person before any Inferior Judge sitting in Judgement, payes an hundred pounds to the King offended; but who strikes or hurts any Judge sitting in Judgement, incurs the pain of death, Ja. 6. p. 13. c. 173.

JUDICIAL PROCEEDINGS.

The Judicial proceedings under the English Officers Ratified, altered the Authority was unlawful, in manner set down in the Act, Cal. 2. p. 1. self. c. 1. 12.

Ad concerning the Regulation of the Judicatories, Cal. 2. p. 2. self. c. 3. 16.

JURISDICTIONS.

All Judgements and Jurisdicions either Spiritual or Temporal, not approved by the King and Parliament, are discharged; certifying the Authority thereof, that they shall be punished as Usurpers and Contemners of the Kings Authority, Ja. 6. p. 8. c. 131.

JUSTICE AIR, COURT, and CLERK.

Attorneys in the Justice Air should be honest sufficient persons, Jan. 1. par. 3. cap. 13.

That the Justice pass through the Country twice in a Year, after the old Laws, Ja. 2. p. 3. c. 5. p. 6. c. 12. p. 14. c. 70. once on the Grass, and once on the Corn, Ja. 3. p. 13. c. 94.

That Justices, Crowners, and others making course through the Land, ride in competent and easy numbers.

The Justice Clerk request no mans Action, nor translate any Action otherwise then was given him, but forthie better to the King, nor change names for any other, nor put any out of the Rolls without command of King and Council, under pain of tinfell of his Office, and his Honour and Goods to be at the Kings will, *ibid.* c. 28.

Justice Aired need not be continued, but continue of themselves until dissolved by the Justices, Ja. 3. p. 13. cap. 13.

All Persons Aired to the Justice Air, that may be apprehended in the Town the time of the Air, shall be taken and delivered to the Justices for to be justified, Ja. 3. p. 7. c. 52.

That the Justice in his Air in the head Burgh of the Shire may give an Assise to all Inhabitants of other Burrows of their own Neighbourhood, and falsifying of them of these of the said head Burgh, Ja. 4. p. 2. c. 20.

That the Justice be held twice in a Year, as above, and that a life time and come to fortie the Justice, as they shall be by him charged, under the pain to be punished as Art and Part with the trespassors, Ja. 4. p. 3. c. 29.

That the Justice Clerk take forth all Suits bearing pain of Dittay in the Court, and take up Dittay thereupon, Ja. 4. p. 4. c. 45.

That Justice Aired be kept for *Donors*, *Glentworth*, *Messmore*, *Lochaber*, *Argyll*, and *Barr*, as in the Act, Ja. 6. p. 6. c. 60.

That the Process of Justice Aired or Courts be preceptor at the second Air or Court, so that Fugitives not then comparand, shall be denounced, and their Goods sequester, Ja. 5. p. 4. c. 33.

The Justice General may let particular Justice Courts upon any manner of Crimes, as recent Slaughter, Mutilation, Fire, Ravishing, &c. And for Depredations, Relfs, and Squalls, that particular Districts be let at the discretion of the Lords of Session, the matter being first Civilly decided, *ibid.* c. 34.

That no Precept for Continuation of any Justice Court be admitted by the Justice or his Deputies, Ja. 6. p. 11. c. 79.

That Justice Aired be holden twice every year, over all the Shires, in *April* and *October*: And that the Justice General, or his Majesty under the Quarter Seal, make eight Deputies of the Lords of Session, or of the Justices, and another two for the Justice Clerk; And that Stewards and Bailiffs come to the head Burrows of their Shires: That these Justices be received at their entry in the Shire, by the Sheriff Principal, or his sufficient Deputy, and all the Free-holders warned by Emulation for that effect, who shall convey, attend, and accompany them till they be received by the next Sheriff.

That the Justice Clerk receive the summons from the Court, and deliver them to the persons dilated, or deliver them in potuous to the Crown, or any manner, that they may be taken to the next Air, and for left: Crimes do Justice themselves; and for that end to meet four times in the year, first of May, first of August, first of November, and first of February: As also to direct their Precepts to the Crowners, and to Sheriffs, or Officers of Arms for summoning Alices, each person under pain of ten pounds, and that they lend their Exports to the Thesaurer, and have their Expenses allowed, as above: and these Justices of both sorts to endure for a year, and farther during the Kings will, Ja. 6. p. 11. c. 81.

Their or Reiff by broken Borderers, or High-linders, as may be purified either before the Lords of Session, or the Justices, *ibid.* c. 93. See it in *Reibery* and *Reiff*.

That the Justice Clerk, or his Deputies, within six dayes after the return of Criminal Letters, deliver names of the persons denounced, with a note of the causes the Thesaurer or his Clerk; as also the A.D. of Adjournal, with the Precept thereon, to denounce persons finding favour and not comparand, Fugitives within the like space after they be decreed, that the clerks may be taken up, Ja. 6. p. 12. c. 126.

Who strikes or hurts any person before the Lord Justice or his Deputies sitting in Judgement, incurs the pain of death, Ja. 6. p. 13. c. 173.

Ad concerning the Regulation of the Justice Court, supplanting the Justice Deputies, and adding five Lords of Session to the Justice General and Justice Clerk, and appointing four of the whole number to be a quorum, except in Circuits, with rules about the proceedings of the Court, Cal. 2. p. 2. self. c. 3. 16.

Sum in time of Vacation of the Session, three of the said Commissioners are declared a quorum, and appointed to meet at Edinburgh in July yearly, Cal. 2. p. 3. cap. 22.

JUSTICES OF PEACE.

That his Majesty appoint yearly in every Shire sufficient Gentlemen living within the same, to be Justices and Commissioners for keeping the Peace, who should prevent and suppress disorders, as in the Act: As also, they are ordained to give advertisement to the Lords of Council, Justice General, and others whom it effects, of the names of the best Wintfells and Allfours to be summoned in all Crimes that shall happen to fall out in the Shires, that such as are unable to travel, or ignorant, may not be vexed, Ja. 6. p. 2. c. 7.

Enfranchisement of Artificers and Indulgences given by his Majesty to the Justices of Peace and their Constables, L. 6. p. 22. c. 8. Anno 1617. (See them as renewed Anno 1661. in the Act then made.)

The Act 1617. again Ratified and Confirmed, with power to the Lords of Privy Council to impose penalties on Justices that keep not their meetings, as also to amplify and enlarge the power of the Justices, as they shall see cause, Cal. 1. par. 1. c. 25.

Commissions and Instructions to the Justices of Peace and their Constables: The Justices of Peace are to be nominated by his Majesty and his Successors, and at their first meeting are to swear the Oaths of *Allegiance*, and *de fidelis*, &c.

They should meet four times in the year, the first *Wednesdays* of *March*, *May*, and *August*, and last *Tuesday* of *October*, where they should admit and give, set down Fees for Services, and Prizes for Crafts, choose Constables, dispose of Fines, and continue or adjourn their Sessions.

Any one Justice upon an complaint of a Party, swearing that he hath just cause to dread another, may bind the other under a sum to the peace, and commit him till he find favour; or without complaint he may bind him, unless they purge themselves by Oath of mutual grudge; and these Bonds to be kept by the Clerk of the Peace.

A Justice of Peace may call and compell any man to come before him, if his Rent exceed not Ten Chalders of Wheat; and if such a Person refuse, the Justice may inform one of his Majesties Privy Council, that he may be fined.

If the Sheriff or Bailie hath sentenced an Offender, the Justices have no more power: But if no satisfaction be ordered, the Party, they may modify, or if the pain or satisfaction be thought unreasonable, they may represent it to the Council. And if any Party be through Collusion sequent by an Assise, the Party once cleared, is not to be further questioned, but upon their information, the Judges are to be called, censured, and punished by the Council.

The Justices have power to proceed on all Persons committing Riots and breaking the Kings Peace, and at the degree of a Nobleman, Gentleman, Counsellor, or Senator of the College of Justice, and to punish and fine: And they may refer to Oath, or hold the Party to be confessed, if personally apprehended, in the first Citation, on the second Citation at his dwelling house: And for their of a higher degree, they may charge them to find caution for the peace, and for their compenance before the Council.

They should execute the Acts of Parliament against Beggers, Vagabonds, Idle Persons, and Agytators and their Refractories: And if from Mercat Towns, or from the head and punish such as were High Ways, to, or from, Mercat Towns, is declared to be twenty foot or less, and where larger, they are not to be brained: And they should maintain the Ways to Pascho Kirks, and where they find need of a new Way, inform the Council.

They should execute the Laws against Offences and destruction of Planting, green Wood, Orchards, Gardens, Reimings, breakers of Downes and Cunnings, fleckers of Bees or Hives, users of Setting Dogs, flyers of Red and Black Flinn and Smolts in forbidden time, Fowlers in other mens Lands, makers of Muir and Moleburn, letters of Cruives, Creels, and Nets in Waters or Dams, keepers of Cnives and Zairs in forbidden time. And that Commissions be granted to them may and fine the said Offenders, with warrant to proceed by Wintfells, or Oath of Parity: But they may not meddle with such as are not in their limitations, or are convicted before any other Judge. And farther, this is declared to be without prejudice of all other mens Commissions or Rights.

They should inform the Council, Thesaurer, or Advocate, at least once a year, of Fore-stallers and Regenerers.

If the Baron and Master punish not the Hostler for set of Rebels, Vagabonds, Malfellers or lupter Persons within fifteen dayes, the Justices may fine them in *fourty shillings* till the first four pounds for the second, and ten marks and ten shillings for the third Fall, without prejudice to the greater pains wherein they may be liable.

That they inform as said to be the breakers of the Acts against Malt-makers. They shall set down orders in the time of Plague, and punish dofbeyers. They may compell Servants to serve for their Fees, and also Masters to pay them.

They should take notice that Prison-houses be kept up, and inform the Council when they are wanting. They may rate Paroches for weekly rate, not exceeding five, not under one shilling, for the intertainment of poor Prisoners, and fecit applied.

All Magistrates and Keepers of Prisons shall receive their Prisoners, the Justices feeling to their intertainment.

The Justices should set prices for Penny Bridells, Shearers Fees, and Craftsmen fees.

They should cause single and double Ale be Brewed, and appoint Vintners with consent of the Baron and Master, and punish Drunkards.

Three Justices of Peace are declared a full number to decide in matters betwixt Sessions.

Justices of Peace are not chargeable on Letters of Caption.

They should cause that *Limington* Measure be universally used, and that there be a conformity in Measures and Weights betwixt Head Burghs and Country about, and for that end they may require a Note of the Magistrates and Dean of Guild, of their Weights and Measures, and inform the Council of any wrong.

When required they shall order their Constables to apprehend contemners of Church Censures.

They should keep the Quarter Sessions.

They should appoint a Collector who should find Caution. Justices under the degree of a Lord of the Session may have *fourty shillings* per albalet

diem for their attendance (not exceeding three days at one time) from their Cohector: And such lictices as have the benefit of this allowance, and shall be absent from the Sessions, or when required from other Meetings, not excused, shall be lible in *fourty pounds*.

The Lords of Session are directed general Letters at the Collectors Inlance for all Fineson fifteen dayes, and no Suspension but upon Congition of the Fine, and Caution for payment of Charges.

The lictices should be led to the Council after every quarters Session a list of the persons committed, or put under foreward by them, with the cause.

They shall execute the Ads against Curiers and Sweaters, or ruckers of Tiety, by exacting the painsstature against Swearing in this Parliament. (See *Swearing*.) And that Wives be lible in their Husbands Fines, and their Husbands pay for them.

As also, they shall execute the Laws against Fornication, and exact the pains thereof (See them in *Fornication*) the one half to be applied to pious uses, in the Paroch where the offence was committed, and the other half to be divided betwix the Informer and Profecutor, and Confitable, and other uses, at the will of the Justices.

That they execute the Ads against Drunkenness, and Haumers of Taverns, and Ale Houses, and exact the pains therein the one half to be applied to pious uses, and the other half to the keepers of such Houses as sell them drink, and apply the times as above.

That they execute the Ads against Profaneness of the Lords day, and apply the pains as above.

In Hainous Crimes, they shall apprehend the Persons, and Commit, or bind them, as the cause allow, take the Accusers Information upon Oath, and bind him to Profecute, take the Depositions of the witnesses, and bind them to give evidence, and also take the examination of the accused, all which the Justice, or Justices shall certifie to the Quarter Sessions, or Criminal Court, *respective*.

If any Noble-man, Barron, or Barille, reclaim right to proceed against a Criminal Offender apprehended by a Confitable, the Justice shall take foreward of him, to Minister Justice duly, and shall report the same.

That the Justices twice in the year, the first of *December*, and the first of *June* take up a List of the Poor in every Paroch, and appoint two or more Overseers in each Paroch, to provide for them, as in the Ad, and take the saids Overseers account, and discharge faithfully, under the pain of *20. pounds*.

CONSTABLES.

That the Justices in their Quarter Sessions, appoint two or more Confitables in every Paroch, or great Town from Sex months to Sex months, but in Burghs Royal and free Cities the Confitables to be chosen by the Magistrates, and the Confitable refusing to Accept, or Swear, may be by the Justices Imprisoned, and fined. The Confitables Oath is the Ad.

All the Confitables at least one of each Paroch, in name of the rest, should attend the Quarter Sessions, inform concerning breaches of the Peace, and the evidences thereof, and receive the Justices Directions.

The Confitables may apprehend night Walkers, suspected Persons, Vagabonds, studee Beggars, Egyptians, and idle Persons, and carry them to the next Justice of Peace.

The Confitables shall apprehend Persons for Slaughter, Murder, Theil, or any other Crime, and cage them to the next Justice, and require Nighbous to Assist, who refusing shall be punished by the Justices.

They shall arrest all weatens of Guns, norbing in his Mijesties service, or duly licensed, and carry them to the next Justice.

They should read frays, and call thereto the Assistance of the Nighbous, and if they get scath, the Justices are to punish the doers of it.

A Justifiable may follow a Person, that hath made a fray, to the House he flies to, and require open Doors to be made, and upon refusal take Witnesses.

In a fresh pursuit he may follow without his bounds, and require Nighbous to Assist.

The Confitables should execute the Justices of Peace their Orders.

Upon complaint the Confitable may apprehend a Threarter, and cage him with the other to Justice of Peace, and if he refuse may Impison him.

That the Confitables, and Clerks of the Peace, be payed for their labours, out of the rates, or otherwise if they fall short, at the sight of the Lords of Exchequer.

Lastlie the whole premises are declared to be without prejudice of any mans Right, or Priviledge of Jurisdiction whatsoever: And therefore the Justices may use any Party until the expiring of Fifteen dayes after the Fa, and then if others neglect, they may cate and proceed, Car. 2. p. 1. Sess. 1. & 18.

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KING, See Annexation, Dissolution, and Revocation.

That the King came make trial by Inquest, what Lands belonged to his Predecessors, and he may lymund his Tenants to shew their Chances, and Evidents, Ia. 1. p. 1. c. 9.

The King hath right to all mines of Gold, and Silver, if three half pennies of Silver may be fined out of the pound of Lead. *Ibid.* cap. 12.

The King may gasr rrick new money when him likes. *Ibid.* cap. 23. See *Money*.

The Kings Governour during his Government might annulize from the Crown, lands fallen to it throw the decease of a King. Ia. 1. p. 1. c. 131.

The Breakers of the Kings Prohibition should be Punished, Iam. 1. p. 1. c. 134.

See it in *Prohibition*.

King James the Second brought by all the Earls, Lords, Barons, and Freeholders, from the Castell of *Edinburgh*, to the Abbey of *Haly-rood-house*, to be there Crowned upon the Twentey of *March*, Anno 1437. Iam. 2. p. 1. c. 1.

The Kings perfectt ageis, at twenty one year compleit, *Ibid.* cap. 2. and Iam. 4. p. 2. c. 10.

That the King ride throw the Realm for the punishing of Crimes. And the Barons are obliged to assist with their power, in bodies, and gudes, as oft as shall be seen speedful by the Council, Ia. 2. p. 3. c. 6.

That it shall be lawful for the King, to take decision of any matter that comes before him, at such emplace, as it was wont to be of before, Ia. 3. p. 5. c. 27. See it in *Judges*.

That the King present to Benefices belonging to Bishoppicks, the Bishops seige valing, Iam. 3. p. 13. c. 14.

And that no man purchase from Kings Commissions in the contrary, *Ibid.* c. 86. under the pain of Prohibition, and Treson, Ia. 4. p. 1. c. 4.

That no man break the King fute conduct, under pain of Death, Ia. 3. p. 12. c. 33.

They that withhold the Kings Rents, may be distrainized upon, and their Persons brought to the King. Iam. 3. p. 13. c. 21. See the *Forced Ads* for better payment of the Kings Rents, in *Chamberlaine, Comptroller, and Exchequer*.

Peace and Oath of the three Estates not to countenance manifest Traitors, and other notorious Malefactours, but that they shall assist the King, in doing Justice against them, Ia. 3. p. 14. c. 98. See it in *Treason*.

A Council chosen by the King Minor for the sime by the Parliament, and made accountable to them, and the King humbles himself to pmoit to abide at their Councils, until the next Parliament, and until then all Gifts be granted by the King with their consent, Iam. 4. p. 2. c. 12.

That no man compel the Kings proper Tenements to doe service by Condition, or Dread, under the pain of Oppettell, *Ibid.* c. 23.

The Priviledges, and Liberties of the Kings Forests, and Parks, See in *Forest*.

That no man doe contrary the Kings Priviledge, granted him by the Siege of Rome, Ia. 5. p. 7. c. 119. See *Benefice* and *Clergy-man*.

That the Nomination to Prelacies, vaking, pertains to the King, and the provision to the Pope, Ia. 5. p. 7. c. 125. See *Prelacies*.

Ad ordaining all Signatures, and Gifts, granted by King James 4th, before his decease, after they should the Seals, and perfected, notwithstanding his Decese, and the change of Seals, providing they be presented before and certain day, Q. M. p. c. 1.

Declaration of the Queens perfectt age, to be at Twenty one years compleit. Q. M. p. c. 97.

The first Declaration made for King James the 6th, and his Successors, Iam. 6. p. 11. c. 22. Also after the tunning of the *anns* under King James the 6th, the veridage of Twenty five years compleit is also mentioned, Iam. 6. p. 12. c. 159.

That all Kings, and Princes, or Magistrates, whatsoever holding their place, shall open to reign, or barbe rule upon this Reclm, at the time of their Coronation, and receive of their Prince vaking authority, first to leave God, according to his word, and according to the time word to maintaining the true Religion, the preaching of the word, and right Ministration of the Sacraments now received, and to obdily, and gain stand all false Religion, contrary thereto, to rule the People according to Gods word, and the Laws of the Land, and to procure peace to all Christian people, to preserve, and keep the Rights and Rents of the Crown, to forbid, and repress all oppression, and wrong, and to procure Justice, and equity to all Creatures, and that they shall root out of their Lands, all Hereticks, and enemies to the true Kirk of God. Ia. 6. p. 1. c. 8. Anno 1567.

Ratification of all things done in King James the Sixth his name, and for maintenance of his Authority by his Regents, and others, since his Coronation, and annulling all things acted by any other authority, since that time, Iam. 6. p. 1. c. 50.

Ad Ratifying the Royal power, and authority over all Estates, aswell Spiritual, as Temporal, in the Person of the King, his Ails, and Successors, and that they and their Councils, are Judges competent to all Persons, the Subjects, and in all matters shall be summoned, or charged to answer such Judgments as shall be inquired of them, and that none decline the King, or his Council in the premises, under the pain of Treson, Ia. 6. p. 8. c. 129.

No Council, Convention, or Assemblies, to treat, or determine in matter of State, Civil, or Ecclesiastical, (except the ordinary Iudicatures) can be held without his Majesties special command, and licence, under the pain of unlawful Convocation, *Ibid.* cap. 131. (See *Convention*.)

This Ad revived, and ratified, and to explain it, so as not to extend to Councils, and Conventions kept for preservation of the King, Religion, and Law, or for the gude of the Kirk, or Kingdome, is declared to be false, and dilloyal, Car. 2. p. 1. Sess. 1. c. 4.

Ad Establishing a Horse Guard to the King of Fountie Persons, with two Hundred pounds yearly the man, and that for that end, the King have the first years fruits of all Benefices, (laick Patronages excepted) with all the Fruits during the Vacancy, as also the fifth part of the Rents of all Benefices yearly, beside the thirds, that his highness hath right to, and may introneter with all Monks, and Nuns portions decreed, or who shall decese, that the Intestation, Gifts, and Disposition, of all Prelacies pertains to the King, by right of his Crown, Iam. 6. p. 8. c. 131.

No Leagues, or Bands, may be made amongst the Leiges, without the Kings privy, and consent, under the pain of Sedition, Ia. 6. p. 10. cap. 12. See *Leagues*.

Ad revived and Ratified with the same rejection of the false gloss put upon the Ad, Ia. 6. p. 8. c. 131, above, Car. 2. p. 1. Sess. 1. c. 4.

That the Kings privy furnish his House, and that who introneter therewith ought to furnish the expences of the House, in ready money, Iam. 6. p. 11. c. 67.

The Kings Casualties, should not be given away in great. *Ibid.* c. 49. See it in *Casualty*.

To rrick, butt, or say, any person, within the Kings Inner-Chamber, Cabinet, or Chintel of Peace: The King being for the time within the Palace, or within the Kings Council House, the Council sitting, or in the Kings presence, where ever he be, is Treson, and if it be done within the Inner-gate of the Kings Palace, where His Highness resides, for the time, it is Death, Iam. 6. p. 13. cap. 173.

The Kings of this Realm being free Princes, of Sovereign power, having as great Prerogative as any other King, or Potentat, Therefore, they ought to have the like Customes of all gudes imported, and thereupon the Ad impoing the saids Customes proceeds, Ia. 6. p. 13. c. 251. (See the *Ad in Customs*.)

The negligence of the Kings Officers in perfusing, or defending his causes, pre-judges not his Majestie, but may be supplied by their Successors, in their Offices, without necessity of Indultion, Ia. 6. p. 16. c. 14.

That no man invade, or prelaw another, within a mile of the place of his Majesties residence, for the time, or resort within his Palace, or Place of residence, armed, with Jack, or Coslee, under the pain of waiting for day and day, and fining at his Majesties pleasure, *Ibid.* c. 26.

Ad acknowledging his Majesties Royal Authority, and Royal Prerogative, over all Estates, Persons, and Causes, refecting all things done or to be done in the contrary, was a faithful promise perpetually to acknowledge, obey, and maintain, the Life, Honour, Authority, and Royal Prerogative, of his Majestie, his Ails, and Successors, with Lives, Lands, and Gudes, and to withstand all who shall intend to impugne, hurt, or impaire the same, and never to come in the contrary, Ia. 6. p. 18. c. 1.

The same Ad ratified, and the Prerogative affected, in favours of King Charles, Car. 1. p. 6. c. 2.

The bill Estates acknowledge the King to be Sovereign Monarch, absolute Prince, Judge, and Governour over all Persons, Estates, and Causes, Spiritual, and Temporal within the Realm, Ia. 6. p. 18. c. 1.

The Temporal Jurisdiction of the Kirk, flows from the King only, as all other Jurisdiction doth, Ia. 6. p. 20. c. 6.

The Parliament refer to the Kings appointment, to prescribe the habits of Magistrates, and Commissioners of Burrows, Lords of Session, inferior Judges, and gitts, and to constitute the Justices of the Peace, and to make laws, to be lawyers, and of all Kirk-men, and in what manner, and at what times, to be used, Ia. 6. p. 20. c. 8. (See the *Ad in Apparel*.) and to make present as to the apparel of Kirk-men, is declared to remain with King Charles, and his Successors, Ia. 6. p. 2. c. 3.

LITSTER.

That no Litster be Drapet, or a Cloath Merchant, under the pain of escheat, Jam. 2. p. 14. c. 66.

LOCALITY.

All Localities for furnishing and carrying Corn, Straw, Hay, or Crops, to Soldiers Horses, discharged, as in the Act, Car. 2. p. 3. c. 3.

LOCH-LEVEN.

That none fly Picks, Peaches, Trout, or any other Fishes, in the Waters, flipes, or burns that fall into, or run from Lochleven, within the space of five miles thereto, under the pain of *Twelve pounds, notes payable*. Declared to appertain to the Earl of Moray, and his Son Proprietors of the said Loch, and their heirs, and Successors, and that no Fishers, or any others, as if they were their Bailies, to convene, and try offenders, within the Town of *Kingsfisher*, and Letters of Horning on Sex days, are ordered to be direct on their Sentences, Car. 1. p. 1. c. 29.

LOOSING OF ARRESTMENT, See Arrestment.

LOW-COUNTRIES, See Conservator.

That an Incorporation be made of the *Scots*, in the Low-Countries, and their Privileges, ordaining the *Scots* residing there, and pretending to the said Privileges, to give their Oath of obedience to the King, and his Laws, as if they were dwelling in *Scotland*, and that they pay for their entries, *Ten pounds Flemish*, and the Persons refusing, to be deprived of all benefice, or commerce with, his Highness Lieges. Ja. 6. p. 6. c. 96.

That no Ship plying to the Low-Countries, land any mans goods but at *Campere*, or the ordinary Staple, and that no Person go on Land, or take any thing out of the Ship, until its arrival there, under the pain of *Ten pounds Flemish*, and the Conservator, should take the Merchant, and Shippers Oaths thereunto, Ja. 6. p. 15. c. 258.

That Merchants coming from the Low-Countries, give to the Conservator an account of the quantity, and quality of their goods, under the pain of Confinement thereof, and that a subscribed Coquet thereof be sent home to the Thesaurer, *Ibid.* esp. 260.

LYON King of ARMES.

That he hold two Perpetuall Courts in the year, in *Edinburgh*, upon the Sixth of May, and Sixth of November, and call Officers of Armes, and their Cautioners, upon complaints, and try them, and if culpable, that he not only deprive them, but that the Cautioner incur the pain, whereof a third to the Lyon, and that his Decretes be registrat, and that Letters conform pass thereupon, as aforesaid, Ja. 6. p. 11. c. 46. See *Messingers*.

The Lyon, and his Brethren, the Heraulds, are impowred to visit the whole Armes of Noble men, and Gentle men, and to distinguish them with congnent differences, and matriculate them in their Books, as also to inhibit such to bear Armes, as by the Law of Arms, ought not to bear them, under the pain of escheating the thing whereupon the said Armes are found to the King, and of an Hundred pounds to the Lyon, and his Brethren, or of Imprisonment, during the Lyon's pleasure, that by the advice of the Lords of the Session, he deprive such Officers of Arms, as he finds unworthy, and take Sovereign of the rest, with power to add to their Injunctions, by advice of the said Lords, that all Magistrats (as required) concurre with the Lyon to execute the Act in his favours, under the pain of rebellion, with Certification, that Letters shall be direct against them *simpliciter*, Ja. 6. p. 12. c. 125.

That the Lyon deliver to the Thesaurer, or his Clerk the Names of the Officers standing, and of their Cautioners, as also those deprived, *Ibid.* esp. 126.

That the Lyon, and his Clerk, be charged twice a year, to produce their Books of the Sovereigns of Officers of Arms to the Thesaurer, for getting in the half of the penalties of such as are deprived, Jan. 6. p. 14. c. 209.

Ad Rayding the Act Ja. 6. p. 12. c. 124. As to the Lyons power of visiting of Arms, so ordering all Arms & figures Attornial to be produced to him, to be matriculated, & duly distinguished, that he may give extracts, for which to be payed by Feilds, and Noble men, *Ten shillings* mark by Knights and Barons *Ten mark*, and by every other Person bearing Arms, *Five mark*, and who uses Armes otherwise, to be lyaible in the pains of the said former Act, the Lyon, and his Brethren, are likewise declared Judges, as to the malversation of Messengers, and to have all other Privileges belonging to their Offices, Car. 2. p. 2. Sell. 3. c. 21.

M

MADE-WORK.

That no Tradesman import made-work belonging to his Trade, or vend the same, or any such Ware brought home by Merchants, in their Shops, or otherwise, under the pain of Confinement, half to the King, half to the Apprehender, and Perseverer, Car. 2. p. 1. Sell. 1. c. 47. See *Crafts*, and *Trade*.

MAIRES, See Messingers.**MACERS.**

That Macers be sworn, to be faithful, and secret, and the price of their labours, *Two shillings*, Ja. 5. p. 5. cap. 62, and 63. See it in *Session*.

MALT-MEN.

That all Malt-makers present their Malt to the Mercat, and sell none till nine hours, under the pain of escheat of the Malt, and that they take no more than an Boll of the Beir, for making the chaldier of Malt, under the pain of Oppression, Ja. 4. p. 6. c. 92.

That Malt-makers take only *Two shillings* more for the Boll of Malt, than the Boll of Beir is sold for, under the pain of escheat of the Malt, and of Oppression, Ja. 5. p. 4. cap. 29.

That Malt-men have no Deacons, nor be reputed a *Craft* for ever, Ja. 6. par. 1. esp. 29.

Ratified, abrogating an Act of the Town of *Edinburgh*, Anno 1646, whereby Malt-men, and Brewers were made one of their Trades, and they are discharged all meetings, or correspondence in any Burgh, under the pain of *Five Hundred marks* the man, *twelve*, *quarter*, hall to the Informers, and what further Personal plus the Privy Council shall please inflict, Car. 2. par. 2. Sell. 1. cap. 15.

MAN-RENT.

All Bands of Man rent, or maintenance, since died given, declared null, except heretofore made of before, or given for the Ailment of Slaughter in time bygone, and all such bands are discharged for the future, and that all deeds done, or given therefore, return to the Givers, and that the Givers, or Takers of such bands in time coming, be punished by warding, Q. M. par. 6. cap. 43.

MANSE, and GLEIB.

That no Parson, Vicar, or Other Kirk-man, set in Few, or long Tacks, their Manse, or Gleib, without the Queens Licence, that the Minister serving the Cure, have the principal Manse of the Parson or Vicar, or of such of it as may be taken, whether the gleib be set of before, or not, or that a reasonable House be built him, that the Parson, or Vicar, or their Feners, or Tack-men, and so much Land thereto annexed, as shall be appointed thereafter, Q. M. p. 9. c. 72.

And for explication of this Act, it is appointed, that the Parson, or Vicars Manse, most ewelt to the Kirk, with four sakers, or so much as there is of the Gleib most ewelt to the Manse, shall pertain to the Minister, or Reader serving at the Kirk, to be delivered by the Bishop, with advice of two honest men of the Paroch, and that on the Bishops Testimonial, and the parties Bill, Letters be direct on Ten dayes, charging the Possessors to remove, that their Manse, and Cleibs be not annalized, or set in Few, or Tack, in prejudice of the Successor. That if the Fewer, or Tackman, have made famous signings, or be unwilling to remove, then the Bishop age the matter, by getting the Minister another Manse, as good as the Manse set was the time of the setting, with certain sakers of Land adjacent thereto, or otherwise, that the Fewer, or Tackman, remove signers, that the Fewer, or Tackman removed, is to have a deduction of his Mill, and also of his entries Silver, *Secundum ritum*, Ja. 6. p. 3. esp. 48.

These Acts extended to all Abbacies, and Cathedral Kirks, where no other Parson, or Vicars Manse was of before, forborne the Minister serving the Cure, is to have a sufficient Manse within the precinct, (or els the Abbot, or Fewer is to give him one also ewelt, and commodious) together with four sakers of the beff, and most commodious Land lying contiguous, and most ewelt to the Manse, which pertained to the Abbacie, or any Member thereof, Ja. 6. p. 12. cap. 116.

That where of old there has been no Gleib, or the Gleib less than the four sakers, that the designation be made of the Parson, Vicar, Abbot, or Priores Lands, and filizating thereof, out of the Bishops Lands, Friers Lands, or any other Kirk Lands within the Paroch; And that Cleibs be designed, with freedom of Foggage, Fewel, Fall, Devot, leaving, free fish, and entry, and other Privileges according to use and wont Ja. 6. p. 13. cap. 161.

That the Fewers, Possessors, and Tack-men, out of whose Lands is most ewelt to the Kirk, Manse, and Cleibs are designed, have relief of the other Fewers, Possessors, and Tack-men, within the same Paroch, *pro rata*, Jan. 6. p. 14. cap. 159.

That where there is no arable Land adjacent to the Kirk, four founs grafs of the beff, and most commodious Pasture of Kirk-lands, within the Paroch, be designed, in manner foresaid, for each of the saids four sakers, Ja. 6. p. 13. cap. 167.

And as Cleibs set Teind free, Ja. 6. p. 5. c. 63. (in Gleibs,) so at their founs Grafs, Ja. 6. p. 23. cap. 10. See *Gleibs*.

That all Bishops, and other Ecclesiastick Persons, build, and repaire their Manse, and if they suffer them to decay, that their Executors be lyaible to their Successors, as also that their Successors be obliged to give satisfaction to their Executors for the expences of reparation they shall make, at the sight of two or three Bishops, not exceeding a *Thousand pounds*, if they set fairs, and *Five Hundred marks* if they be inferior Ministers, Ja. 6. p. 21. cap. 8.

That where competent Manse are not, the Heretors of the Paroch, at sight of the Bishop, or such Ministers as he shall appoint, with two or three discreet men of the Paroch, build competent Manse, not exceeding a *Thousand pounds*, nor under *Five Hundred marks* value, and where competent Manse are already, that the Heretors relieve the Minister, or his Executors of the expences of repairing the same, and the the things being on the same, the Manse to be upheld by the Incorporated Burghs, and by the Heretors in time of Vacature, out of the saids vacant stipends, and that Ministers have Fewel, Foggage, Fall, and Divous, according to the Act, Ja. 6. p. 13. cap. 161. (above) And that Ministers (except Ministers in Burghs, that have no right to Gleibs) have Crafs for one Horse, and two Kye to be designed, and with relief, as above, and if there be no Kirk-land near the Manse, or the same be arable, that then the Heretors pay the Minister *Twenty pounds* yearly for his Crafs, and be relieved as aforesaid. That no Incorporated sakers in Village, or Town, where the Heretor hath Houles, and Caredens, be designed for Cleibs, and this Act is drawback to the fourteenth of March 1649, Car. 2. p. 1. Sell. 3. cap. 21.

MANUFACTORY.

Ad for erecting of Manufactories, granting several Powers, Immunities, and Privileges, in their behalf, as in the Act, and particularly that all materials useful for Manufactories, that shall be imported, be free of Custom, Excise, and other publick duties, and that no Native, or Stranger export any materials useful for Manufactories, until made in work or put to the beft avail, under the pain of the value, half to the King, half to the Informer, and Purifier, and such further punishment, as the Exchequer shall appoint, Car. 2. p. 1. Sell. 1. cap. 40. And Linfeed, Hemp feed, and Steel Imported, are Declared to be exempted from Publick Dues, as materials useful for Manufactories, conform to the provision contained in the said Act, Car. 2. p. 1. Sell. 3. cap. 20.

Ad for erecting of Companies for procuring the saids Manufactories, with several Powers, and Privileges, in the Act, and generally with all Privileges granted, or that shall be granted to the Societies of Filchers, Car. 2. p. 1. Sell. 1. c. 42.

That Masters of Manufactories may seize, and employ Vagabonds, and idle Poor Persons in their Works, for Ten years, in manner set down in the Act, Car. 2. p. 1. Sell. 3. cap. 16. See it in *Poor*.

Ratification of all Acts for encouraging of Manufactories, as in the Act, specially, the Act Car. 2. p. 1. Sell. 1. c. 43. (See it in *Law*) and Car. 1. p. 1. Sell. 1. cap. 46. (See it in *forbidden Goods*) Car. 2. p. 3. cap. 12.

MARRIAGE.

That who Marries two Wives, or two Husbands, both living, undivorced, be punished as perjured, by escheat of moveables, warding year, and day, and Infamy, Q. M. p. 5. cap. 19.

That Marriage be as free as Gods word allows, and that secondly degrees of Consanguinity, and Affinity, and all out with those contained in Gods word, might have Married lawfully since the eight of March 1558. And may do so in time coming, *Iam. 6. par. 1. cap. 15.*

The Man or wife will die dissenting, by the space of four years, may be cited and sentenced to adhere, and thereon charged, and denounced, and after *Præsumptions* due by the Bishop, the Minister of the Paroch by the Bishops order shall admonish him publicly, and proceed to excommunication, in which Case, the Parties obstinate shall be a sufficient cause of divorce, and the Offender shall tinge the Tether, or Denation, *propter Nuptias*, *Iam. 6. par. 4. c. 35.*

That who ever Marries to a Clendethine, unclerly wry, or by Fictious not authorized by the Kirk, shall be imprisoned for three Moneths, and beside shall pay, the Nobleman a *Thousand pounds*, the Gentleman and Burghs Five *Hundred pounds*, and each other Person a *Hundred merke*, and that they remain in Prison, while they pay, and the Fines to be applied to pious uses of the Paroch where they dwell, that the Celebrator be Banished, not to return under the pain of Death, that none of the Parties where both reside in Scotland, get themselves Married in England, or Ireland, without Proclamation of bannes, in Scotland, and against the order of this Kirk, under the pains, a Nobleman, a *Thousand pounds*, a Landed Gentleman a *Thousand merke*, a Burghs, Five *Hundred pounds*, each other Substantious Person Five *Hundred merke*, a Tradesman, a *Hundred pounds*, and each Infector Person a *Hundred merke*, half to the King, half to the Paroch, and that the King, or Kirks Advocat, perforce the contraventions of this Act, and that such as are unable to pay, be punished with Stocks, and lions, and all without prejudice of the Kirks censures, *Car. 2. p. 1. Seff. 1. cap. 34.*

It is further Statute, that who Marries any Person not lawfully Ordained, or Authorized thereto Here, and She amittes her *jus Mariti*, and *jus Relictæ*, *Car. 2. p. 1. Seff. 2. cap. 9.*

The Expenses of Marriage regulat, *Car. 2. p. 3. cap. 14.*

MARRIAGE Casualty.

That in Service of Airs holding Lands wair, Tax, or Few, cum *Maritagio*, the Inqueit retour the Tax, for the Marriage, and of the Few cum *Maritagio*, that may be infered to the Precept, *Car. 2. p. 2. Seff. 1. cap. 14.*

SHIRE of Meirns.

That the Court place thereof, be removed from *Kincardin*, to *Stanesbury*, *J. 6. p. 16. cap. 27.*

That, and that the said Burgh of *Stanesbury*, and Mercat Croft thereof, be the head Burgh, and place of all Executions, and Publications, within the Shire, *J. 6. p. 19. cap. 7.*

MERCAT, See Burghs, Cocquet, Low-countries, and Ships.

Towns, and Paroches, which had Mercats on the Sabbath, which are now prohibit may choise any other day in the weeke for holding the same, if it be not the Mercat day of the next Town, *J. 6. p. 12. cap. 122.*

That no Royal Burgh keep Mercat on Munday, or Saturday, under the pain of an *Hundred merke*, but that they change the same to other dayes, But Fleethers in these Burghs, may keep Fleth-mercats on these dayes, *Car. 2. p. 1. Seff. 3. cap. 19.*

MERCHANT.

Thatno Merchant pish over the Sea in Merchandise, unless he have of his own or under his Government, at least three Serpills, or Two Hundred Twenty four Stones of Wool, on the value, under the pain of *Ten pounds*, and this to be tried by one Inqueit, *J. 3. p. 2. cap. 18. J. 2. p. 14. cap. 67.* or having in his own half, a Lash of Gudes, or so much in Strasse, and Governance, *J. 3. p. 2. cap. 13. and p. 1. cap. 106. J. 4. p. 2. cap. 14. and J. 5. p. 4. cap. 24.*

In which last Act the pain is made Twenty pounds, and the Execution very strict.

That Sellers in Merchandise, be Free-men, indwellers of Burghs, *J. 3. p. 14. cap. 67.* This Act is said to be made by the Clergy, and Barons, and the same is Statute *J. 3. p. 2. cap. 11. and par. 14. cap. 106.*

That no Maroff Craft use no full in Merchandise, unless he renounce his Cuff, *J. 3. p. 2. cap. 12. under the pain of Elcheit of the Merchandise, J. 3. p. 14. cap. 107. See Ships.*

That no gudes be sent to the Swyn, or Sluife, the Dam, or Strages, *Iam. 3. p. 2. cap. 106.* But the Merchants shall to *Rochel*, *Bordeaux*, *France*, and *Normandie*, and that the same gudes remain in France, and pass to no Mercat under the pain of *Five pounds*, *Ibid. cap. 17.*

That no Shipbe fraughted, or Merchant file therein, with gudes to *Flanders*, but twice in the year, that is to say, to Falm Mercat, and Rude Mercat, under the pain of *Twenty pounds* to the King, *J. 5. p. 4. cap. 11.*

That every Merchant falling with, or sending forth a Lash of gudes, bring home two Hogs, or Misset for making the same, according to his pack, with Powder, and Colmes, *J. 5. p. 7. c. 95.*

That no free-man use Traffique, specially in the Low-countries, under the pain of elcheit of all their moveables, two thirds, to the King, and a third to the Conservator, *J. 6. p. 6. cap. 97. and p. 19. c. 6. (See in Burghs.)*

That all Merchants, and Skippers, at their receiving of their Coquegn, sweat, that they have no fault in their goods, nor other lawfull gudes, except what is in their Comend, nor shall take in other gudes all that voyage, otherwise the Ship, and Gudes, at least the gudes of the Refuter to sweat, shall be Arrested, and Confiscat, *J. 6. p. 15. c. 357. See Low-countries.*

That Merchants import not allens as Factors beyond Seas, *Car. 2. par. 1. Seff. 1. cap. 44. See Factor.*

Act regulating Trade, and Merchandise, betwixt the Royal Burghs, and others, *Car. 2. p. 2. Seff. 3. c. 5. See in Burghs.*

MESS, See Papist, and Religion.

That none say, hear, or be present at Mess, under the pain of Confiscation of all their gudes moveable, and immoveable, and their Fellows to be in will, for the first fault, Banishment for the second, and death for the third, and that all just be diligent to prevent the Contraventions, *J. 6. p. 1. c. 5.*

That all Sycers, and Hearers of Mess, and Profaners of the Sacraments, incur the sinfull of fimple, and Life-entelcheit, *J. 6. p. 11. c. 24.*

The saying of Mess, is infered the crime, and pain of Treslon, *Iam. 6. par. 12. cap. 120.*

The saying of Mess for the first fault, infers the simple elcheit, for the second, the Life-entelcheit, and for the third the pain of Treslon, and Forfeiture, *Iam. 6. p. 12. c. 120.*

That all willful Hearers of Mess, and Concealers of the same, be excent to the death, and their gudes elcheit, they being thereto fac found guilty, or declared fugitive, before the Justice, or Privy Council, *J. 6. p. 14. c. 193.*

Ratified *Iam. 6. par. 19. cap. 1.* and all this Acts Ratified, and Extended, to all Hearers, and Sycers of Mess, without any exception, or restriction, *Iam. 6. p. 20. c. 5.*

That none presume to hear, or say Mess, under the pains contained in the Acts of Parliament, *Car. 2. p. 1. Seff. 1. c. 8.*

MESSSENGER, or Officer of Arms, See Lyon.

That Masters, or Servants in Royalty, Regality, and Burrows, have wands, and Hoiers, in manner set down in the Act, *Is. 1. p. 6. c. 100.*

That Masters of the Name Deputes, to be admitted by the Sheriff, and that the Sheriffs chafe Murs, where needfull, and that in Summonds, and Attachments, the Master shall only have his Precept, and Warrant, *Iam. 1. par. 9. cap. 112.*

That there be only two Hundred Officers of Arms to all Scotland, and that, and over and over Sovereign Lords Arms, in which number, the Lyon, and his Brethren the Herald, fourteen in all, are included, and the rest to be divided amongst the shires, by the proportioners set down in the Act. And if the Lyon admit any more, that he not only incur the Kings Indignation, but the Persons admitted, to be rejected, and their Executions to be null, so that the Officers to be continued, and so in all time coming have the Lyons Testimonial and Decent Blazons in Silver, and that they find gude Soveyry, to keep their injunctions, under the pain of *Five Merks*, and to pay the Colls, and Skaitis of Parties, *Iam. 6. p. 1. c. 46. See Lyon.*

That the Officers Soveyry be bound, that he shall be furnished with a sufficient and ready Horse, and for all the damage, and interest of Parties, that the Officers wear be a *merk*, per diem, Summer, and Winter, *Ibid. c. 72.*

That Officers not Arms covied of blood, or Oppression, in Execution of their Office, be punished with death, *Ibid. c. 13.*

That Officers of Arms, renew their Soveyries when dead, or become Insolvent, under the pain of deprivation, *Iam. 6. p. 14. c. 208.*

METTS, MEASURES, and WEIGHTS.

That a Stone be made for weighing of fifteen *Troin* pounds, & divided in sixteen *Scots* pounds, and that accordingly the half Stone, Quarter, Pound, and other less Weights, be made, and only used, *Is. 1. p. 3. c. 17.* And this Act renewed, and the Stone renewed, to contain sixteen ounces, *Is. 1. p. 4. c. 69. Is. 2. p. 3. c. 33. and Is. 5. p. 7. c. 114.*

That the Water Metts that now are observed, and to each Town, sown Metter appointed for all gudes sellable by the Water Mett, as well Coals, or O-theis, and that the Seller not noose ell mede with the Meiting, *Is. 1. p. 3. c. 18.*

That the Ell contain thirte seven Inches, *Is. 1. p. 4. c. 61.*

That the Ell be divided in four Fillets, and contain twentie nine Inches within the Boards, and above twentie seven and an half Inch, even over and within the Boards, sixteen Inches, and in deepness nine Inches, that the Fillet contain two Gallons, and a Pint, and the Pint to weigh of the Water of *Tay* fourtie one ounces, or two pounds nine ounces, so the Gallon weighs twentie pounds, eight ounces, the Fillet fourtie one pounds, and the Ell eight eight four pounds, and these Measures are compared to the Ell, with the old Measures, in King David the first time, *Iam. 1. p. 4. c. 70.*

That a general Mett be observed according to the Pint formerly given to the Burgh of *Stirling*, for an universal Standard, whereof each Fillet to contain eighteen Pints, and of this Pint, Quart, and Fillet, three Standards to be made, and given to *Aberdeen*, *Perth*, and *Edinburgh*, appointed to be used for the rest of the Realm, and that none use another Measure, under the pain of the double of the Chamberlains unlaw, but prejudice to Masters as to their Measures of their Ferns, to be proportioned after his new Measure, *Is. 2. p. 14. c. 73.*

That the Chamberlaine and Sheriff put this Act in Execution, *Is. 2. p. 4. cap. 23. and Is. 4. c. 3. c. 33.*

That users of false Measures and Weights be indyted as Falsers, *Iam. 4. par. 4. cap. 47.*

That all Measures and Weights, Pint, Peck, Ell, and Stone, be of one quantity, to be obtained in *Edinburgh*, and that old Measures be proportioned thereto, and if any use another Measure or Weight, that it be a point of ditty, *Jam. 4. par. 6. cap. 56.*

That the Stone be sixteen pounds, and the pound sixteen ounces *Troin*, the Pint of *Stirling* two pounds, and nine ounces *Troin*, of clear water, the Ell of *Edinburgh* thirte seven Inches, and the Fillet of *Edinburgh* nineteen Pints, and an Injua, for Measuring Wheat, Rye, Beans, Meal, and white Salt, in the Mercat by the Braik, as also Malt, Best, and Oats, (in use to be measured by the heep.) But at the rate of two Pecks, for three in lieer of the heep, found to be a third, and these established for general use, by a Commission of Parliament reported to the Council, and by the Council ordered to be infered in the Books of Parliament, and that Towns, and Bailies of Burrows of Royalty, Regality, and Burony, cause the same to be observed, under the pains contained in the Acts of Parliament, *J. 6. p. 11. c. 114.*

That all Sheriffs, Stewards, and Magistrates of Burrows put the saids Acts to Execution, with power to them to take tithall of this Mess, Weights, and Measures, and theusers thereto, to smite their whole gude, to the King, *Is. 6. p. 19. c. 2.*

Act Ratifying the Commission 1617, *Anent Mess, and Measures, with the Sentences, and Determination, given thereto.* (See the Determination, whereby the former Measures, and Acts about them, are altered and rectified.) Specially that the Measure, and Fillet of *Edinburgh* should be the only Fillet for all his Majesties Leiges, to buy and sell with, *Is. 6. p. 2. c. 16.*

The fourth Determination finding the *Edinburgh* Standard of the Fillet, to be true, and to contain twentie nine Inches, and a Musellon *Stirling*, that three fillets for two heaped Measures, do exceed and are not just, and that therefore there should be a new Fillet for Malt, Best, and Oats in place of the heep, containing thirte one Pints *Stirling* Jug, that the Weight be the *Frank Troin* Stone, containing sixteen *Troin* pounds, discharging the old *Troin* Weights for ever, that the Ell be sixteen *Troin* Inches, and that the Pint weigh three pounds seven ounces contain thirte seven Inches, and that the Pint weigh three pounds seven ounces contain thirte seven Inches, of the water of *Leith*, and that the Stadists be kept, *Troin* of the running water, of the water of *Leith*, and that the Stadists be kept, two Fillets by *Edinburgh*, the Stone weight by *Locher*, the Ell by *Edinburgh*, and the Pint by *Stirling*, 25 of old, and that these be the universal Measures, *See in Actes, Is. 6. p. 22. Is dated 19. February, 1618.*

A new Commission for adjusting Measures, and Weights, and reducing them to an uniformity, and that *Edinburgh* Measure be the Universal Measure, *Car. 2. p. 1. Seff. 1. c. 18.*

That the Coal Measure for payment of Custom, and Bullion, be the Childer of *Edinburgh*, *Car. 2. p. 1. Seff. 3. c. 17.*

That the foot Measure be of Twelve of these Inches, whereof the Ell contains thirte seven, and that the Standard of it be made and kept by *Edinburgh*, and that all Weights, Glasses, Mafons, and other Work-men, work by this Measure almanly, *Ibid. c. 18.*

An Abridgement of the

Car. 2, p. 1, Sell. 3, cap. 26.

MILNES, and Multers.

MINES, of Gold, and Silver,

MINISTERS, and Readers, See *Kirks*, and
Manfes.

Tharevery Paroch, or bounds competet to be a Paroch, have their own Minister, with a sufficient Stipend as the place may bear, and that Kirks annexed to Prelacies, be provided of Ministers with competent livings, 1am. 6. p. 7. c. 100. See Dilapidation.

That all Ministers, or Others having Benefices under Prelacies Suspected culpable of Heresie, Papiſtie, Erroneous Doctrine, common Blaſphemie, Fornication, common Drunkenneſſe, nonreſidence, (that is to ſay not reſiding within the Paroch, but abſent thereſe), and from the Kirk, and his Office, for four Sab-

That all Ministers wait faithfully on their Charges, and that none of them accept, or use any place of Judicature, Civil, or Criminal, or be Clerks, or Notaries, (except in making of Testaments,) under the pain of Deprivation, from both Office, and Benefice, la. 6. p. 8. cap. 133.

They who invade, or put violent hands in any Minister, shall be punished by Tinfel of moveables, for the violence alinctly, the one half to the King, the othe to the Party offended and that Letters be thereon direct, at the instance of the Mini

That the King ga^r mend his money to the same weight, and finewess, as in

That none have out of *Scotland* Gold, Silver, or Jewels, Coinzied or uncoinzied, under the pain of escheat, Ja. 1. p. 13. c. 149. The one half to the King, the other to the Apprehender, Ja. 2. p. 8. c. 34. Tha

NULLITY.

That all Nullities be received by way of exception or reply, and that all Writs, or things null of the Law, be declared void by way of exception, or reply, in the same instance, allowing always five time to call Warrants, as if the Nullity had been performed by way of Action, Q. M. p. 6. c. 42.



OBLIVION, See Indemnity.

Act of Oblivion, Q. M. p. 9. c. 67.
General Act of Oblivion, containing several Exceptions, Car. 2. par. 1. Sect. 2. cap. 10.

OFFICIARS, See Judges.

OFFICIARS of ARMS, See Messengers.

OFFICIARS of the CROWN.

Ordinary Officers of the Crown reckoned, the Treasurer, Secretary, Collector, the Justice, Justice Clerk, Advocate, Master of Requests, Registrar, Director of the Chancery, and Director of the Rolls, la. 6. p. 21. c. 31. The Act is the Kings Revocation, from which their fees, and pensions are excepted.

ORCHYEARDS.

Breaking of Orchyards a point of Dittay, la. 1. p. 2. c. 33. See it in *Theft*, and the Acts thence following.

PLANTING OF ORCHYEARDS, See Planting.

ORDINATION.

That none presume to ordain Ministers, but such as are authorized thereto by Law, and that none take Ordination from any other, declaring all Ordinations since the year 1661, or hereafter, otherwise made to be null, and the persons ordained to be no Ministers, and that both the pretended Ordainers, and ordained, be punished by the ordinary Magistrates, and presented to the Council, who are empowered to seal them, by Confinement, Banishment, or perpetual imprisonment, unless released by warrant under his Majesties hand, Car. 2. p. 2. Sect. 3. c. 9.

ORKNET, and ZETLAND.

Orkney, and Zetland annexed to the Crown, Car. 2. p. 2. Sect. 1. cap. 13. See it in *Annexation*.

OATH.

The Oath that the Conservator should require of all Merchants and Skippers, Ja. 6. p. 15. c. 257. See it in *Conservator*.
Oaths of Minors discharged, Car. 2. p. 3. c. 19. See it in *Minors*.

OATH of Allegiance, and Subscription to the Prerogative.

That all Officers of State, Members of Privy Council, Session, or Exchequer Justice General, Admiral, Sheriffs, Commissioners, and their Deputies, and Clerks, and all Magistrates, and Councils of Burghs, shall at their Admission to their Offices, and before they exercise the same, take, and swear, the Oath of Allegiance, and also assist under their hand, his Majesties Prerogative, in manner set down in the Act, as if that other Persons required by the Privy Council, or any having power from them, shall be obliged to swear the said Oath, certifying that who refuses the said Oath, shall not only be incapable of publick Trust, but also looked upon as disaffected to his Majesties Government, and such as shall refuse to assist the Prerogative, shall from thence forth be incapable of publick Trust, Car. 2. p. 1. Sect. 1. c. 11.

How the Oath of Allegiance is to be administered to, and taken by Members of Parliament, See Car. 2. p. 1. Sect. 1. cap. 1. in *Parliament*.

OVER-LORD, See Superior.

OXEN, See Horfe.



PACKING, and PEILING, See Burghs.

PAINS, and Penal Statuts.

That pecuniial pails be taken up in Gold, and Silver, at the avoird of the money when the Act was made, or as augmented in the money now current, and of it Computations, la. 6. p. 11. cap. 75.

That the Lords of Session, grant no suspension upon unsworn of liquid firms charged for by the Thesaurer, without Conflagration, or good Society, la. 6. p. 12. cap. 126.

The pains of Law-burrows, not reporting of Letters to the Justice Clerk, and not comparance before the Justice shire Society found, for Earl, or Lord, *Two Thousand pounds*, great Baron, *a Thousand pounds*, Frecholder, *a Thousand marks*, a Fewer Five Hundred marks, a Gentleman un-landed *Five hundred marks*, a Yeoman a Hundred marks, each Person Summoned on an Afflic be-

four the Justices, *An Hundred marks*, and for each Person Attended and not comparance the full Justice Aid, *Twenty pounds*, Ja. 6. p. 13. cap. 166.

That all Pecuniial pails, and unsworn, contained in the Law of the Realm, before the fifth of March, 1542, be augmented ten fold, that is in a killing, or pound, to ten killings, or ten pounds, and so forth, la. 6. p. 15. c. 267.

Pardon of penal forfeitures by bygones, la. 6. p. 21. cap. 9. Anno 1612. the like la. 6. p. 23. c. 23. the like Car. 1. p. 1. cap. 27. the like Car. 2. p. 1. Sect. 1. cap. 27. and the like Car. 2. p. 1. Sect. 1. cap. 29. most of those Acts contain a few Exceptions of certain Crimes.

PAPIST, See Mess, and Religion.

That all suspect to be Papists be warned by the Bishop, and Ministers, to recant and give Confession of their Faith, according to the approved form, under the pain of Excommunication. And if they fail, that they be Excommunicat, that a Roll be made, and Printed, of the Persons obtinat, or relapse, who shall be infamous, and incapable to sit, or stand in judgement, perjur, or bear Office, or to be witnesses, or Affidavits, against those of the true Religion: neither can they make Depotes, nor grant Procurations, and an Excommunication being thereupon proposed, and verified, by the said Roll, if repeated, and Instruments thereon taken, shall be a sufficient ground of Suspension, la. 6. p. 3. c. 45.

That none use Superstitious, Papistical rites, la. 6. par. 7. cap. 104. See it in *Pilgrimages*.

Papists required by presbytries to satisfy the Kirk, and not comparance, or refusing, should be charged to produce the Presbyteries testimonial, by the Privy Council, and in case of failure denounced, whereby their excheat, both simple, and Life-ten viciks, and who thereafter resist them, incur the same pain, and the Presbyterie, or any Minister thereof neglects, tines the half of his Stipend, for that year, la. 6. p. 14. c. 194.

That Papists be presented, that they may be prosecuted according to Law, and that Children under Popish Parents, Tutoris, or Tutoris, be taken from them, and committed to the Education of some well affected, and Religious Friend, in the fight, and be the order of the Privy Council, Car. 2. par. 1. Sect. 11. cap. 8.

PARENTS.

That what Son, or Daughter, above the age of Sixteen years, not being distressed, shall beat, or cuttise Father, or Mother, shall be put to death, without Mercie. And if they be under Sixteen, but past puppylarity, that they be punished at the Judges arbitrement, Car. 2. p. 1. Sect. 1. cap. 20.

PARICIDE.

Who slays his Father, or Mother, Goddard, or Goddame, He, and all his posterity, shall in *lines regia* be disinherited from their Heretages ever, and the next Collateral, shall succeed therein, la. 6. p. 14. c. 220.

PARKS. See Forrefts.

The Privileges of the Kings Parks, See la. 6. par. 14. cap. 210. In *King*.

PARLIAMENT.

That Breakers of Acts of Parliament, be punished as they ordain, Jam. 1. p. 2. cap. 29.

That all Prelats, Earls, Barrons, and Free-holders, seeing they are holden to give presence in Parliaments, and General Councils, from thenceforth, compar in Person, and not by a Procurator, unless the Provenor alledge a lawful cause of absence, la. 2. p. 2. c. 2.

That the Acts of this, and the two preceeding Parliaments, be Registred, and Extracts given to the Sheriffs, who are to publish them, and also give Extracts to Prelats, Barrons, and Burrows, on the Demanders expenses, under pain of Deprivation, la. 1. p. 3. cap. 67. That Sheriffs, Commissioners of Burrows, and Barons, get Copies of the Acts of Parliament, and give proclama them, and the King is payed to deliver to the Exchequer, Jam. 2. par. 14. cap. 89. That the Clerk Registred cause imprint such Acts of Parliament as concern the Common wealth, and that he chuse the Printer, providing the said Printer have also the Kings Licence, and that none unlicensed presume to Print them, for Sex years, under the pain of Confiscation of the Books, la. 5. p. 7. c. 127.

That the Acts of Parliaments be Imprinted, la. 6. p. 1. cap. 32. the Act relates to this Parliament only.

The Laws of *Regium Majestatis*, and other Laws be Imprinted by the then Clerk Registred, Jam. 6. p. 19. the 32. of the unprinted Acts.

The old unlaw of unexecuted absence from the Parliament, *Ten pounds*, la. 1. in the Titles of the Parliaments 6, 7, and 8.

That all to be chosen in any Parliament hereafter, for deciding of causes, and complaints, swear to doe the same faithfully, and lawfully, according to their skill, la. 1. p. 6. c. 83.

Small Barons, or Free-holders, need not come to Parliaments, or general Councils, but of each Shire there may be sent two, or more, as it is of burgheis, out-tane *Clackmannan*, and *Kynrois*, (of which of which one) chosen at the head Court, and these Commissioners, shall chuse a wife man, to be the common Speaker of the Parliament, to propose all needs, and causes, pertaining to the Commons. And their Commissioners shall have power of the rest under the Sheriffs Seal, and the Seal of diverse Barons, to hear, treat, and finally determine, all causes proposed in council, or judgement, and shall have collige off their Constituents, and their Rents, each pounds another fellow, as the Barons, Priests, Deeds, Lords of Parliament, and Bannets, which the King will be summoned by his special precept, (here the Acts stops imperfectly, but I think it wants the words *are excepted*), la. 1. p. 7. c. 101.

That no Free-holder, holding under *Twenty pounds*, be constrained to come to Parliament, or general Council as presence, unless he be a Baron, or specially warned by writ, la. 2. p. 14. cap. 75.

That Free-holder within an hundred marks, of the extent that now is, be compelled to come personally to Parliament, if he send his Procurator for him, unless he be specially called by the Kings writ, but all above this extent should come, la. 4. p. 6. c. 78. Anno 1503.

As Raising the Act, la. 1. p. 6. c. 101. (above) about the Commissioners of small Barons, to have vote in Parliament, ordaining them to be Elected yearly, by the Free-holders. (which by the preface of the Act should be under the degree of Lords of Parliament, having a *fourty shilling* Land, and actually residing within the Shire) at the full head Court, after *Michaelmas*, or when the said Free-holders please, or the King shall require them. And that their Names be notified by the Commissioners of the preceeding year, to the Director of the Chancery, to the effect they may be warned by precepts to Parliaments, or general Conventions, as the other Estates, that the Free-holders be Towed, and Charged for the expenses of their Commissioners, and that they having Commissioners lealed, and subscribed, by the Clerk, of the Barons, and Free-holder, shall be equal in number with the Burrows, upon the Articles, and have vote in Parliament, and his

his Majesties shall be directed to certain of them, before Parliaments, as to the Barons, and that Letters be directed yearly by the Lords of Session, at the instance of the Commissioners, for concerning and taxing the Free-holders for their expenses. Jam. 6. p. 11. cap. 113.

That these Commissioners be not admitted, unless they bring sufficient Commissioners granted to them, in a full Convention of the Barons of the Shire, subscribed by a great number of the Barons present, and by the Clerk of the Convention, and the Clerk Registers discharged to receive any Commission not in due form. Ja. 6. p. 15. c. 272.

As for clearing Elections from Shires, that beside such as hold a *Forreign Inheritance* Land of the King in capite, all Heritors, Life-tenants, and Wofesters, holding of the King, and others who hold townships of Bishops, (the Bishops were not at this time returned) and Abbots, and now hold of the King, having yearly ten Chibler of Silver, or an *Thousand pounds*, (Free-tenants deduced) shall be, and are capable, to elect, &c. elected, &c. Parliaments, Noble-men, and their Wofesters excepted. That every such Commissioner have five pounds, per diem, including the first & last days of the Parliament and eight days for coming, and as many for going, from, and to the said Parliaments, Heritors, and Life-tenants, and Wofesters, holding of the King, or Prince, beside the said burden, excepting Noble-men, and their Wofesters, and that upon an Attestation under the Clerk Registers hand of the days of the Parliament, this allowance be raised into the Exche, by Homing, Poinding, and Quartering, that the said Commissioners be in full manner believed, and paid of the prices of the Foot-mensels, the Foot-mensels being made forth coming to the Shire, at the rising of the Parliament, Car. 2. p. 1. Self. 1. cap. 35.

Act concerning the Election of Commissioners for Shires to Parliaments, or Conventions, declaring which only capable, to vote, and elect, who have in property, or usufruct, and are in possession of a *Forreign Inheritance* Land of old extent, holden of the King, or Prince, or where the extent appears not, then Lands worth Four Hundred pounds of valued Rent, whether Kirk-lands, or other holden of his Majesty, as King or Prince, and also electing all other the other questions, who have right to vote, and who not, and how the Rols of the Free-holders should be kept, the meetings proceed, and objections be proposed, and decided, that all Heritors, Life-tenants, and Wofesters, within each Shire, contribute to the Commissioners Charges, and Foot mensels, according to their Valuations, except Wofesters of Noble-men, or Bishops, or Lands holden Burgees, Car. 2. p. 3. cap. 21.

That no man interpret the Kings Statutes otherwise than they bear, and to the intent as the maker understood them, under the pain to be punished as the Kings will, Jam. 1. p. 7. cap. 108.

The manner of Attainments for the Parliament, and for Fore-Speakers for the col that speak for meed, and that each Burgh where the Parliaments sits, make Seiges for their sining, under the pain of Ten pounds, Jam. 2. p. 11. cap. 47. Ratified, and that the King make the Patens of the said Arrayments, Jam. 2. p. 14. cap. 68. See *Appendix*.

Parliaments needs not be continued from day to day, but continue of themselves, as and while they be dissolved by the King, Jam. 3. p. 1. cap. 39.

The Free-tenants of the principality, give life, and preference, in Parliaments, as and while the King have a son, and the Prince be born. Jam. 4. p. 2. cap. 16.

Act annulling all Acts of Parliament already made contrary to Gods word, Ja. 6. p. 1. cap. 3.

That the Proclamation of the Acts of Parliament at the Mercat-croce of Edinburgh, be sufficient Publication to all the Lieges, who are declared to be attainted to the obedience of the saids Acts, fourtie days after the said Publication, Jam. 6. p. 17. cap. 128.

That none impugn the Dignity and Authority of the three Estates of Parliament, or to procure the invasion, or diminution of the Power and Authority of the same three Estates, or any of them, under the pain of Treason, Jam. 6. p. 18. cap. 130.

That no person take upon him the place of more of the Estates of Parliament than one, to wit, that wherein he professes himself to live, and whereof he takes his title, Ja. 6. p. 11. c. 33.

The un-law of absence from the Parliament, not excused by the Lords of the Articles, of the said three hundred pounds, of the Lord two hundred pounds, of the Prelat an hundred pounds, and of every Burgh an hundred mark; and that he who dares not be reputed absent, and that Letters be hereupon directed, Ibid. cap. 34.

Ratified, and the un-law of absence for a Commissioner of Barons ordained to be an hundred pounds, and that no excuse be admitted, except styled by his Majesty or his Commissioners, or in their absence by the Lord Chancellor or Council, and the Certificate judicially produced the first day of the Parliament. That any Lord of Parliament so excused, may give his power to another of the same estate, who shall be admitted to reason and vote for him, Ja. 6. p. 22. c. 7.

Heralds, Messengers, or Trumpeters absent from the Parliament, or present not doing duty, time a years Fee for the first fault, and for the second may be deprived, Ja. 6. p. 11. c. 35.

That each State wear the Apparel to be appointed by the King, under the pain of two hundred pounds, and to be debated forth of the Parliament, Ibid. c. 38.

That the number of the Lords of Articles be equal in each State, and the fewest of each State fix, and the most ten, Ibid. c. 37.

That all persons accused for Treason or other Crimes in the country, shall be, who may freely plead for them, annulling all Acts in the contrary, Ibid. c. 38.

Decisions in Parliament upon Opinion of the Cause, may not be called in question by any Inferiour Judge, Ibid. c. 39.

That the above-written Order of Parliament be inviolably observed, and the King promises to do nothing directly nor indirectly in prejudice of free voting and reasoning therein, Ibid. c. 40.

That there be no quarrell or trouble made in Parliament for Priority of place, otherwise than by Supplication, and that all content themselves with the direction of his Highness and the Estates, under the pain of being punished by the King and the Lords of the Articles, as disturbers of the peace, Ibid. c. 41.

That no Ratification be past in Parliament upon simple Articles of Parties, but that the matter be first passed by Infinitum upon composition paid to the Treasurer, Ibid. c. 78. And that any such Ratification past, be not binding without a Certificate that the Treasurer is satisfied, and that otherwise the same be null: And that Ratifications of particular Rights in this Parliament prejudice not the Rights of others, Ja. 6. p. 12. c. 130.

The like *Ad Salvo* Assos Ratifications and other Acts in favours of particular persons, whereunto others were not called, Ja. 6. p. 14. c. 215. p. 216. 11. p. 22. c. 23. and p. 23. c. 33.

To attend, hurs, or by any person in the Parliament-house during the holding thereof, Ja. 6. p. 13. c. 173.

That when the Parliament is proclaimed, four of each State be appointed to meet twenty dayes before the sitting thereof, to receive all manner of Articles and Supplications concerning general Laws, or particular Parties, which are to be delivered to the Clerk Register, and by him presented to the said persons of each Estate, that they may by reject what is frivolous and improper, and present things reasonable formally, and that the Lords of the Articles, and that no Article or Supplication wanting a Title, or unsubscriber, be read or answered. Referring to the King to propose Articles at all times concerning himself, or the Common-wealth, Ja. 6. p. 14. c. 218.

Act *Salvo* Treas, declaring that no private Act pass in that Parliament shall prejudice his Majesty as to the Acts of Revision sent the Superiours of Ecclesiastical, ancient Regalities of Ecclesiastical, and ancient his Majesties annexed Property, not yet any other third party of their lawfull Rights and Defences, but the Parties are to be judged according to the right shewing, in their Petitions, before the making of the said particular Acts, And this is directed to the true meaning of all Acts *Salvo* Treas. There are some exceptions made in this Act, Car. 1. p. 1. c. 6. 11.

That the Lord Chancellor for the time, or in his absence he who shall be nominated by the King hath to prelide in all Parliaments, and other publick Inductories where they shall happen to be present; and that at the full-down-fitting of Parliament they admit him to all its Members the Oath of Allegiance, and Oath of Parliament, as in the Act: And all Acts as to the Incident, or Oath of Parliament contrary hereto, are Repealed, Car. 2. p. 1. Self. 1. c. 1.

The Parliaments and Committees after the Engagement, 1643. Repealed, Car. 2. p. 1. Self. 1. c. 2.

The Parliaments, 1640. 3641. 44. 45. 46. 47. and 48. Repealed, Ibid. c. 15. See *Registery*.

Act *Salvo* Treas, Ibid. cap. 6. The like, Self. 1. c. 21. The like Act, but excepting the Ratification of the Duke and Duchesse of Beaufort, which Contract of Marriage past in that Session of Parliament, Ibid. Self. 1. c. 30. The like, Car. 2. p. 2. Self. 1. c. 21. The like, Ibid. Self. 2. c. 1. 10. The like, Self. 2. c. 21. And the like, excepting from the twenty fourth Act of this Parliament concerning publick Debts, Car. 2. p. 3. c. 29.

Act concerning the election and confinement of the Lords of the Articles, whence the Clergy consist eight of the Nobility, the Nobility eight of the Clergy, and twelve lay elected, or such of either as shall be chosen, and eight burgesses, to whom his Majesties Commissioners shall be Officers of State, and the Lord Chancellor to prelide: Which Lords of Articles are to prepare Laws, Acts, and Ordinances, and order all things submitted to them to be written, Car. 2. p. 1. Self. 1. c. 3.

Act directing voting by Balles, Car. 2. p. 1. Self. 1. The Acts, *Ad Repealing* two Acts, placed after the Index of unprinted Acts, September 1663.

PASSE.

That no man break the Kings safe Conduct, under the pain of death, Ja. 3. p. 12. cap. 88.

PASSING FORTH OF THE REALM.

That Clerks or Laicks passing forth of the Realm, make their exchange of money with Exchangers within the County, and that Clerks give this and their going to the Chancellor, and Laicks to the Chamberlain, under the pain of twenty pounds to the King, Ja. 1. p. 6. c. 14.

That no man Spiritual or Temporal pass forth of the Realm without licence, or being abroad, do any thing against the Licenses: And that they have out no Treasons, nor any kind of Persecution and Religion, and to be denounced as Traitors. The Act proceeds upon a reference of abuses committed at the Court of Rome, Ja. 4. p. 6. c. 53.

That persons going out of the Kingdom for farther knowledge of Letters, have the Kings licence, and in what terms. See in Ja. 6. p. 6. c. 71. In Religion. Acts against the Youth going abroad. See in Ja. 16th.

PATRON.

That Patrons present a qualified person within six months after they have knowledge of the Vacancy to the Superintendent, or Commissioner of the Kirk, otherwise the Kirk may dispose upon the said Benefice, in case the Patron and Superintendent differ, the Appeal to be made to the Superintendent, and Ministers of that Province, and from them to the General Assembly, who decide finally in the matter, p. 115.

That Patrons of Provosts, Prebendaries, Alterages, and Chaplains may present the same to Bursars in Colleges at their pleasures, and they are requested to do the same, Ja. 6. p. 1. c. 12.

Amplified Ratified, and the King with advice of the Estates expressly declares, that it was never his mind to prelude the said Patrons, as to the said Benefices, but that he was his mind to prelude the said Patrons, as to the said Benefices, and the same, conform to the old Foundations, notwithstanding any application made thereto of Popery, or any disposition made thereon by his Majesty, Ja. 6. p. 12. c. 158.

Both Ratified: And it is further declared, that the city of the Vassals of the saids Benefices shall belong to the said Patrons, as superiours, as to the said Benefices, where no need of such Patrons or any others content; relating always to the Titulars the Fruits and Procles of the said Benefices: And where Burghs and their Magistrates were before Patrons, they are now also declared to be Superiours, Car. 2. p. 1. Self. 1. c. 54.

That Laick Patrons have right to the Fruits of their Benefices waiking, inquitant by Act Ja. 6. p. 8. 137. p. 13. c. 114. and p. 13. c. 172.

That Laick Patrons inherit the right of Patronage can nor be hurt by any loss possession of any Ecclesiastical Region giving the possession, and pretending right to the Benefice while the Lands were Wodet: But the Laick Patron redemmes, returns to his right of Prelatation, Ja. 6. p. 13. c. 17.

A sentence of deprivation being in suit to the Patron, he must present within six months, otherwise his right for that time devolves to the Presbytery, Ja. 6. p. 13. c. 115.

All benefices granted, or to be granted by his Majesty, containing the Gift of any Patronage which pertained before to him, and whereof the Titular is alive, and not conforming to the Gift, the same is declared null by way of exception or reply, as to the said Patronage, unless the Beneficed Persons consent shall be there-after obtained, Ja. 6. p. 13. c. 173.

Beneficed persons may present a person for less longer Tacks of Teinds, or others belonging to his Benefice, without consent of the Patron, then for the space of three years, Ja. 6. p. 14. c. 200. See *Benefice*.

A person being provided by the King or his Donator to a Benefice, at his Majesties presentation, by reason of the forfeitment of the Patron, and the person presented having obtained letters conform, and being in peaceable possession, his Right and Title shall stand, notwithstanding of the forfeiture of the Patron forfeited, or the reduction of his forfeitment, but prejudice to the Patron of his right upon the next vacancy, Ja. 6. p. 20. c. 12.

That Patrons may lawfully take Tacks, or Conditions of Tacks, from Intares, with Reversion to the Kirk of a sufficient value, Jam. 6. p. 21. cap. 1. (See *Simone*) and the same is again declared without prejudice of the Ministers mentioned in the Act, or otherwise modified, Car. 2. p. 1. Self. 1. cap. 9. The Acts, *Ad Approving the Engagement*, 1648. &c.

Laick Patronages pertaining to subjects before the year 1611, fall within the Compaiss of the general Substitution, and his Majesties Declaration thereon, in so far as concerns a competent maintenance to the Ministers and Teinds of other persons Lands, and his Majesties Attainments, and the permanent Teinds thereof, pertain to Laick Patrons, in price, or rent, in all cases where they were in possession thereof, seven years within the fifteen years, immediately preceding the said Substitution: But there is a reference made to his Majesty of differences where the Titular, or Minister were in possession of the Benefice for the said space, Car. 2. p. 1. cap. 19. The Act is the *Commission for the Ministers of Teinds*, &c.

That the reissuing of the Act, 1649, which did abolish Patronages, and gave the Patrons right to the Teinds in place thereof, Doeth not give the preferment Incumbents

beats any farther right to the Teinds, than they had before the making of this Act.
Cat. 2. par. 1. Self. 1. cap. 9.
That all Patrons of Kirks, or Benefices of Cure, be careful to prefer pious, Loyal, learned, and peaceable men, who shall take, and subscribe the Oath of Allegiance before a Judge Ordinary, before the granting, and their accepting the presentation, otherwise it is a Felony that hath not taken the Oath, shall be presented, the presentation shall not only be void, but the right thereof as to that vacancy shall belong to the King, and the Patron be reputed disqualified to his Majesty's Government, and a contumner of his Authority, Cat. 2. par. 1. Self. 1. cap. 16.

PAYMENT. See Money.

Order for payments on the then charge of money, and that Wodgets upon the money running at that time, be out quare by the fine, or by the avails, Jam. 2. p. 8. cap. 16.

That Debts be paid of the same sums in substance, as it was intended before the Parties, before the Act, crying up the money, and that usual money of Scotland in all bygone Courts, be understood as the money went before it was cried up, Jam. 3. p. 3. cap. 15, and p. 8. cap. 69.

The King being prayed, grants, that if he cried down the money, yet payments shall be made at the present avails, Is. 3. p. 3. cap. 21.

That of black, or copper money, there be taken in payment, Twelve pence only in the pound, Jam. 3. par. 4. cap. 22. Augmented to Two shillings per pound, Jam. 4. cap. 24.

PEACE, See Feede.

That Peace be kept, and holden through the Realm, and that no man more weir against another, under the pain of Law, Jam. 1. p. 1. c. 2.

That the King make Peace and unity, among his great Lords, and that they, and the Justices make unity among smaller Persons, Jam. 3. p. 13. cap. 92.

That the King for Peace, make all Femes, and Persons, to be at friendship, and concord, and punish the Party obstinately refusing, Jam. 4. par. 2. cap. 8.

PECK to the Boll.

That in Burgins for Victual, no eek, or addition, of any quantity be made, except upon payment for the same price, as is conditioned for the first Boll, and that under the pain of *forfeiture*, to be paid by the Receiver, for every Boll others received, (beside the price) the half to the King, the other half to the Delivor, Jam. 6. par. 23. cap. 17.

PEDAGOGUE, See Youth.

That Pedagoges sent by Nohlemen, and Others, with their Sons out of the Court, have the Rihons Testimonial of his Religion, and Learning, under the seals, to the Earl of Five thousand pounds, to the Lord of Five thousand merk, and to the Barron of Three thousand merk, Jam. 6. par. 20. cap. 1.

That none be admitted Pedagoges without Licence of the Ordinary, Cat. 2. p. 1. Self. 2. cap. 4.

That Pedagoges take the Tell, Cat. 2. par. 3. cap. 6. See *Irish Tell*.

PENSION.

That no pension be purchased of any Benefice without consent of the Possessor, Jam. 3. p. 1. cap. 4.

He who pretends right to any Pension purchased after the date of this Act, should produce the principal Gift, and the same being improven, or reduced, any Ratification, Confirmation, Decreet, or Letters thereupon fall in *Consequensiam*, Jam. 6. par. 31. cap. 62.

That nothing be claimed in the Act of Annexations; 1587. about Pensions, and that all Pensions out of Prelacies, whether Spirituality, or Temporality thereof, not authorized by decreet, or Possession in the Prelais life, and before the Act of Annexation, be null, and of none avail, Jam. 6. p. 12. cap. 137.

PERAMBULATION.

That in Perambulations, the Persons of inquest be honest, substantial men, Heretours within the Shire, if they may be had, or four halves about, or four next Shires, that best know the meiths of the Lands, unless the beives be proven by a bounding evident, or Authentick wit, Jam. 6. p. 6. cap. 79.

PESTILENCE.

That Houses be closed up the time of the Pestilence, or if the Inhabitants be unwilling to be closed up, that they be put out of Towns, and that no man burn, (that is lungs for cleansing) in others House, but gif it may be dooe without his Nighbours skait, Is. 2. p. 13. cap. 57.

PEWTER.

That Pewtets put the mark, and his own Name uppon his work, And that it be of the finest marked with the Rose in England, under the pain of eilchett thereof, and further punishment by the Magistrates; and for this end that there be Sey-masters appointed, and that Pewteters take betwix the pound of old Tin, or 16wt marked with the Rose as said is, and the pound of new casten by them. Two shillings allserie, under the pains forfeild, Cat. 2. p. 1. Self. 3. cap. 8.

That broken Pewter be not exported, Cat. 2. p. 1. Self. 1. cap. 49. See in *forbid denagers*.

PILGRIMAGE.

That none go in Pilgrimage to Kirks, Chapels, Croffes, or the like, keep Sairs dyes, sing Carilles, or observe any other Superstitious Pijpical rite, under the pain of an Hundred pounds the Landed man, an Hundred merk the unlanded man, and *fourty pounds* the Yeaman, and the offender not responsal, to be Imprisoned for the first fault, and for the second that the offenders be punished by Death, as adulterers, Ja. 6. p. 7. cap. 104.

PLANTATION of Kirks.

Commission for Plantation of Kirks, the meaneest Stipend, where the fruits of the Benefice may amount it, Five Hundred merk, or Five Chalders of Victual, the highest an Hundred merk, or Ten Chalders, and power given to recompence Patrons, Tackinews, and Sub-tackinews, by Tacks, Prorogations, and otherwise, as the Commissioners shall think fit, Declaring that where this Commission shall take effect by Decreet, the persons having right to the Teinds shall not be farther questioned, and this Commission to endure, untill the first of August 1618. Ja. 6. par. 22. cap. 3. June 1617.

Another Commission for Plantation of Kirks; almost in the same terms, ap-

pointed to begin the tenth of January, 1622, and to endure for year, and day, Ja. 6. p. 23. cap. 5.

Act Ratifying the Act of Commission of Surrenders, twentie fifth of June, 1627, finding eight, that out of Victual, or Proportional in Silvet, and Victual, to be the lowest maintenance for any Kirk, except particular reasons occur, which are by this Act referred to be considered by the Commissioners for Plantation, &c. And all Acts, and Decrets of Modification, already made by the said Commission, are Ratified, and Letters ordained to be direct thereon, Cat. 1. p. 1. cap. 8.

Commission for Valuation of Teinds, and Plantation of Kirks, Cat. 1. p. 1. c. 19. June 1631.

All Decretes, and Sentences, given by the Commissioners for plantation of Kirks, in the years 1629, and 1630, are declared to be valid, albeit the authority of the said Commissioners be declared void, except in so far as the same upon complaint, shall be found to have been usually pronounced by the Commission, to be given in this Parliament, Cat. 2. p. 1. Self. 1. cap. 9. The Act is, *Ad approving the Engagemens*, 1628, 8.

Commission for Plantation of Kirks, and Valuation of Teinds, Ratifying all Acts, and Decrets of former Commissioners granted since the year 1610. Albeit all Parliaments since that time be rescinded, this Act gives power to value, but not to let Teinds, even where Ministers are in possession by leasing, as also assigns Heretors to pay, any time within three years after Valuation, Cat. 2. par. 1. Self. 1. cap. 6. June 1661.

Commission for Plantation of Kirks, and Valuation of Teinds, Ratifying the Commission, 1633. (except as to Alterations made by subsequent Commissions notified in this Parliament) As also the Commission, 1661. This Commission allows of the time Tenot with the former, and only it excuses from the Ratification of the Acts and Decrets of former Commissioners, since the year, 1640. all Decrets of Valuation, or Modification, past since the year, 1637. Whereby the Bishops are prejudged of what they then possessed, Cat. 2. par. 1. Self. 3. cap. 28.

Commission for plantation of Kirks, and Valuation of Teinds, much of the Tenor of the former, and referring to the Commission, 1633. As to the modifying, and selling of Sunders, and giving Heretors liberty to buy within three years after the date of the Act, which is of the 28. August, 1672. And if they be Minors, two years after their Majority, &c. Cat. 2. par. 2. Self. 3. cap. 15.

PLANTING and POLICY.

That Free-holders cause their Tennents, plant Woods, Trees, and Hedges, and sow Broom, in convenient places, Is. 2. p. 14. c. 80.

For Planting, and Policy. That every Lord, and Laird, make Parks, with Deerie, Stanks, Cunningskils, Dowcats, Ochycyards, and Hedges, and plant at least an Aker of Wood, Is. 4. p. 6. c. 74.

Ratified, And that every man having an hundred pound Land of new Extent, where thereto no Wood, plant Wood, and make Hedges, and Haining, extending to three Aikers, less or more, eilchett to his Heritage. And that they cause their Tennents plant for every merk Land, a Tree, under the pain of ten pounds to be payed by each Laird that failizes, and the King may give Commission to execute this Act, Is. 5. p. 4. c. 74.

Act against peeling, birkings, and deftroying of Wood: See in *Theft*, and *Woods*, specially the Act, Is. 6. p. 19. c. 3. in *Theft*. Which provides particularly, and amply, for the preservation of Planting, Inclosures, and all manner of Policy.

Act Ratifying the Act Is. 1. p. 4. c. 5. Entitled, *An Act for Planting of Woods, Forrests, and Orchards*, (but there is no such Act, but the Act meased must be, Is. 2. p. 14. c. 80. To sow Broom, and make Hedges, Or Is. 4. p. 6. c. 74. That Hedges, and Parks, &c. be made.) And all other Acts for that effect: And farther, That every Heretor, Lifetentor, or Wodfetter worth a thousand pound of valued Rent, Inclose yearly for ten years next ensuing, four Aikers of Ground, and plant the same with Oak, & other Trees, at three Yards distance; and other Heretors of greater or less rank accordingly, and that they uphold the same, and they may at the fight of a Judge Ordinary, call about the High Ways, not exceeding two hundred Elms on the weir whole Ground, and the Heretors: And that proper Wodfetters shall have the charges of their planting eeked to the reversion: And who cuts or breaks any such Tree, shall pay twenty pounds, or who breaks down the Inclosure five pounds; to the Heretor, or work six weeks, or ten dayes to him for meat, and drink only. And the Inclosed Grounds are declared free of all Burdens, and Quarterings of Horse, for nineteen years after the date of the Act. That Nighbours keep their Beasts off their Inclosures at all times, under the pain of five pounds the next Heretor to be half charges, Cat. 2. p. 1. Self. 1. c. 41. And if the Marches be crooked, and unequal, or unin for Dike, or Ditch, the Incloset may require the Sheriff, Justices of Peace, or other Judge Ordinary, to visit and regulate the Marches, with the best convenientes, by adjoining peeces hereunto, and ordaining any juster price than happens for adjoining, to be payed, that the Dike, or Ditch to be made, be thereafter the common March, Cat. 2. p. 2. Self. 1. c. 17.

PLAYES.

Act discharging the Playes, and Personages of Robin Hood, Little John, Abbot of uncleson, and Queen of May, Q. M. p. 6. c. 61.

PLEDGES. See High-lands.

That no Nobleman, or Barro, (being hundered therewith,) refuse to accept of High-land, or Border Pledges, but that they receive them, and be answerable for them, under the pain of two thousand pounds for each Pledge, Jam. 6. par. 16. cap. 28.

PLEY.

That no Lord of Seilflood, or extraordinary, Advocates, Clerks, Wilters, their Servants, or any other Members of the College of Justice, or of any inferior Judgement, be themselves, or others, to their behove, buy any Lands, Teinds, & Rents, or Possessions, depending in pley, undecided, under the pain of tinning their pices, and all Priviledges thereof, Jam. 6. par. 14. cap. 216.

PLOUGH, See Labouring, and Sowing.

POINDING.

That Poinding for mallis and Annual-tents, be defeated to the third day, after the solemn dayes of Whitunday, or Martinnes, Ja. 3. p. 1. cap. 35. See *Sabbath*.

The Horse, Oxen, or other Goods pertaining to the Plough, and Labour, he not poinded the time of labour, where other Guides, or Lands, may be had to be poinded, or Appried, Ja. 4. p. 6. cap. 98.

That Decrets given in actions of double poinding, for the parie comparing may not be quierred as to by-gones by the parie absent, unless he have an neccary

any cause of absence: And that Minors leied by their absence, have action of damages against their Tutors, and Curstors aliterly. But if the Minor have none, that he be released as accords, Jam. 6. par. 9. cap. 3. Albeit this Act be declarative, and was made to comprehend all causes then depending, and undecided, yet it is intended to be reduced to reductions of such Decretes, as were obtained after the making thereof aliterly, Jam. 6. par. 10. cap. 3.

Ratification of the Act, Jam. 6. par. 18. cap. 10. In Horning, and that Letters of Poinding be in like manner Directed upon Sheriffs, Commissars, and other inferior Judges Decretes, mentioned in the said Act, for this Act drawt back to the Twelfth of June, 1649, Cat. 2. p. 1. Sess. 1. cap. 29.

That pouding be not used upon Banis, or Decretes, for Personal Debt, and the Charge be given and expired, under the pain of Spizilize: But prejudice of Masters Decretes against their Tenants, in their own Courts, and Superiours pouding for Few-devices, as formerly, Cat. 2. p. 2. Sess. 1. cap. 4.

POOR, See Beggars.

For preventing the encrease of Beggars, his Majesties Leiges at sight of Provels, and Billies within Burgh, or of Kirk Sessions, either to Burgh, or Landwards, may receive the Children of Indigent Parents, with consent of their Parents, if they any have, and if they be under fifteen years, and with their own consent if above, and bried them either in their Houses, or at Callings; and upon a Testimonial hereof, the said Children shall be alitered to their laids Masters, their Ais, and Alliances, in all manner of Service, and be under all manner of Discipline, (life and torture excepted) until they be past thirte years of age, and all their gain by their travel shall be their Masters, and they shall be bound to refund his damage for their absence, and who keepeth from him after Requisition for redelivery upon Twelve hours, shall be liable in Ten shillings, per diem, beside the redelivery, Jam. 6. p. 12. cap. 10.

Ratified, with this Addition, that Masters of Manufactories, may with advice of the Magistrates of the place, seize Vagabonds, and idle Poor Persons, and employ them in their work, and exact off the Parishes where they were born, or if not known, the Parishes where they have haunted for three years before, *per diem*, *per diem*, for the next three years, in manner prescribed in the Act, And thereafter may retain them seven years in their service, for Meat and Cloaths, Cat. 2. p. 1. Sess. 3. cap. 16.

The oversight of the Poor committed to the Justices of Peace, who are empowered to appoint two, or more Overseers, in every Paroch, and take account of them as in the Act, Cat. 2. p. 1. Sess. 1. cap. 38. See it in *Justices of Peace*.

Order for appointing, and entertaining one, or more, in each Paroch, on the Hectors expenses, to teach poor children, Vagabonds, and Idlers, to fine and mixe Wool, spin Worsted, and work Stockings, *Ibid.* cap. 42.

Act for establishing Correction Houses, for idle Beggars, and Vagabonds, in the Burghs, upon the allowance, and in way, and manner fully set down in the Act, Cat. 2. p. 2. Sess. 3. cap. 18.

POPE.

Act Ratifying the Act of Parliament, dated 24. August, 1660. abolishing the Popes Jurisdiction, and Authority, within this Kingdom, Jam. 6. p. 1. cap. 2.

That all Bulls, Provisions, Confirmations, and Gifts of Benefices, granted by the Pope, or Queen Mother, to the King, be produced before Commissioners to be appointed by his Majesty, and in case the same be found true, and lawfully purchased, before the Twentieth fourth of August, 1660, that they be Registered, and marked, otherwise, that they be declared null, Jam. 6. par. 3. cap. 51.

POYSON.

That no Man, nor Woman, Inbring any kind of poyson, (though which) Man or Woman may like Bodily harm, into the Realm, for any manner of use, under the pain of Treason, Jam. 2. par. 7. cap. 30.

And this Act extended against Strangers, *Ibid.* cap. 31.

PREACHING.

That none be permitted to Preach without Licence of the Ordinary, Cat. 2. par. 1. Sess. 2. cap. 4.

PRECEPT.

That Precepts upon retours pass as before to the Sheriffs, and other Judges, with the clause *capendo securitatem*, without urging Parties to present payment, Jam. 6. p. 12. cap. 124.

That no Precepts of fine be thereafter written, to, or under the Quarter Seal, but that they be ingrossed in the end of the charter, Cat. 2. p. 2. Sess. 3. cap. 7.

PRELAT, and PRELACIE.

When Prelacies, that is Bishopricks, and Abbacies waik, the nomination thereof pertains to the King, and the provision to the Pope, and that none take their Places, Castles, Strengths, or Abbacies, without the Kings Authority, or the Consents consent, the Abbacie waiking, under the pain of high Treason, Jam. 1. p. 7. cap. 13.

That all Gifts, and Dispositions of Prelacies, Abbacies, Priories, and Nunnies, made by the King upon the Reignation of the Possessors, relieving their Life-tenes, are null, and that no Gift of any Prelacy be valide in time coming, except it waik be deesse, Forfeiture, or simple Dimission, Jam. 6. p. 9. cap. 1. But this Act courtred, and declared to be of force only, *quo ad futura*, and Gifts made after the date thereof, Jam. 6. p. 13. cap. 24.

As to monies, all Collators gift with all Solemnities, and specially not expd through the great Seal, before the making of the said Act, Jam. 6. p. 9. cap. 1. are excepted, and declared null, Jam. 6. p. 15. cap. 274.

That Prelats be free of wardance except from 18th and deed, in respect of the Annexation, 1587, Jam. 6. p. 11. cap. 110. See it in *Annexation*.

That Prelats, and Other beneficed Persons, have eleif of Taxations upon their Vassals, Pensioners, and Tyndmen, Jam. 6. p. 14. cap. 178.

That all Ministers provided to the title of an Bishop, Abbot, or other Prelate, have vote in Parliament, siclike as Prelats had of old, Jam. 6. p. 15. cap. 231.

That two part of the Spirituality unsummed of all Prelacies waiking, and Rents, and profits thereof, *vide vacantes*, appertain to the King, and may not be disposed by Pension, Gift, or otherwise, *Ibid.* cap. 242.

PREROGATIVE, See King, and Oath of Allegiance.

PRESBYTERY, See Kirk.

PRESCRIPTION, and INTERRUPTION.

Obligations prescribe, if the Partie to whom they are made, follow not the time within foure years, and take document thereupon, Jam. 3. p. 5. cap. 29. extended to bygone Obligations, elid then foure years, and not depending in Law, the time of the making of the foretold Act, Jam. 3. p. 7. cap. 11.

That Summons of Error of Inquests, perjured by the Partie leied, if Major, and within the Realm, within three years, otherwise he shall never be heard in that shon, or to reduce the said Error, Jam. 4. p. 31. cap. 57. But concealed, and restricted to the Members of Inquest, to as they may not be made liable after three years for Error, without prejudice to the partie leied to give law for reduction of retours, to be expd in time coming, within the space of twenye years, for recovery of his right, after which space aliterly, the said Action of Reduction thore, be venue of his said ad preiques not such as have already acquired, *bona fide*, from Persons tenured before the date thereof, Jam. 6. p. 22. cap. 13. *Ibid.* 1617.

Actions of Spizilize, Ejections, and Others of this nature prescribe, if not perjured within three years, after committing of the deeds, unless the partie leied be Minor, who is allowed thre year after his Majority, Jam. 6. p. 6. cap. 8. Ratified Jam. 6. p. 2. cap. 29.

Action of removal prescribe in like manner, if not perjured within three years after the Error, Jam. 6. par. 6. cap. 12. But without any exception as to Minors.

All Actions of Debt for house mails, mens ordinals, Servants Fees, Merchants Compts, and others the like Debts, not founded on bill, prescribe, if not perjured within thre years, unless the Persever offer to prove his Claim by Wit, or Oath of Parry, *Ibid.* cap. 10.

No necessity to produce Procurators, and Infirmments of Resignation, Precepts of Clate confiat, or any other precept of statin, nor shall the writ thereof be any cause of reduction after foure years possession, by the Parry, and his Authority, in which case the Infirmments, and where the Charter making mention of the Resignation to have been made, and the Infirmments of Statin mentioning the Precepts are extant, Jam. 6. p. 14. cap. 24.

Where a Chantor and Sufin, or where the issue Charter, Infirmments of Statin one or more, continued and standing proceeding on retours, or precept of *non cessat* are produced, and the Parry and his Authority by themselves or others having their right by venue the said, in fourte years peaceable, and uninterrupted possession of the Lands, and other Heterages therein contained, the same are declared to be good, and unquestionable rights, upon any ground whatsoever, be excepted, but that all actions upon bands, or any other ground whatsoever, be perjured within fourte years, after the date thereof, unless the ground of the action be a reversion, in the body of the Defendants right, or duly Registered, in which case the Action is declared to be perpetual. Actions of warranty prescribe not from the date of the Obligation, but from the date of this diffults: But the years of the minority of the Parry against whom prescription is objected, are not counted to make up the fourte years Count thereof, and thirten years allowed to such, against whom fourte years prescription was run before the making of this Act, in which case, they may intend their Actions for interruption, and yet they are not compellible to push on the first Summons, unless the second Summons be also given, Jam. 6. p. 22. cap. 12. 28. June 1617.

Act Ratifying his Majesties Letter, dated 12. Nov. 1629. and Acts of Session, and Secret Council following thereon, and Publication of the same, for interruption of the prescription, for the thirtene years, in favours of his Majesty, according to the preceding Act, Cat. 2. p. 1. cap. 172.

That Arrestments Decretes, as also on depending Actions, not perjured within five years after Sentence, shall after that time prescribe, Ministers Sispends, and Mulcturs, not perjured within five years after they are due, and Mails and Dewties not perjured within five years after the Tenents removing, due thereafter prescribe, unless they be proven to be selling by writ, or Oath of Parry, all bargains of Moveables, or sums of money payable by witnesses, prescribe also that manner of probation, after five years, all Actions on Warnings, Spizilizes, Ejections, Arrestments, Ministers Sispends, and others foretold, prescribe within ten years, unless waiked every five years, but prejudice of honest participations of any of the said Actions, appointed by hisner Acts, and Holograph missive Letters, and Holograph Bands, subscrptions in Court-books, without witnesses prescribe after twenye years, unless the writte thereof be offered to be proven by Oath of Parry, but none of these prescriptions run against Minors, Cat. 2. p. 2. Sess. 1. cap. 9.

That all interruptions as to rights of Lands by Citations, be thereafter made by Messengers Personally, or at the Parties dwelling house, and in the Paroch Church, in, or after Divine Service, and that all Citations for Interruption be renewed every seven years, or else prescribe, except the Parties be Minors, *Ibid.* cap. 10. As also that the Execution be made before witnesses present, at the doing, and subscribing to the Execution, Cat. 2. p. 3. cap. 5.

PRICES.

That Barons, Provels, and Billies, set prices upon Bread, Ale, and all other necessaritie things, wrought, and bought, and that they appoint Prieviers, Examintors, Jam. 4. p. 5. cap. 1. Jam. 6. p. 7. cap. 131.

That the King give Commission for setting prices on Craftsmens work, and Stuff, Victual, and Salt, with power to punish the Transgressors, Jam. 5. p. 4. cap. 30.

That Forreits Fallies, and Count of Burghs, set prices on Wine, Salt, and Timber, as they arrive at any Port: And that the King, and his Lords, and Gentlemen, be hiss served Jam. 5. p. 7. cap. 100. Ratified, and that the prices felt, be Proclaimed, and none of the said Goods sold for four dayes thereafter, that the said Persons may be identified, Cat. 2. p. 6. cap. 174.

Prices felt on wald, and tame Fowls, and that the Juyet, or Scllet, that breaks thre time, the all his gudes are Rheas, and his Pelson to be well: And in this Act the black Cock is but *Sax penner*, and the time Hen is *eight penner*, Q. M. p. 5. cap. 12.

That reasonable prices be set on Craftsmens work, and all Victuals, to Burgh, and Landward, by the Magistres, or Sheriffs, Jam. 6. p. 23.

That no Merchant, Home-buiger, or Portioner of Wine, and Timber, be a Taster of Prices on the time, during his office, but that two Barons, or Landless, be named at the Michaelmas head Court, in each Shire, and other two by the King, and his Council, all dwelling within Burgh, or Sea unlessethere, and with them four to be chosen by the Burgh, and that their eight be the only Prices.

Prices of Wine, and Timber, for that year, and so forth to be chosen from year to year, and if the four to be named by the Shire, and the King, be either not named, or do not concur when required on fourth eight hours; that then the other four may by themselves set the said prices, Jam. 6. p. 11. cap. 53.

Prices of Bills, and Letters, to be taken by the Clerks of the Signet, Jam. 5. p. 15. cap. 61.

Prices of Writs, and Seals, to be taken by Writters, Clerks, and Keepers, first appointed by the Lords of Session, and then ordained by the Council in the year, 1666, and now Ratified, and Commanded to be observed in time coming, and that Writters, and Clerks, write on the back of all Writs given out by them, the full price they receive, and subscribe the same, under pain of Deprivation, Jam. 6. p. 23. cap. 19.

There is also a further regulation of the said prices, and fees, Cat. 1. p. 2. Seff. 3. cap. 16.

PRINCE.

A general, and ample Ratification in favours of Charles, Prince, and Steward of Scotland, excepting thereto the Affirmation made to the Castle of Dunbarton, until some other provision be made in lieu thereof, Jam. 6. p. 23. cap. 4.

PRINCIPALITY.

The free Tenants of the principality, give suite, and preference, in Parliaments, and Justice Aids, when there is no Prince, Jam. 4. p. 12. cap. 16. See it in Parliament.

PRINTER.

That no Printer print any thing without Licence, under the pain of Confiscation, and Banishment, Q. M. p. 5. cap. 27.

PRIORIE.

That all Friers, or Vassils of Priors, or Prioresses, or Friers, or Nuns places, after the decay of their said Superiors, hold of the King, as they held of them, Jam. 6. p. 2. cap. 38.

PRISON-HOUSE.

That sufficient Prison-houses be built within three years in all Burghs by the Magistrates, and Council thereof on their Common gable, or otherwise on the Charges of the Burgh, for keeping their town, and all other Prisoners that shall be committed to them, but the Prisoners to be kept on their own expence, Jam. 6. p. 15. cap. 273.

The oversight of the condition of Prison-houses recommended to the Justices of Peace in their institution, Cat. 2. p. 1. Seff. 1. cap. 38. See it in *Justices of Peace*.

PROBATION.

An exception being admitted to probation, the Lords should declare how much of it is to be proven by Wit, and the Wit should be produced in *terminis*, or diligence for it, otherwise that the crime be circumvented; and if the Wit be produced, the other party may object against it, Q. M. p. 7. c. 63. See *Prescription*, as to the several manners of probation by Witnesses, Wit, or Oath.

PROCESS.

The Form of Process in Spiritual Courts, to wit, that after peremptory Citation of the Clergy-man, serving the cause, and under the pain of Excommunication, Litigation being made; and if the thing be confessed, that the Defendant be assigned to the Pursuer to produce all his proofs peremptory, and that this day being come, another day be assigned to the Defendant to produce all his exceptions peremptory, and then a day assigned for sentence, so as Process be ended within forty days; And that the Judge or overruling the same, be condemned by his oath to satisfy the Complainer, 11. 1. p. 6. c. 87.

That for facility of process, the lame be given to the Pursuer on his expences, paying four pennies for each Act thereof alledgely, 11. 4. p. 6. c. 67.

That no Process be granted before inferior Judges on the fifth Summons, but upon Libellèd Precepts, and citation of fifteen days, conform to the Act of Parliament, 11. 6. p. 23. c. 19.

Act for regulation of Process before the Lords of Session, Cat. 2. p. 2. Seff. 3. cap. 16.

PRODUCTION OF WRITS.

That all persons may be charged in general or special, under the pain of Rebellion, to produce before the Commissioners to be appointed by his Majesty, all Rentals of whatsoever Benefices, or Hospitals, or things pertaining thereto, with all Infeudments, Tacks, or other Rights made to them of any Kirk Laods, Temple Laods, teinds, or other Kirk Rents, that they may be inspected, and to deliver authentic Copies thereof, 12. 5. p. 12. c. 131.

That all Fevers of the Temporality produce their Infeudments and Titles between the first of January, 1598, under the pain of nullity, 11. 6. p. 15. c. 245.

PROFANENESS.

Act against Profaneness, Ratifying the Acts 11. 6. p. 22. c. 20. against Drunkenness, Cat. 2. p. 1. Seff. 1. c. 18, 19, and 38. for the due observation of the Sabbath, and against Swearing and excessive Drinking, ordering who shall execute the same in every Paroch, and where the Fines should be Collected and Applied, Cat. 2. p. 2. Seff. 3. c. 22. See the Heads here mentioned.

PROTECTION.

The breakers of the Kings Protection being summoned on forty days, the breaking shall be put to the knowledge of an Ailze, whether the breaker come or not, and if found, he shall be outlawed in ten pounds, and Ailze the Party, 11. 1. p. 11. c. 134.

That the Lords of Session grant no Protections from Legal Execution, declaring that the Granter shall be liable to the Creditor for the sum, Jam. 6. p. 23. cap. 13.

Act Ratifying all former Acts against Protections, and discharging the Lords of Session, Council, and Exchequer, to grant any from personal execution, certifying that the granter shall be liable for the debt, and that the same shall not stop execution; Yet the said Lords, as also the Justice General and his Deputies may suspend personal execution for a few days against persons appointed to appear personally before them, Cat. 2. p. 1. Seff. 3. c. 4. The same again Ratified, and that such as are accessory to the grant may be known, all Protections, Superdeletes, and Licences, are ordained to be Signed, and the Sub-

scribers are declared liable for the Debt as Cautioners, and Protections are ordered to be recorded, and that the Extra make Faith, and the foresaid liberty of Suspending Execution, is limited to a month, and the Party citing any person that needs Protection, must first make Faith that he is a material Witness, and also the Protection must bear the cause: And Protections granted contrary to this Law, do not only hinder personal execution, but if any Magistrate, or Messenger, do therefore refuse to concur, he is declared liable for the debt: As also, the Lyon in case hereafter to depose the Messenger, refusing to concur, as said is, Cat. 2. p. 3. cap. 9.

PURPRISION.

No Vassal under the Baron hath power to hold Courts, or cognosce on Purpursion, 11. 3. p. 10. c. 86.

Who labours, Incloses, or appropriates any part of his Majesties common Muirs or Commonities, commits Purpursion, and should be punished according to the old Law and Custom, 11. 6. p. 16. c. 5.

Q

QUARTERING.

All free Quartering of Souldiers, Transient or Local, discharged, Cat. 2. p. 3. c. 3.

QUEEN.

That the Freis and Barons make the like Oath to the Queen (The Oath is not specified, but it seems to be the like Oath that they make to the King) 11. 1. p. 8. cap. 110.

All the Lords of Parliament, both Ecclesiasticks and Seculars, and the Commissioners of Burghs, promise Letters of fidelity to the Queen, Jam. 1. p. 12. cap. 136.

The third of the Kings Rents of Ailze, that is of Lands and Customs, should be assigned to the Queen for her Dowry and Terce alledgely, and no farther, 11. 3. p. 10. c. 2.

Confirmation of Queen Anne's Contract of Marriage, whereby the Earl of Fife, Lordship of Linlithgow, and third of the property of the Crown were appointed to her in Joynture during her life, beside her Morning Gift from the King of the Abbey of Dunfermline, And the Queen with advice of the King chooses a Council for the administration of her affairs, which nomination is also Ratified, 11. 6. p. 13. c. 191.

Ratification of Queen Anne's Infeudment of the Lordship of Dunfermline to her and the Aits of her body betwixt her and the King, which falsifying, to King James his Aits and Successors succeeding to the Crown of Scotland: As also, of all deeds made and granted, or to be made and granted by her, with advice of her Husband and Council, of the said Lordship, or any part thereof, in misnomer set down in the Act, 11. 6. p. 11. c. 10.

Ratification of a Supplement of four made by Queen Anne of her Council, in place of so many of the former nomination deceased, and conform to, and in the terms of the said Act, 11. 6. p. 22. c. 11. See *Dunfermline*.

QUOTS OF TESTAMENTS.

That no Quots of Testaments be confirmed since the sixteen of November, 1641, or to be confirmed in time coming, be enacted, Cat. 2. p. 1. Seff. 2. c. 28. But this Act repealed in favour of Bishops, *Ibid.* Seff. 2. c. 1.

That the Quote only payed for the free Gilt in Testaments, and that for inslaving the Debts, Creditors may be called, and also the Executors Oath taken, as to the reality of the Debt. That Executors Creditors pay no Quot, in so far as they offer to their Debt: And likewise of Relids confirming for their provisions, in so far as they extend to five years purchase of the Lifetens confirmed for, that poor people have within forty pounds, their Confirmations be free of Quot, and for Fees of Court that they pay only two pounds eighteen shillings. That Heretofore Debts where there is an Heretofore Estate, default not off the Inventor in diminution of the Quot. That there be no divisions in Testaments in favours of the Relids, where the estate is excluded, or in so far as is excluded, and that this exclusion be probable by her Oath: And that Commissar, Clerk, Fiscal, or other Member of Court contravening this Act, be deprived without re-admission, Cat. 2. p. 2. Seff. 1. c. 19. See *Testaments*.

R

RATIFICATION.

Ratifications in Parliament are to be understood *Salvo Jure Cuiuslibet*, 11. 6. p. 12. c. 130. and p. 14. c. 215. And that whether the same be general or special, p. 18. c. 20. and p. 19. c. 9. See *Parliament*.

RAVISHING.

That Ravishers of Women be put under slavery, as in the Crimes of Slaughter and Murder, 11. 6. p. 7. c. 1.

The subsequent Consent or Declaration of the Party Ravished, that she went along of her own free will, albeit it may exempt from Capital punishment, it be found by the instance of the Womens Kins-folk, or by his Majesties Advocate, it be found by an Ailze that the deed was at first violently done, it doth not free such as are guilty from the Arbitral punishment of Confiscation, Whipping, or Fining, Jam. 6. p. 21. c. 4.

REBEL, and Refer of Rebels Criminal.

That one Rebel openly against the Kings Person, under the pain of forfeit-tour, 11. 1. p. 1. c. 3. And if any refuse to censure the King against such rebels, they shall be challenged as favourers of them, *Ibid.* c. 4. See *Treason*.

That one refer, or do favour manifest Rebels against the King and Common Law, under the pain of forfeit-tour, 11. 1. p. 2. c. 37.

That where Rebels are refer within Castles, or where there is presumption violent of Rebellion, the Lieventenant raise the Countrey, and pass to such Houses, and arrest the Persons, and cause them live in slavery, 11. 2. p. 21. c. 3.

That none Rebel against the Kings Person or Authority, and who do rebelly, to be punished after the quantity and quality of their Rebellion, by the advice of the three

That none have the benefit of the Act of Pacification 1572, and Act of Oblivion 1585, except such as profess the true Religion, and acknowledge the Kings Authority, *lsm. 6. p. 12. cap. 123.*

That all Jesuits, Seminarists, Priests, Excommunicat, and Trafficking Papists, common enemies to all Christian Commonwealth, be apprehended, and committed to all Magistrates, until they be converted, or put out of the Kingdom, or published, conform to the Acts of Parliament, and that none refer them, under the pains following, the Earl, a *Thousand pounds*, the Lord, a *thousand mark*, the Baron *Five Hundred pounds*, the Freeholder, *Three Hundred mark*, and the Yeoman, *Fourty pounds*, and the Burgeses as the Council shall moderate not exceeding a *Hundred pounds*, *lsm. 6. p. 16. cap. 18.*

That all wilful Refusers of Excommunication denounced Papists, after Publication made by the Minister of the Paroch, and the Penalties of non-Communicants, which are the same with those in the Act immediately preceding, *lsm. 6. p. 19. cap. 17.*

All Ads against Jesuits, Seminarists, Priests, and their Refusers, Ratified, declaring as to their Refusers, that Intimation, and Denunciation made at the Head Burgh of the Shire, or District, or *City of Edinburgh*, shall be sufficient to put them in *male fide*, *lsm. 6. p. 20. cap. 5.*

Ratification of all Acts against the Liberty, and Freedom of the true Kirk of God, and Religion presently professed in this Realm, *lsm. 6. p. 1. cap. 4. Anno. 1613.*

That all Jesuits, Priests, and Trafficking Papists, betwixt and the last of March, next 1601, Remove forth of the Kingdom under the pain of Death, *lsm. 6. p. 1. Self. 2. cap. 8.*

The King with advice of Parliament declares his full, and firm resolution, to maintain the true Protestant Religion, in its purity of Doctrine, and Worship, as established in his Father, and Grand-Fathers time, and to promote the power of Godliness, and encourage the exercise of Religion, and improve all Protestant, and to give Countenance, and Protection to the Ministers, behaving as becomes, as also to settle the Government of the Church, as shall best suit Gods word, Monarchie, and the Kingdoms Peace, and in the mean time continues Kirk-Sessions, Presbyteries, and Synods, notwithstanding the Act Recusite, *lsm. 6. p. 16. cap. 18.*

Ratification of all Ads against the true Church, and Religion presently professed, and all private meetings in houses, under the pretence of Religious exercises are discharged, *lsm. 6. p. 1. Self. 2. cap. 4.*

Ratification of all Ads for settling and securing the Liberty of the true Kirk, and Protestant Religion presently professed within this Realm, all Ads against Popery, *lsm. 6. p. 1. Self. 2. cap. 1.*

Ad requiring all Judges, and Officers, to put the Laws against Popery, and Papists, and against Fanatical Separatists, and all Familic disorders, to full, and vigorous Execution, and that every Minister give up yearly in *October*, Lists of all such in their Paroch, and that the Bishops transmit a double thereof for Execution to the Judges Ordinary, who are to give an account of their diligence to the Council yearly in *December*, and another double thereof to the Clerks of Council, whereupon the said Diligence may be Examined, and Controlled, *lsm. 6. p. 2. cap. 6.*

REMISSION, and RESPIE.

Where Remissions, are given with condition to asy the Party, yet the ease of Highland men is excepted, and Modification of meads appointed to be made in their ease, as in the Act, *lsm. 6. p. 2. cap. 46.*

Who he takes him to his Remission for Theft, or Reif, should find sicker Burrows, to consent the Party within forty days, *lsm. 2. p. 14. c. 74.*

That no Respite be granted, and that they are more against Justice than plain Remissions, *lsm. 3. p. 13. cap. 94.*

That Remissions, expressen, and declare the greatest Crime, otherwise shall not arise from a greater Crime, then the special Crime expressed, *lsm. 4. p. 6. cap. 62.*

That no Remission be given for slaughter, on force, thought felonie, &c. this statute to endure till specially revoked by his Majesty, *lsm. 6. c. 63.* Who takes him to the Kings Remission, or Respite, for any action, except slaughter, and mutilation, and hinds Sovereignty to the Party, the Sovereignty may be called before the Lord of Session, and the action is privileged as in recent spulizes as for slaughter, and mutilation, that the order of the former Act be kept, *lsm. 5. p. 3. cap. 7.* What Act is meant by this former Act is not express, it may be the former Act forbidding Remissions.

General Remission of Treson granted by King James the Fifth, *lsm. 5. p. 6. cap. 92.*

The King at the desire of the States, closes his hands from the granting of Remissions, or Respits, for three years; that the Remissions bear the Party to be asstid, and if the contrary be found, the Remission to be null, *lsm. 6. p. 8. cap. 136.*

The King at the request of the Estates, promises to close his hands from granting any respit, or remission, for any odious Crime shall be committed for five years thereafter, except upon a sufficient Letter of Slayns shown: And if any Remission shall be otherwise granted, it is declared null, and the Act provides for Affirmations as to Crimes past, *lsm. 6. p. 12. c. 155. Anno 1592.*

Ratified, specially as to the Letter of Slayns, and that no Respite, or Remission be admitted, except compounded, and subscribed by the Thesaurer, at least past in his Register, *lsm. 6. p. 13. cap. 160.*

That no Remission, or Respite, be granted to any Person, at the horn, for Theft, Reif, Slaughter, Burglary, or Heirship while the Party shall be fled, otherwise that the same be null, unless it be granted for pacifying the broken Countries, and Borders, *lsm. 6. p. 174.*

That if his Majesty grant his pardon for any of the Crimes contained in this Act the Party shall be returned to all intents, as if he had never been perjured, *lsm. 2. p. 1. Self. 2. cap. 2.* The Act contains Crimes of Treson, and Sedition. See *Indemnity, Oblivion, and penal Statutes.*

REMOVING, See Wairring.

That Tenants labouring, and inhabiting, cannot be removed upon the change of the Lands to a singular Successor, but at the *Whitsunday* thereafter, *lsm. 4. p. 3. cap. 26.* See *Intin*.

That Removings be made in quiet manner, without Convocation, under the pain of unlawful Convocations, *lsm. 3. p. 3. cap. 3.*

The order of Redemption may be daily made, and the Party, and all other occupiers, lawfully warned, before any *Whitsunday*, after the Redemption, the order being declared, the Party shall be liable as a violent Reductor, for the first time, as if the Land had been granted lawfully redeemed the time of the order. *lsm. 6. p. 16. cap. 30.*

That removing proceed upon lawful warning, (as in *Wairring*) and that the summons of removing be on five days, and if at the day of comparance the Defender make allegiance, and offer to improve the Indenture that then he be put to find Caution instantly for the violent profits: that for discussing of removing, Sheriffs, and all Judges having jurisdiction, sit in lawful Courts, the whole fifteen lawful days after Trinity Sunday, and if the fids Indegs grant not *Fr. pps.*, and do not Justice, that they pay to the Party all his damages, *lsm. 6. p. 39.*

RENTALS.

That all Rentals of the Kings property not being fiewed to men, and their Airs, have only the effect of naked Life-rents, *lsm. 6. p. 11. cap. 68.*

REPLEGATION.

Where Replegation is lawfully made, the Process in the contrary is of none avail, *lsm. 6. p. 11. cap. 29.* See *Regality.*

RESCISSORIE ACTS.

Ad rescinding the Committes, and Parliaments, that sat after the Parliament, 1648, and all their Acts, excepting such as were past in meetings of Parliament, or Committee, authorized by his Majesties petition, and not inconsistent with this Act, and also indemnifying all those that acted in all the saids Committes, and Parliaments, except as to the Rescissorie Act, except as to be thereafter excepted in this Act, *lsm. 2. p. 1. Self. 1. cap. 9.*

Ad rescinding the Parliaments 1640, 43, 44, 45, 46, 47, and 1648, and all their Acts, but indemnifying those that acted in or by virtue thereof, (except as to be excepted in this Parliament) and also declaring, all Acts, Rights, and Securities, past in these meetings, or by virtue thereof, in favour of any particular Person, for their Civil, and Private Interests, to stand guide, until considered, and determined in this Parliament, *lsm. 2. p. 1. Self. 1. cap. 15.*

RESIGNATION.

Procurators of Resignation *ad remanentiam* should be sealed, and subscribed by the Grantor, or an Notar for him, or if the Vallis make the Resignation Personally, then the Instrument should be sealed, and subscribed by him, otherwise the Resignation make be faith, *lsm. 6. p. 6. cap. 35.* This Ad dispensed with for bygoners, and until the fifth of March, 1582, *Q. M. p. 9. c. 81.*

Instruments of Resignation *ad remanentiam*, should be Registered, *lsm. 2. p. 2. Self. 1. cap. 3.* See *Registration.*

RETOUR, See Precepts.

The Retour should contain the old avail, and also the true avail the Lauds are worth the time of serving of the Breive, *lsm. 3. p. 7. cap. 56.*

REVERSION.

That Reversions be effectual upon payment of the sums therein contained, against the singular Successor of the Grantor, and they may be Admittit for Conservation, and that the extra make faith as the principals, *lsm. 3. p. 5. cap. 28.*

That all Reversions, Bonds, and discharges thereof, be made under the seal, and subscription of the Grantor, and if he cannot writ, that he subscribe by an Notar, and that all Writings bearing, or for giving Reversions, make no faith until Registered in Judgment, in the Books of some ordinary Judge, except Instruments of Reversion within Burgh, taken the time of the Resignation, and Salfin, before the same witnesses, which are declared to make faith, *lsm. 6. p. 6. cap. 29.*

That where Reversions contain special Gold, or Silver, not now to be had, the Reverter may redeem by giving Gold, or Silver, having count for the time, of the same weight, value, and fauets, *lsm. 6. p. 17.*

REVOCATION, See Annexation, and Dissolution.

Revocation of all Alienations of Lands, and Cudes, that were in King James the First his Possession, the time of his descease, made without content of the three Estates, and that in Invention be made of the Kings Cudes, and none of his Lands communitized, without content of the three Estates, until he be of the age of Twentie years complete, otherwise the said Alienation to be null, *lsm. 2. p. 1. cap. 2.*

Revocation by King James the Third, of Alienations prejudicial to his Airs and Crown. Conversions of Ward-holdings unto Blanch, making of Tailzies, as being against Conscience, or gifts of keeping of Cattles longer then during war, *lsm. 3. p. 9. c. 74.*

Revocation by King James the Fourth, of all deeds done by King James the Third, after the second of February, 1488. As granted for the assistance of the perverie Council, that were against the common good of the Realm, and cause of his slaughter, *lsm. 4. p. 1. c. 5.* And that the receivers of these Gifts and Deeds bring in the same within forty days, to be destroyed, *lsm. 4. p. 2. c. 22.*

Revocation of all Gifts and Deeds granted by King James the Fourth, since his Coronation, *lsm. 4. p. 2. c. 10.*

Revocation of all Gifts given by King James the Third, after the second of September, 1487. As also of all Resignations received by him, and inferments thereon, after the said day, in prejudice of the righteous Airs, as being granted by the King, misled by ill Council, and the same are declared to be void, *lsm. 4. p. 4. c. 50.*

Revocation by King James the Fourth at his perished age, after the privilege of common Law, which he won upon the death of Leiton, and his Coronation Oath, he revoked, 1. All Alienations made by himself, or his Predecessors, of Lands, and others annexed to the Crown, or to the Principality. 2. All Gifts and Grants made in his non-age, as also gifts of Offices for Terms, and Tackles of long Terms. 3. All Tailzies from Airs Central to Airs Mile. 4. All Poffitions pertaining to him or his Predecessors. 5. All change of Holdings, from Ward to Blanch. 6. All Regalities and Offices given in Heterage against the Act of Parliament. 7. All Grants of Guardianships, or other Caluities given by him in his Minority. 8. All Irreconcilable Unions of Lands in Baronies, and discharges of Services and Suits. 9. All Creations of Baronies in Lands annexed. 10. All Gifts of Patronages. 11. All things that the common Law allows to be revoked. And lastly, All things done in hurt of his Conscience or Crown, protecting that his Majesties tolerance shall not prejudice his right. As also, he revokes all Contingent white Lands, or the greatest part thereof which were annulled at his vote, and the same not known to his Majesty, excepting from this revocation the Lands given to the Earl of Bathwell, and Sir James Relf, *lsm. 4. p. 4. c. 51.*

Revocation by King James the Fourth, of all Deeds, Donations, Acts of Parliament, or ordets hurtful to the Carbolick Kirk, his Conscience, or Crown, *lsm. 4. p. 4. cap. 100.*

Revocation by King James the Fifth, after his perished age of twenty five years, and under the general Act of Leiton, and upon extended almost in the future terms with that of King James the Fourth, *lsm. 5. p. 6. c. 70.*

Revocation *Q. M.* after her age of twelve years complete, and the division of the Governement made by the Earl of Arles, it contains the common Heads *ns supra*, and bears date at *Fountain Bleas in France*, the 25. of *April*, 1555 years, *Q. M. p. 6. c. 20.*

General Revocation by King *Charles* the Second, Car. 2. p. 1. Sess. 2. c. 8.

That no man ride or gang with moe men nor may suffice, and for whom he will make payment, la. l. p. l. e. 5.

That no man raise any Bands in Arms for Wages, without licence of the Queen, under the pain of death, both to the Raisers, and Rifers, Q. M. p. 9. c. 75.
This Act, with some Extensions, applied to Burghs, *Ibid.* cap. 83. See in *Eareh.*

That no man reive anothers Goods or Prisoner in *English* Eird, or in *Scots*, under the pain of Death, *la. 2. p. 12. c. 53.*

ROME. See *Benefices*, and *Clergy-man*.

All Causes depending at *Rome*, or before its Courts, or Delegates, should be tried and decided before the Judge Ordinary within the Kingdom, and Appellations made to *Rome* should be determined by the Lords of Session; And this Act to have effect from August, 1560. 12. p. 6. c. 117.

That Ruicks be not suffered to big in Trees, and where it be tainted, that they big, and the Birds flown, and the Nests found at Belran, that the Trees be forfeited to the King, with five shillings unlaw, la. 1. p. 1, c. 19.

Act ancient Justices of Peace, and that the Involvement of the same in the
 Cat. 2, p. 1, Sess. 1, c. 18. Ratified, Cat. 2, p. 2, Sess. 3, c. 22. See it in *Profane*
ness.

cap. I. K SALT

ported, be free of Customs: and all Acts in the contrary are Repealed; and that the Customs of Salt continue as in the Book of Rates, Cap. 2, par. 2, Sect. 4. cap. 1.

K SALTERS.

of June the nineteenth year of his Reigne, which was the year, 1533. *Ibid.* cap. 68.

Ratification of the College of Justice, and of the Popes Approbation, and Confirmation thereof, with power to the Lords, to make Aids, and Statutes, for ordering of Process, and hislie expedition of Justice, and that in the absence of the President, and Vice-president, the eldest Senaour in order priefde for the time, Jam. 5. p. 7. cap. 93.

Ratification of the Infirmitie of the College of Justice, and that Letters be directed against the Prelate, for going in the Contribution money due to the Lords of Session, Q. M. p. 2. cap. 2.

The Lords of Session are declared to be Judges competent, to the Reducation of Infeftments, albeif confirmed in Parliament, Jam. 6. par. 1. cap. 18. Upon a complaint by the Lords of Session, of Privy Chagres directed to themby the King, and his Council, to forcheit, they remit the same to the Parliament, or to stop Execution, its declared, and ordained, that the Lords proceed in all Civil Causes intended before them, and cause Execution their Decretis, notwithstanding any privat writing, or command, at the instance of any Party in the contrary, Jam. 6. p. 6. cap. 92.

That no Lord of the Session, by himself, his Wife, or Servants, take bnde, bribe, gudes, or gifts, either for themselves, or the said Aids, and Statutes, to drive, influence, Infamy, and excheat of moveables, the said half to the King, and the other to the Revelais, and the Offenders Person to be in the Kings will: That the King shall nominate to be Lords, men fearing God, able, and having sufficient living of their own, who shall be tried by a number of the Lords, and in case the said Lords shall not be found to be qualified, the Lords may retaine him, and the King should please another, and the President shall be chosen by the whole Senaours, either of the Spiritual, or Temporal Estate, and to they may also elect, a Vice-president, in the absence of the Chancellour, and President, Jam. 6. par. 6. cap. 93.

Ratification of all Statutes made by the Lords, for Expedition, and Execution of Justice, Jam. 6. cap. 139.

That there be payed to the Lords by the tines of the plea *twelve pence*, per pound, where the subject is liquid, and *five pence* where it consists in *Falsis*, and that by the same order as was observed in their upholding of *Fourrie* *shillings* of each Decree of before, Jam. 6. par. 11. cap. 43. (See Jam. 2. p. 14. cap. 63. *hetc*.)

The Lords are declared Judges competent to the Interpretation of the Aids of Oblivion, nine Ordinaries being abisepent, as in the other causes at the pronouncing of Inter-locutors, and Decretis, *Ibid.* cap. 44.

Because the Lords of Session are appointed for the decision of all Civil Matters, Therefore the King declares his mind by Aids of Parliament, that to all Vacations in the Session, he will present men fearing God, of good learning, knowledge, and power of Law, having sufficient living of their own, And farther, it is Statut, that no man be received to be a Lord of the Session, unless he be sufficiently tried, and known by the King, and Lords, and have in yearly Rent *thousand markis*, or twentie Chalders of Victual, and be of the age at least of twenty five years complete, otherwise his Pretension, and Admission to be null, Jam. 6. par. 12. cap. 132.

The Modification of Afflictments for Crimes committed since the Kings Coronation, referred to the Lords of the Session, Jam. 6. p. 12. cap. 13.

Ratification of all Priviledges granted to the Senaours of the College of Justice, and Members thereof, notwithstanding of any Aid, or Statut, special, or general, in the contrary, Jam. 6. p. 13. cap. 170. The same Aid repeated *verbatim* (which seems to be by some mistake) *Ibid.* cap. 183.

Another special Ratification in their favours including also the Lord Chancellour, Jam. 6. p. 14. cap. 211.

Toffrick, hui, or hisy any Person, within the inner Tolbuth, the time that the Lords are sitting, declared to be usacion, and to doe the same within the outer, Tolbuth the time to befall, *Ibid.* Jam. 6. p. 13. cap. 173.

No Lord of the Session Ordinary, or Extraordinary, may sit, or vote, in any cause, where the Petitioner, or Defender is either their Father, Brother, or Son, Jam. 6. p. 14. cap. 212. Extended to the like degrees in affinity, as also where the said Lords are Uncles or Nephews to the Parties, Cit. 2. p. 3. cap. 13. See the Aid in *Declinatur*.

The Havell Vacance appointed, to begin in the first of *August*, because of the Harvest, and that the Lords are content to enter every day, during the Summer Session at eight in the morning, Jam. 6. p. 14. cap. 213.

That no Member of the College of Justice buy Pleys, *Ibid.* cap. 216. See itin *Pleys*.

Commision to the Lords of Session, to decide the Aids of Reducation of the For-e-toutour, of *James Wood*, Appearer of *Bennetoun*, Jam. 6. p. 17. the 5. of the un-printed Aids.

The Lords of Session declared to be the Kings great Consilior, and in high Supreme Commision granted to them for all consiliorial Causes, providing themselves they be still Accountable to his Majesty, Jam. 6. par. 20. cap. 6.

Aid in favours of the Lords of Session, for ten thousand pounds to be payed to them yearly, out of this Majesties Customs, which are for that end, and in lo far dissolved from the Crown, and all Intromittes with the said Customs, are made liable to the Lords for their better payment, and Caution is appointed to be found by the Outcomers for that effect, in manner set down in the Aid, *Ibid.* cap. 11.

The Lords of Session appointed to be Judges between the Patron, the Person presented, and the Bishop, aient Pacions betwixt the Patron and Intrant, whether Simonical, or not, Jam. 6. p. 21. c. 1.

Taxation of ten *shillings* the pound Land of old extent, for the Estate of Barons, and Free-holders, and to proportionally for the Spiritual Estate, and Episcopate, and Bishops, granted to the Ordinary Lords of Session for increase of their flock, and thereby, for fourtunes of entry, beginning the first term at *Maritime*, 1633, and the last to be *Maritime*, 1636. Cit. 2. p. 1. c. 22.

General Ratification in favours of the College of Justice, *Ibid.* c. 23. That when the Lords of Session ordain *twelve pence* of the pound to be payed in any Decreet, the same shall not be payed by the obtainer, but by the Party against whom the Decreet is obtained, and the not payment by the obtainer shall be usacion to the Extorting, Cit. 2. p. 1. c. 26.

The judicial proceedings under the *English* Writters before the Commiffioners for administration of Justice, who sit in place of the Lords of the Session, Ratified, but so as any laced thereby may bring the same to be reviewed before the Lords of Session, within a year after the down-futing thereof, or of the Party lefed his attaining to Majority, if he be now Minor, Cit. 2. par. 1. Self. 1. cap. 12. *Amo* 1661.

Ratification of all priviledges and Aids in favours of the College of Justice, Senaours, Advocats, Clerks, Writers to the Signet, and remanent Members of the same, declaring that the whole priviledges granted and belonging to the Lords, and Senaours thereof, shall belong to all the rest, in all time coming, *Ibid.* cap. 23.

Twelve thousand pounds Sterling given to the Lords by way of Afflictment, for bettering of their Books, and the Aid affects the Lords of Session to be the Supreme Judges under his Majesty, in all Civil Causes, *Ibid.* c. 50.

Other *ten thousand pounds* yearly, besides the *ten thousand pounds* granted by King *James the Sixth*, p. 20. c. 11. (above) given to the Lords of Session out of the Customs, and whole sum of *twenty thousand pounds* yearly, equally secuted by

both the Aids, and appoynted by this Aid to be payed together. Cit. 2. p. 1. Self. 2. c. 7.

Ratification of the priviledge of the Ordinary Lords of Session, as to their exemption from all burden imposed, or to be imposed by this or any other Parliament, Cit. 2. p. 2. Self. 2. c. 2.

Aid regulating the order of Process, and methods of proceeding before the Session, as also, all Advocats, Clerks, and Writers, with the manner of keeping the Registers of Homings, Inhibitions, Interdictionis, Seallings, Reversions, and others, Cit. 2. p. 2. Self. 3. c. 16.

The Summer Session supplie and discharged, and the times of the Session yearly appointed, be from the first of November until the last of March, excepting the forefalle from the twenty fourth of December until the last of January, Cit. 2. p. 3. Self. 1. c. 7.

SHERIFF. See Judges.

That the Countrey, all, or part, hearing the Kings Horn, or thieris watned, rise and follow the Sheriff in pursuit of Fugitives, the Gentlemen under the pahn of *fourty shillings*, and the Yeoman under the pain of *twenty shillings*, Jam. 1. par. 6. cap. 99.

That the Sheriff execute persons arrested by the Crown, and keep them in firmance to the Justice Ait, upon the Parties own expences, or if they have it not, upon the Kings, at *three pence per diem*, and if the Sheriff refuse, that he be liable to *Borgh*, Jam. 3. p. 14. c. 101.

The Sheriff & Countess should trole an Affise the last day of the Justice Ait, *Ibid.* c. 101. See *resumer*.

The Sheriff forbidding unlawful Convocation of the Lieges, and disobeyed, may cease the Court that day, and complain of the disobedies to the Kings, *Ibid.* cap. 104.

Sheriffs, Stewards, and Bailiffs, and other Officers, should execute all Decretis, and their Fees appointed to be *twelve pence* of each pound, Jam. 3. p. 3. c. 6. 20. And that whether they be Sheriffs Ordinarie, or in that part, and to be payed by the tition, Jam. 4. p. 6. c. 66.

That there be a Sheriff appointed for *Refs*, and another for *Calkines*, Jam. 4. p. 6. c. 61.

That *Culross* and *Tullibarnie* belong to the Sheriff Court and Justice Ait of *Strirling*: And a further particular division of Shires made at the Ait, *Ibid.* c. 73.

But this division of Shires is ordained to be only for Justice Ait, and not for Sheriff Courts, Jam. 4. p. 7. c. 101.

That Sheriffs, Stewards, or Bailiffs, giving Sealing on Precepts forth of the Chancellary, wike the day and year thereof, and bring the same to the Exchequer (See *Sealing*) And this Aid shall be made, because *Valais* are hui by the lying out of their Over-loads unentered, Jam. 4. p. 6. c. 89.

That the Sheriff cause pooden the names of all Denounced and Registant at the Horn in his Books, upon the Mercat dayes preceeding the ture Head Courts, and that the Catalogue of them be affixed on the Mercat Cross, and in the Tolbuth, that they may be repelled *ab agenda*, and that within fifteen dayes thereafter they fend their names to the Thiefaur, that their Effickes may be taken up, Jam. 4. p. 6. cap. 76.

That the Sheriff charge himself with, and make comp of all Effickes intromitted with him within his Jurisdiction, Jam. 6. p. 11. c. 74.

That Sheriffs give in yearly at the beginning of the Session to the Lords, the names of the Deputes and Clerks they mind to make use of for that year, and that they be charged to find Caution Burgeses dwelling in *Edinburgh*, Acted in the Books of Council, that they shall yearly make comp and payment in Exchequer, Jam. 4. p. 11. c. 8. Ratified. Cit. 2. p. 1. Self. 3. c. 14.

That Sheriffs and all Judges Ordinary to Burgh or to Land, within Reglity or Royalty, be diligent to know the Laws, and put the same to execution, especially in feasting, pursuing, and waiking Traitors and Rebels, as they will answer in their perill, of the same pains incurred by the Traitors: As also, in searching and apprehending of Somers, Vagabonds, Rong Berges, and *Egyptis* as is illo, in giving the said Sheriff Sealing upon, or in taking pikes, in bringing their Books and Compts yearly to the Exchequer, and in making of the Deputes and Clerks, who shall be bound to bring their Reglites to the Exchequer, and that they find fovery for doing these things, and sending their Deputes and Clerks yearly the first of November to the Lords of Session, to be examined, and admitted, under such pains as the Lords shall modify, wherein if they failzie, that they be denounced, and all the Lieges exempt from their Jurisdiction, Jam. 6. p. 12. cap. 124.

The Office and Duty of Sheriffs: manifestly furnished up, Cit. 2. par. 1. Self. 3. cap. 15.

SHERIFF-CLERK.

That the Sheriff-Clerks come to the Exchequer with the Sheriffs, and bring their Books libred with their hands, Jam. 5. p. 6. c. 79. To remain in the Register, Jam. 6. p. 11. c. 64.

That the Sheriff-Clerks Books be marked by the Register, as other Notis Books, and that the authentic Copies be reported yearly, to remain in the public Register, and that they be answerable for this yearly in Exchequer, under the pain of Waiding or Homing, Jam. 6. p. 13. c. 271.

SHIP. See Merchant, and Navigation.

That Ships breaking here the Ship and Goods be efcheat to the King: if they be of a Countrey keeping full a Law, but if not, that they have such favours as thier shew, Jam. 1. p. 6. c. 126.

That no Ship be Freight without a Charter Party, whereof the points are, That the Master of the ship shall furnish to the Merchant, that in case of debate betwixt them, they undely the Jurisdiction of the Burgh whereof the Ship is Freight; That Goods be not pilbit by holling; That no Goods be torn, or broken up; That the Master sue no Goods on his Over-loft, or if he doe, then his Goods y^e Freight, not the Goods beneath deck, or Low wistricum, in case they be callen: That every ship exceeding five Last of Goods, pay to the Chaplain of the Nation *three* *shillings* Freight, and if within five Last, the half of it, under the pain of five pounds: And that no Drink-silver be taken by the Master and his Doers, under the fine pain: And homeward a Tun Freight to the Kirk Work of the Town that they are Freight to, Jam. 3. p. 2. c. 14.

That the Aid Ratified, and that no Goods be sequestrd on the Over-loft, nor the Merchants Goods be sequestrd, nor spiked, nor riven, under the pain of *twenty pounds* to the King, Jam. 3. p. 14. c. 169.

That no ship be freighted without with Staple Goods from *Simen* and *Judes* day, till *Quindimus*, under the pain of five pounds, Jam. 3. p. 2. c. 15. And Jam. 5. p. 4. c. 25. where the pain is raised to *twenty pounds*. And Jam. 4. p. 2. c. 14. where the time prohibis is from *Hallowmas* to *Quindimus*, excepting that any Goods may be sent forth in the time foretold in Ships that bring in salt, or Wine, Jam. 5. p. 4. cap. 23.

That no Ships pass forth of the Realm without the Kings Coquet, Jam. 6. p. 2. c. 40. See *Coquet*.

Ships reckoned amongst Goods moveable, Jam. 6. p. 4. c. 16. That all Ships be Visited wth a Free Bugle and Port, at the fight of the Majesty, and Customers thereat, sent marked by them, and if any more be found, that it be confiscat, Jam. 6. p. 5. c. 67.

The Summonder may make his rehearse in Court, by Writ, or by Tongue keeping the lex terras of Summonds, and he must have sufficient witnesses of all ver

werfe Barrantes, who shall Sweare Court the truth of the Summonds, Jam. 1. par. 9. cap. 113.

The order of Summoning Persons, Continuances, and their fines, with the manner of putting the Perlewer in Detention of their Lands, and Cades, after the three diets, and their recovery thereof, and if the Party be Contented, that his Land, and Cades, be recognised in the Kings hand, and if he lies none, then shall he be out-lawed, and put to the Horn, lam. 21. p. 6. cap. 29. (These are old statutes.)

Summonds Petempour before the King and Council abridged to twente one dayes, lam. 3. p. 1. cap. 6.

In Summonds of Error, the Members of Inquest should appear Personally, be- cause it may depend on their Intimacies, and the Summonds proceeds, whether the Party called for his Interest compare or not, and the Perlewer of this Summonds, notwithstanding, payes the expenses of the Party, and an towne of *Fourty shillings*, and so in other Summonds, lam. 4. p. 3. cap. 35.

Summonds of recent spuilzie, that it tiled within fifteen dayes after the committing of the spuilzie, may be made on fifteen dayes, and no Dilator to be admitted, if the Summonds be lawfully indorfite, lam. 4. p. 6. c. 65.

Summonds Priviledged, are recent spuilzie, against Letters, redeeming, of Lands, Ads of Adjournal, Actions of Tinfel against Superiors, Redoubon of Inordant Froels before the Sheriffs, and Bailiffs, and retreating, and transferring, of Decrets, except Letters that concern Homing, which shall have Froels at all times, lam. 1. p. 5. cap. 45. See *Session*.

A Person being Summond eight dayes before he go forth of the Realm, if he be not *Re-pudice Canja*, the Froels goes on against him, as if he were noorth of the Realm, upon waitings at his dwelling place, out if he lies none, or he is not left a Procurator, at the Mercat-croce of the head Burgh of the Shire where he is not returned of before, and this to have place in Civil Actions only, but not against witnesses, Q. M. p. 6. cap. 32. See *Execution*.

Ad Letters of continuation discharged, and that in lieu thereof, all Summonds in use to have been continued, contain two diets, and be directed to shirreffs, and Messengers, *respited*, and be Executed the first diet, and after elap- ping of the dayes of the first Citation, to the second diet, in the same manner, and with the same effect, as Summonds, Ads, and Letters were used formerly, Car. 2. p. 2. Seff. 3. cap. 6.

SUMPTUARIE LAWS, See Apparel. SUPERIOR.

That Superiors charged by their Vassils, upon fourtie dayes, enter to their Superiors, otherwise fine the same, for their Vassils lifetime, and must Affiir his skuth, and the Vassil is to be entered by the next Superior, Jam. 3. p. 7. cap. 51.

That the Mills, and Duties of Lands pertaining to Vassils that have been year and day at the Hono, return again to the Superiors, for the Vassils life-time, except in Crimes of Treason, and *Isa-Majesty*, Jam. 5. par. 4. cap. 32.

SUPERIORITIES of Kirk-lands, See Kirk-lands. SUPERSADERE.

All *Supersaderes*, or Licences, granted by the King to Persons at the Hono, forbidden, and declared null, and void, lam. 6. p. 11. cap. 46.

SUPERSTITION, See Pilgrimage, and Religion.

SUPPLY ROYAL; See Annuity. 40000. pounds Sterling.

Act of Convention for a Supply to his Majesty of *ten Hundred Thousand marks*, to be raised in five years, by way of Taxation, Act of Convention, 4. of *August*, 1666.

Act of Convention for a Supply to his Majesty of a Twelve Months Cels, being *Seventy two Thousand pounds*, per *Annum*, in all Eight Hundred and sixty four *Thousand pounds*, Act of Convention 23. of *January*, 1667.

Act for a Supply to his Majesty of *Three Hundred and fifty Thousand pounds* to be raised by way of Affessment, at the terms in the year specified in the Act, Car. 2. p. 2. Seff. 3. cap. 3.

Act for a Supply to his Majesty of *Eight Hundred, and sixty four Thousand pounds*, to be raised by way of Affessment, and payed at four terms, *Lambis*, 1672. *Candlemas*, and *Lambis*, 1673. and *Candlemas*, 1674. And that no man be obliged to produce discharges thereof after the second of *February*, 1674. And retention is granted of a Sixth part of Annual-rents from *Marriages*, 1674. to *Marriages*, 1675. for ease of the Executors, and Land-rent, Car. 2. p. 2. Seff. 3. cap. 4.

Act of Convention for a Supply to his Majesty of Twente five Months Cels, being *Eighteen Hundred Thousand pounds* to be raised in five years, five months yearly, beginning the first term at *Marriages*, 1678. Act of Convention 28. *July*, 1678.

Act and Offer of a new Supply to his Majesty, by continuation of the said five Months Cels, *per annum*, for other five years, after the term of *Marriages*, 1678. *Imprudent*, and that none be obliged to produce discharges of this Supply, after the *Teuth of June*, 1679. And that Heritors for their relief, may tax the Inhabitants upon their ground, as in the Act, and the order of uplifting, and quartering for this Cels, is set down in the Act, Car. 2. p. 3. cap. 3.

SUSPENSION.

That no Suspension be put against Bishop, Minister, or Master of University, or Colledge, of any Charge for their dues on special Decrets, except upon pro- duction of discharges, or upon Confignation, and if the Rent charged for be Vissual, of a Hundred marks for each Chaldier: But prejudice of a higher Modifica- tion at the dissolving, and that Bils of Suspension of general Letters the time of Action, be first moved to the Hanger, and if either the Charge, or Suspension be found Malicious, the Lords of the Seff. may indorse a fifth part of the sum for expenses, Car. 2. p. 2. Seff. 1. cap. 6.

SYNOD DIOCESAN, See Kirk, and Ministers.

SYNOD NATIONAL.

Act ancient the Constitution of a Synod National, whereby his Majesty hath the power of proposing by the Archbishop of St. Andrews President, and is always

to be agreed, by himself, or his Commissioners, and no Act to be valide, un- less presented to the President, and Major part, and unless it be confirmed with his Majesties Privilege, and the Laws, and be confirmed by his Majesty or his Commissioners, Car. 2. p. 1. Seff. 3. cap. 5.

TACK, and TACKSMAN, See Ten- nent.

That Tacks being set to Labourers, the Takers shall remain therewith unto the fife of the terms thereof, for the while they took them, to whole hands loever the Lands come, lam. 2. p. 6. cap. 17.

But who takes Land in Wodier, lyne for Mail long time after, the Land be quite out for half Mail, or thereby, that these Tacks be not kept, after the coming, unless they be set for the very Mail, or thereby, *libd. cap. 14*.

How, and for what years and fife be beneficed Persons may let their Benefices, and Fruits thereof. See in *Beneficed Persons*.

TALLOW.

That no Tallow be had out of the Realm, under the pain of excheat of it, lam. 1. par. 2. cap. 32. And further of all the Owners Moveables, as also of the Move- ables of the Matter, or Skipper of the Vessel, that receives it, lam. 5. p. 7. cap. 123, and Q. M. p. 6. c. 40.

That none melle, rinde, nor Barrell Tallow, under the foresaid pain, *libd. 1. s. p. 7. cap. 123*. See *Forbidden Goods*.

TAVERNE.

That no man in Burgh, be found in Tavern or Ale-house, after the strike of nine, and the Bell rung, under the pain of watching, and the Aldermen and Bailies negliget in this, to be hooded by the Chamberlaine in *Fifty shillings*, lam. 1. p. 13. cap. 144.

TAXATION, See Supply.

Order for speedie ingbirging the Taxation, tithes granted, and found that the King could not grant discharges of that Taxation, being granted by the three Estates to the Embassadors for his Marriage, lam. 4. p. 2. c. 20.

Taxation of *Two Hundred Thousand marks*, granted to the King and pro- portioned thus, the sum of *One Hundred Thousand marks*, by the Spiritual Estate the sum of *forty five Thousand five Hundred, and forty six marks, eight pennes*, by the Barons, and Eccheholders, and the sum of *Thirteen three Thousand, three Hundred thirty three marks, four shillings, five pennes*, by the Burghs, and the Burghs part as here listed is *tax to Fourshilling*, upon the pound Land, and old excheat, and the Act contains atlength the totin and manner of uplifting it, lam. 6. p. 15. cap. 27. See *Ann. 1597*.

Another Taxation granted to his Majesty of *Thirty shillings* the pound Land of old extenrally, 101011 terms, for the Barons, and Freeholders, and the Spiritual Estate, and the Burghs, to pay their parts of the said Taxation, according to the said Tax upon the Barons, as also an Extraordinary Taxation of the *fourteenth penny* of all free Annual-rents for four years, Jam. 6. par. 23. cap. 2. *Ann. 1621*.

Alterant the Collecting, and ingbirging of this Taxation, and Relief, to Prelates, *libd. cap. 3*.

An Taxation granted to his Majesty of *Thirty shillings* the pound Land of old extenrally, for sixteen terms, or yeas, for the Barons, and Freeholders, and proportionally on the Spiritual Estate, and Estate of Burghs, beginning the first term, or year, at *Michaelmas*, 1634, with an Extraordinary Taxation, of the *fourteenth penny* of all free Annual-rents yearly the saids six years, Car. 1. par. 1. cap. 1. 28. *June*, 1633.

Act ancient the Collecting and ingbirging of this Taxation, and for the relief of Prelates, *libd. cap. 2*.

Supply to his Majesties of *Ten Hundred Thousand marks*, to be raised in five years, by way of Taxation. Act of Convention 4. *August*, 1666. See *Supply*.

TEIND, and TEINDING.

That Teind Masters Teind within eight dayes after hearing of the Coms, as the fame are teadie, or otherwise the Labourers requiring them openly in the Paroch Kirk, three Sabbath in the forenoon, after the hearing, may at the sight of two honest neighbours, swim before witnesses, & after their flock from the Teind upon the ground, which they should keep from Bealls, until the fife of *Michaelmas*, lam. 6. p. 6. cap. 73.

But these three Sabbath be reduced to two, providing there be fourteen dives fully interceded, betwixt the day of the Requintion, and the day of the Teinding, lam. 6. p. 11. cap. 48.

That Teinding if the owner please be at three times, the Croft Com at one time, the best strike Leind, and the one Field Com at the third, and that fifteen dayes after ending of each sort, Teind may be required on fewer dayes, and the Owner if not satisfied, may teind, and ask at *myra*, lam. 6. p. 5. cap. 8.

Teinding at the three times, as in the said Act, 25. *Nov.*, lam. 6. p. 5. cap. 8. after hearing of each time, Teinding may be required upon other eight dayes, and if not obtained, that the Owner may teind, and stick, as above, lam. 6. par. 21. cap. 6.

But his dayes of Requintion are shorted to four, & it is appointed to be made to the Teind Master: his dwelling house, if he present it not to his Factor personally, or to the Minifler, and at the Factors dwelling house, which Factor the Teind Master is ordained to name, and appoint, within the Paroch, or some place near to it, and to intinmate the same the last Sunday of *July*, or last Sunday of *August*, publicly, on other Teinding may proceed after the said eight, and four dayes, and the Owner is only bound to keep the feast Teind upon the ground eight dayes after the said Act, and if he is declared, that a third part shall be require them, as said is, albeit about a tenth of it be left behind, and the fime order is to be used as to this tenth part, when thou, lam. 6. par. 22. cap. 9.

That each Heritor have the leading and drawing of his own Teind, whether Per- sonage, or Vicarage, the fume being full valued, and either bought by him, or heaping the rate thereof, which is declared to be the fifth part of the constant rate of the Teind, and Teind, or if the Teind be valued severally, then the rate is the Valuation thereof, deducting a fifth part for the Heritors ease, tharthe price of all Teinds be nine years puttable, the fume being estimated at the rates of the country, and the Heritors have liberty to buy at this Rate, (except the Teinds locally assigned to the Minifler) any time betwixt and *Marriages*, 1678, or if the Teind be not yet valued, within two years after the expending of the Valuation, un- less the Teind be at this rate, or unless he be compelled to sell, in which case the Heritor offering to buy it, shall be admitted to buy as the Teind is then valued, re- moved: But if the Heritor be Minor, his Minority helps him not to the said two years, only for the neglect he hath acted against his Tutors & Curators: And where the

made of Linnen, or Cottoun, Wool, or Lint (Flannen, Arras Hangings, pets, made Beds of Silk, or Damask Hangings, Chairs and Stools not incl any Ferraing Silk or Woolen Stockings, Laces of Silk, Gimp, or Threed, a

Laces, or Point of any fort or colour, any Foreign made Gloves, Shooes, Boors, or Slippers, or any wearing Cloths made abroad, for Men, Women, or Children (except what persons have used, and bring home from abroad with them) with Certificates, that the thing Imported contrary hereto, shall be burnt, or destroyed, and the Importers or Recipients fined in the value: And the Act contains much other Orders to Customers and Searchers, and appoints Informers and Judges for execution. And it is declared to be in place of any former *Jumpury Law* ancient Apparel, *Cir. 2. p. 3. c. 12.*

TREASON. See *Rebels.*

That no man openly rebel against the Kings Person, under the pain of forfeiture of Life and Goods, *J. 1. p. 1. c. 3.*

If any when required by the King doth to enforce him against notor Rebels against his Majesty, they shall be challenged as favourers of such Rebels, *Ibid. 4.*

He who takes in England, and resides there against the Kings will, shall be holden as a Traitor, *J. 1. p. 9. c. 128.*

To take assistance of *English-men* is forbidden, under the pain of Treason, *J. 1. p. 13. c. 141.* And *J. 2. p. 12. c. 21.*

Who commits Treason against the Kings Person, or Majesty, rises in fear of War against him, layes hands on his Person violently, of whatsoever age he be, retorts or supplies them that have committed Treason, and holds them against the King, or ruins houses of their own, in furtherance of such Rebels, or that affilizes Citizens, or places where the Kings Treason shall be, without consent of the three Estates, shall be punished as Traitors, *J. 2. p. 6. c. 2.*

Torthing home Payson is Treason. See *Payson*, *l. 2. p. 7. c. 10.* and *J. 1.*

Persons suspect of Treason to be put in Prison, and their Goods under safe Burrows, until they shole an Abillie, *l. 2. p. 12. c. 49.*

That no man pass into England the time of War without leave, under the pain of Treason, *l. 2. p. 12. c. 50.* That none supply *Bernardus Reshergh*, or pass away with Goods taken in Raids until they be paid, under the pain of Treason, *Ibid. cap. 52.*

If any man take a fray in the Host wilfully without cause, he shall be accused of Treason. And that these Acts be innam by the Heads-men, when Raids are made in England, *l. 2. p. 12. c. 54.* See *England*.

A promise and Oath made by the three Estates, that none of them shall maintain, defend, be Advocats for, or stand at the Bar with manifest Traitors, common Men thieves, Thieves, Reivers, and the like, except with their kin and Friends, in sober wife, in defence of them in honest Adversos; but that they shall assist the King in doing justice, and who fulfizes here to be punished after the old Laws of the Majesty, and other Laws, *l. 3. p. 14. c. 98.*

Willful Fire-raising declared to be Treason, and Crime of *Leffe-Majesty*, *l. 5. p. 3. c. 8.* See *Fire-raising*.

Treason against the Kings Person, or Common-wealth, may be purged against the Acts of the Traitor, for forfeiting his Estate and Memory, *l. 5. p. 3. c. 69.*

To take any Prelates place the time of the vacancy after their decease, is Treason, *l. 5. p. 7. c. 145.* See *Prebend*.

Persons accused and declared in Parliament, being taken and slain upon suspicion, or otherwise, who moves question against, or at any ways injures the said Baysers thereto, incurs the pain of Treason, *Q. M. p. 4. c. 8.*

That no Thief take any *Sets-man*, under the pain of Treason, *l. 5. p. 1. c. 21.* See *l. 11a Theft*.

That none decline the Kings Authority, or impugn the Authority and Dignity of the three Estates of Parliament, under the pain of Treason, *J. 6. p. 8. c. 130.* and *J. 1.* See them in *King and Parliament*.

He who accuses another calumniously of Treason, if the Party be acquit incurs the same Crime, *J. 6. p. 11. c. 49.*

Landed-men convicted of common Theft, retort of Theft, or Steuth, Reiff, incur the pain of Treason, that is to say of Life, Lands, and Goods, *Ibid. c. 50.* Murther and murder of a Person under the trust, credit, assistance, and power of the buyer, is also Treason, and punishable as such, *Ibid. c. 51.*

How Charges of Treason should be execute by *Heralds* or *Majests*: See *J. 6. p. 12. c. 13.* See *Executions*.

Willful setting of fire in Coal-heughs, is declared to be treason, and punishable by the pains thereof, *l. 5. p. 12. cap. 146.* See *Mess*, and *Religion*, and what is rebre under Treason.

It is treason to call in question the Kings Prerogative, in Calling, Holding, Protoguing, or Dissolving Parliaments, or in authorizing their Acts, *Cir. 2. p. 1. Self. r. cap. 1.*

It is high treason for the subjects, more or less, upon any Pretext, to rise, or continue in Arms, to maintain Strengths, Forts, or Garrisons, to make Peace, or War, or to make Treaties, or League with foreign Princes, or States, or among themselves, without his Majesties special authority first Interposed, *Ibid. cap. 5.*

That if any Person shall Plot, Contive, or intend Death, or Destruction to the King, or any Bodily harm, tending thereto, or any restraint upon his Person, or to deprive, depose, or usurp him, from the Sule, Honour, and Kings Name, of this, or any other his Majesties Dominions, or to usurp him from the Exercise of his Government, or to levy War, or to take up Arms against him, or any Common them by him, or to entice Strangers, or Others, to invade any of his Dominions; and by Writing, Printing, Preaching, or Other malicious, and Advised Speaking, Expres, or Declare such their Treasonable intentions, he shall be adjudged a Traitor, and punishable as in the cases of high Treason, *Cir. 2. p. 1. Self. 2. cap. 2.*

Ad allowing Messengers to execute Summons of Treason is marked in the Index of the Impointed Act, *Cir. 2. p. 5. Self. 1. Act 13.*

In cases of Treasonable rising in Arms, and open, and manifest Rebellion against his Majesty, and his Authority, the Persons guilty, upon the Councils order, may be Proseute, and Sentenced before the Justices, albeit absent, as is present, *Cir. 2. p. 21. Self. 1. cap. 11.*

It is high Treason to endeavour the Alteration, or Suspension, of the right of Succession to the Crown, as settled by Act, *Cir. 2. p. 3. cap. 1.* See it in *Succession*.

Affirmation, and the affecting the Lawfulness thereof, declared to be Treason, *Ibid. cap. 14.* See it in *Affirmation*.

THESAURER. See *Exchequer.*

TRENT DECREETS. See *Religion.*

TRESPASS. See *Crime.*

TREWS.

That the dayes of Trewes with England be kept, *Jam. 4. p. 2. cap. 11.*

TUTORS, AND CURATORS.

The nearest Agnats twenty five years of age, to be Tutor of Law, albeit there be one nearer under age, *l. 1. p. 2. cap. 52.*

The Mother remaining Widow, preferred to the Tutor in Law, as to the case mentioned in the Acts, *Q. M. p. 4. cap. 5.* and *Jam. 6. p. 2. cap. 42.*

That the nearest Agnat be preferred to the Tutor, of Fools, and foolish Persons, according to the Common Law, *Jam. 6. p. 1. cap. 18.* See *Idiot*.

That no Tutor, nor Curator, to Pupill, Minor, Idiot, or Furious Person, not already entered in the Office, have power to Act, or meddle with their wits, or means until first he make Inventor of the Lands, Bands, Tickets, and Compts, and all Moveables under his Charge, at sight of the Friends on the Father side, and on the Mother side, of which Inventor there shall be three doubles, to wit, for the Tutor, or Curator, and Friends, on both sides subscribed by them all, and recorded before the Judge Ordinary, and in case the Friends on either side, after Citation consent not, that the Inventor be made at sight of the Judge Ordinary, and Signed, Sealed, and Configned as in the Act. That they also take the things come to their knowledge, and within two Months after the signing the Possession, and cruise make an Act thereon, and leave two Duplicates in the Clerks hands, where the principal Inventor was made, and Debtors are not to oblige to pay, until they first their claims contained in the saids Inventors, and if the saids Tutors, and Curators fail in the premises, that they be lible, both for Intormation, and Omission, and perno sillowance of expences, and be removable as suspected, and prejudiciall vermicles to the saids Minors, and Others, to supercharge their Tutors, and Curators. That all Gifts of Tutor, proceed upon Citation, or consent, obtained in writ of the nearest of kin, on both sides, and that the Gifts bear the same, or otherwise be declared null, at the instance of any obtaining a Lawfull Gift, *Cir. 2. p. 2. Self. 3. cap. 2.*

U N I O N.

Commission for meeting ancient the Office of Scotland, and England, relieving Fundamental Laws, Rights, Offices, Dignities, and Liberties, *Jam. 6.*

P. 17. c. 1. Act to unite the Union of the two Realms, marked fig: 2. in the List of the Impointed Acts, *l. 6. p. 4. cap. 19.*

Act authorizing certain Commissioners of the Kingdom of Scotland, to treat with the Commissioners of England, about a further Union of both Kingdoms, *Cir. 2. p. 2. Self. 1. cap. 1.* *Ann. 1670.*

UNIVERSITY, AND COLLEGE.

Act empowering the Magistrates of Free-burghs, in case they find Students, Burghers, and Masters of Colleges vagrant, by night, or by day, within their Towns with Arms, to take their Arms from them, *l. 6. p. 14. cap. 23.* That no Masters, Principals, Regents, or Professors, be admitted, or continued, in any University, or College, unless they be pious, Loyal, and Peaceable, submitting to, and owning Episcopal Government, as now used, and that they swear the Oath of Allegiance, and report a Certificate thereupon, as in the Act, *Cir. 2. p. 1. Self. 2. cap. 4.*

Act for better Provision of the Universities, ordaining upon the Offer made by the Clergie fiftie pounds out of every *Thousand* merk of Bishops Rents, and *Fourteen* pounds, or Six per cent, out of every *Thousand* merk of Ministers Rents, to be paid yearly for five years, after the year 1664, *indefinit*, for the use of the saids Universities, in manner specified in the Act; as also for the Vacant Stipends for seven years, after the Sixth of February, 1664, are appointed for the time only, and the Fifty two Act, Self. 1. of this Parliament, is in full suspended, *Cir. 2. p. 1. Self. 1. cap. 6.*

Act ancient Suspensions of Charges by Masters of Universities for their dues, *Cir. 2. p. 2. Self. 1. cap. 6.* See it in *Suspension*.

Act assigning Vacant Stipends, for the better provision of the Professors, and Masters of the Universities, according to the disposition therein specified, and for seven years, from the year 1672, *indefinit*, with the burden always of upholding the Mannes, and the former Act, *Cir. 2. p. 1. Self. 3. cap. 24.* is declared void, *Cir. 2. p. 2. Self. 3. cap. 20.*

Half a Months Clerk imposed, and appointed for the University of St. Andrews, for bettering their Stock, to be uplified in the years 1684, and 1683, *Cir. 2. p. 3. cap. 43.*

USURIE.

That Takers, or Makers of Bargains, for greatest interest, or profit, for the loan of money, then at the rate of Ten pounds, or Five *Bols* Viñal, per cent, for the year, be punished as Usurers, conform to the Laws of the said, *l. 1. p. 11. cap. 52.*

Extended whether the same be taken upon Wadd, Pledge, Obligation, Act, or Contract, before hand, or after, and the Party paying, or obligated for the said Usurie, if he reveale it, he shall be discharged of the Debt, and if another reveale it, he shall have right to the sum, and the Receiver, or Counter for the said unlawful profit, shall time the loss, *l. 1. p. 11. cap. 227.*

But the taking of the said unlawful profit, is declared to be punishable Confession of Moveables, and otherwise, in their Persons, as Usurers, and that all Annual-rent in Viñal, be reduced, and may be acquit by payment of Ten per cent, And all Bonds, Contrads, or Inselements, made in default of this Act, either way of Wodder, for a buck-tick day, exceeding the said Annual-rent, or under the Colour of buying, and selling, or detention before hand, are declared null, by way of action, or exception, and the Party, with concurrence of the Kings Advocat, or the Kings Advocat, without the Party, may perform the fund, and the nullity may be acted by Oath of Party, or otherwise, and being found, the principal, with the ordinar Annual-rent unpaid, belongs to the King, and his Donators and the Party, if he concur, (and to otherwile) hath repetition of the exorbitant profit, *l. 1. p. 11. c. 247.*

And the meaning of the said Act as to the probation by Oath of Party, &c. therein mentioned, declared thus, that Usurie may be proven by Wit, or Oath of the Party Receiver, and by the Wancles infixed in the Security, without taking the Oath of the Party giver, *l. 1. p. 16. cap. 7.*

That no Person lending, or giving out money for Annual, retain the time of the lending, or exact, or receive the Annual before the time, under the pain of the Usurie. Yet at the time of the lending the Annual may be added, to the principal, providing that neither be exacted before the term, *Jam. 6. p. 23. cap. 23.*

It is Usurie to take a proper Wodder of Lands, exceeding in Rent the Annual-rent of the money lent, with a provision, that the Creditor shall not be lible to the hazard of the Fruits, and Rents, *Cir. 2. p. 1. Self. 1. cap. 62.*

VACANT STIPENDS.

That all Vacant Stipends, and Benefices, be employed for the Supply, and Reparation of the Houses of the Ministry, or Universities, as were thithout, and inherited for their Loyalty, in the late Confusions, and of their Wives, and Bairs, and that at the Signet of the Council, without prejudice to the Relief, and Executors of Ministers, of their dues after the Ministers decease, and this Act to endure for seven years, and longer, as his Majesty shall think fit, Car. 2. p. 1. Sect. 1. c. 52. See *Manley*.

VAGABONDS, See Beggars, Poor, and Sorners.

That all men certifie concerning Vagabonds, and suspected Persons, that they may be apprehended, under the pains due to these Vagabonds, Jam. 6. par. 12. cap. 144.

Act for establishing Correction Houses in the Burghs, and in manner mentioned in the Act, for idle Beggars, and Vagabonds, Car. 2. p. 2. Sect. 3. cap. 18.

VALENTINES.

The Kingsclose orders to Land-lords, and Chieftains of Clanns, to produce notable Linnetts, which should be obeyed, Jam. 6. par. 11. cap. 103. See it in *Highlands*.

VICTUAL.

That buyers of Victual, and holders thereof to a death be reputed as Occupiers, and so punished, and the Victual echeat to the King, Jam. 2. p. 6. cap. 22.

That none that buy Victual to sell again, hold more then will suffice them, and their menesse, till new Corn, under the pain of echeat of the Victual, and that all have power to buy, and sell Victual, and that none hold old stocks in their yearls, longer then *Zule*, under the pain of echeat of the Stocks, *Ibid.* cap. 23.

Order for threshing out of Corns, then unthreshen, Jam. 2. p. 6. cap. 37.

That no man hold Victual in cinells, but sllanely for his own use, and finally unthreshen, then next, *Ibid.* cap. 38.

That no man hold more then will serve him, and his House for a quarter, and that the rell be presented in Mercat, *Ibid.* cap. 39. These three Acts seem to have been made for a prelude death.

That bringers of Victual be favourably treated, and no new Custom taken off them, Jam. 2. p. 6. cap. 40.

All men are free to bring, and sell Victual, all the dayes of the week, as well as on the Mercat day, Jam. 4. p. 4. cap. 44.

That none carrie Victual forth of the Realme, under the pain of echeat of it, with the rell of the Owners Moveables, as also of the Skippers Moveables, who received it, Q. M. p. 6. cap. 45.

Another Act against the transporting of Victual, and Gades, (See *Behall*) either by Land, or by Sea, and for staying the transport of Victual by Sea, that the Ship, and whole gades of the Master, and Clerk thereof be echeat, in case of Contravention, and their reftors imprisoned at the Kings will, and that Searchers be appointed by the Burgh, to search with the Kings Searchers, and the one half of the Victual found, to be echeat to the King, and the other to the Burgh, Jam. 6. p. 11. cap. 15. See *Behall*.

That notice be taken what Victual Ships take in at their passing to *Leuch-borne*, and the *North Isles*, to the Fishing in the Harvell, *Ibid.* cap. 57.

That Victual may be transported when under the prices following, Wheat, *Twenty punds*, Bar, and Barley, *Eight punds*, Oats, and Pease, *Eight marks per Boll*, the former Acts notwithstanding, the Victual paying Custom, and Adoll as formerly, but the Lords of Trinity Council when they find it necessary, may forbid this export, Car. 2. p. 1. Sect. 3. cap. 12.

Importation of *Three punds Scots per Boll* on Victual brought from *Ireland*, *Ibid.* cap. 14. See *Ireland*.

Victual exported discharged of Custom, Bullion, and all dues, except one *mark per Chaldier*, and the Lords of Council are authorized to declare the prices as in the Act, Car. 2. p. 1. Sect. 3. cap. 12. (above) and restrain this export when they see cause, Car. 2. p. 2. Sect. 1. cap. 14.

Act for charging the Importation of Victual from *Ireland*, Car. 2. p. 2. Sect. 3. cap. 15. See *Ireland*.

VIOLENT POSSESSOR.

That Violent Injurers, and Possessors of others mens Lands, be ejected by the Sheriff, upon the complaint of the Party, Jam. 2. p. 14. cap. 78.

WODSET.

Tacks set at the granting of Wodsets, to Commence after the Redemption, for half Mille, or thebety, not to be kept, but they should be let for the term Mille, Jam. 2. p. 6. cap. 18. See it in *Tacks*.

That in case of poor Wodsets granted since the year 1649, where the Rent exceeds the Annual-rent, and yet the Creditor is expressly free of the hazard of the Fruits, and Rents, that the same be restituted to the ordinary Annual-rent, and the *Superplus* Rent compsed for and imputed to the payment of the principal fine, and that all such Wodsets in time coming be judged usurious; and where the Creditor bears the said hazard, yet if there be any Clause irritant in the said Wodsets, the same are suspended for five years after *Whitsunday*, 1661. As also the Debtor is allowed to reduce, at any *Whitsunday*, or *Mar vines* he pleases, albeit by the sight, the Redemption be suspended, but where the Creditor, and Granter of the Wodset, have transacted for an Irredimible right, the said Transaktions are declared valde at what time lower the said Wodsets were granted; And further because of the difficulties of former times, it is ordained that in case of any proper Wodset already granted, the Creditor in time coming during the non-Redemption, or Redemption, upon offer made by the Debtor of sufficient security, for his Annual-rent, shall be holden to renounce his Possession, at least (if he rather please) to sell the same for his ordinary Annual-rent, and be comparable for the said *Superplus*, providing always that the Creditor shall be free of the payment of his Annual-rents, for all years preceeding, all publick burdens,

expenses of Meliorations, and losses whatsoever, being first discounted off, which Reductions, the Creditors are to take upon their reasonable provision with the Creditors Oath in Supplement, and that where he is in natural possession with his own Goods, he be duly wairned and removed: And it is declared that after this favour the like shall not be granted hereafter, as to lawful proper Wodsets, Car. 2. p. 1. Sect. 1. c. 62.

WARDEN of the BORDERS.

That the Warden choose such Deputes as he will stand for, and that the King assign him such Officers, Jam. 2. p. 4. c. 13.

That there be no Wardens of the Borders made in Fee, and that they judge not of Treason, or points of Dittay, saving what is needful for conservation of the Trews, Jam. 2. p. 11. c. 42.

That no man go away with Goods taken in the Wardens Raids before they be paid, under pain of Imprisonment, Jam. 2. p. 12. c. 12.

The Warden may continue his Courts for three dayes, or shorter, Jam. 1. p. 11. cap. 87.

WARDEN of the CUNZIE. See Money.

That there be a Warden for essaying the Cunzie, Jam. 3. p. 13. c. 93. And his Office more fully set down, Jam. 4. p. 1. c. 2.

WAIRD-HOLDING, and WARDATAR.

That the Wardatars required by the Sheriff find forty men to defend the Lands, but to keep them in like kind as he finds them, and that reasonable Living be given to the Air, if he have no other Lands, Jam. 4. p. 3. c. 25.

Ratified, and the Sheriff and other Officers lawfully enjoyed to put in execution, with power to charge for the said forty, Jam. 1. p. 5. c. 15.

The period of age of an Air Male in Waird-Lands was to be twenty years, and of an Air Female fourteen years complete, Q. M. par. 3. c. 5. And Jam. 6. par. 2. cap. 42.

That such as hold Lands Waird or Fee, cum *marriage* of the King, or of the Prince, composing therefore, and getting the same changed to Fee, shall be free of the marriage, as to all other Superiours of whom they may hold other Lands Waird, such as they have had continued to be held of the King, or Prince, as formerly: But if they Annulate their Lands to be changed, then the Alienator and his Airs to have no longer the benefit of this Act, Car. 2. p. 1. Sect. 1. c. 58.

WAIRNING. See Removing.

That Wairning be made to Tennens forty dayes before *Whitsunday* any time within the year, either personally, or at the dwelling place, and on the Ground of the Lands, and a Copy delivered to Wife or Servants, or failing thereof, affixed on the Gate of the dwelling place of the Lands, if any be, and there, after the Receipt to be read in the Parish Kirk where the Lands lay, upon a Sabbath before noon, the time of reaching, or 11 dayes, and a Copy affixed on the Kirk door forty dayes before the Term, Q. M. p. 6. c. 39.

WAIR-METT. See Metts, and Measures.

WAYS.

Waysets Mercat Towns should be twenty Foot broad at least, and where larger, kept 60. Car. 2. p. 1. Sect. 1. c. 38. See *Justices of Peace*, Power and Rules given to the Sheriffs and Justices of Peace, to oversee and mend High-ways, Bridges, and Ferries, and the Heritors in each Shire required to rent themselves, if necessary, for that effect, not exceeding *ten shillings* on the *homage* per annum, and if the Justices neglect, the charge is committed to the Council: As also, Letters of Horning and Poynding are ordained to be directed by the Council upon this Act, Car. 2. p. 2. Sect. 1. c. 16.

Act according the former as to the term of mending therein specified, and referring it to the Justices at what time to call men to mend the Ways, &c. Seed-time and Harvest excepted: And to take money, as in the Act, from such as by reason of their distance cannot attend, *Ibid.* Sect. 2. c. 9.

WEAPON-SHAWING. See Militia.

That Weapon-shawings be made in ilk Shire four times in the year, Jam. 1. p. 2. c. 44. And likewise in Burrows, and thairall men be sufficiently furnished and Armed, Jam. 1. p. 3. c. 66. As also, that they be holden by Lords and Barons Spiritual and Temporal, four times in the year, and that the Foot-ball and Golf be cryed down, and Bow-marks made in each Paroch, and all betwix twelve years and fifty use shottings, Jam. 1. p. 14. c. 64. And Jam. 3. p. 6. c. 45.

That all the Leiges be ready, well abulized for War upon eight dayes warning, to come to the King, or his Lieutenant, for defence of the Realme, furnished with Victual and expenses for twenty dayes after their coming: And that Sheriffs, and all Bailiffs of Regalities and Baronies, hold the said Weapon-shawings, and armier them that are absent, or not well abulized, as in the former Act, Jam. 3. p. 13. c. 90.

That the said Weapon-shawings be made as said is, in all places convenient within the Shire, and that then be an armed, as is prescribed in the Act, and at the discretion of the Sheriff, or the Kings Commissioner in that part, Jam. 4. p. 3. cap. 17. And that neither Foot-ball, or Golf, nor unportable sport for the defence of the Realme be used, but shooting and Bow-marks, as is before appointed, *Ibid.* cap. 32.

That for keeping of Armour and Harnesse in time of peace, all Scotland make Weapon-shawings on *Thursday* in *Whitsun-week*, Jam. 4. p. 6. c. 4. And at the *Offshore*, at such dayes and place as shall please the Sheriff and Bailiffs to Burgh and ro Land: And that the Multers be taken by them, or the Kings Commissioner in that part, Jam. 5. p. 6. c. 85.

The manner of Harnesse and Weapon-shawings appointed, *Ibid.* c. 87, and 88. And that all coming to Weapon-shawings be inviolled, with the manner of their Armeyre, *Ibid.* c. 89. And warning to Weapon-shawings to be on twenty dayes, *Ibid.* c. 90. And that Captains one or more be chosen in ilk Paroch, by the Sheriff, and Bailie, with the Kings Commissioner in that part, by the advice of the most able in the Shire, to Muster their Companies each month for *May, June, and July*, and other months also if they may, at what dayes they shall think fit on Holy dayes before noon, *Ibid.* c. 91. See *Militia*.

WEAVER.

That no Weaver make any Searge under the breadth of an Elb and a Nail, Perpetuaries under three Quarters and half an Elb, and Wodsetts cloth under an Elb and a Nail, under the pain of twenty punds, and the Cloth or Snuff to be confiscated, half to his Majesty, half to the discoverer, Car. 2. p. 1. Sect. 1. c. 42.

That

That they make Linnen Cloth of ten *fillings* per Ell, or above, an Ell and two inches broad, under the pain of Imprisonment, and twenty pounds Fine, *Ibid.* c. 43. See it in *Linnen*.

WEIGHTS. See *Meets*, and *Measures*.

That Bread, and all Butcher-Flesh be retailed by weight, and no otherwise, under the pain of an hundred pounds *terres quoties*, *Cap. 2. p. 3. c. 24.*

WIFE.

That in Pecuniary pains, Wives be weighed and considered conform to the Blood and State of their Husbands, *la. 6. p. 7. c. 104.*
That Wives be fysable in their Husbands Finnes, and that their Husbands pay the same for them; This Statute in the case of Swareing, *Cap. 2. p. 1. c. 38.*
But in the case of Conventicling the wife's Fine be half of her Husbands, and he is fysable for it, *Cap. 2. p. 2. c. 5.* See it in *Conventicles*.

WILDE BEASTS, and FOWL.

That no Wilde Fowl be taken from the beginning of *Lenow* until *August*, by no manner of Instrument, under the pain of *fourty fillings*, *la. 1. p. 7. c. 109.*
That Wilde Fowl for mans use be reserved, but Fowls of Reiff, as *Eims, Gleds, &c.* As also Rooks and Crows be destroyed, *la. 2. p. 1. c. 84.*
That no man slay Deer, *Rae*, nor Deere in time of storm, or their Kids while they are in yeard, under the pain of ten pounds, *la. 3. p. 7. c. 61.* And *Q. M. p. 6. c. 58.* And the pain augmented to an hundred pounds, *la. 6. p. 1. c. 210.* And all former Acts thereunto Ratified, *lun. 6. par. 23. cap. 23.* See *Drake*, and *Thief*.

That no man shoot at Deere, Wilde Beasts, or Wilde Fowl, with any sort of Gun, under the pain of death, and eke of his moveables, and that their Moveables be given for reward to their Apprehenders, *Q. M. p. 4. c. 9.* And *p. 6. c. 51.*

Renewed against fuch as shoot with Guns, or Bows, at Deer, Hare, Hinde, Hare, Cuning, Dove, Heron, or Fowl of River, under the pain of eke of his moveables, and if the offender be Vagabond, having no Goods, to be punished by Imprisonment forty days for the first, and cutting off his right hand for the second fault, *la. 6. p. 1. c. 16.*

Ratified, and that the Judge Ordinary put the same to execution, under the pain of an hundred pounds for the first fault, and to be still doubled for each falshe increase; and that Heretors, when required, present the Offender living upon his Ground, under the pain to be exacted on him by the Judge Ordinary, *la. 6. p. 7. c. 123.* And both this Act Ratified, and the Crime ordered to be punished as the Crime of Theft, *la. 6. p. 11. c. 1.*
That who Byes Hart, or any Wilde Fowl at any time, with Gun or Gun or shoots at Duck or Drake, or other Wilde Fowl with no Hagbut, incurs the pain of an hundred pounds, or to be punished in their persons, *la. 6. p. 14. c. 210.* See this Act in *Forrest*.

And these Acts Ratified, with power to Sheriffs, Stewards, Bailiffs, and Barons, to they all lying Deere, used by Wolves, and put the Fowles in the Stocks for using them, the space of forty eight hours, *lun. 6. p. 1. c. 266.* And *pat. 16. c. 23.* And that none sell or buy any Deere, Hares, or Wilde Fowl commonly chased by Hauks, under the pain of an hundred pounds as well the buyer as seller, halt to the King, half to the Apprehender; and in case of inability, the Offender to be scourged; And all luges to Burgh or Lard, and Barons, are hereto made Justices, and the same slay or eat Muta-Fowls before the third of July, nor Ferring-Ponds before the eighth of September, but Cunnings, Wood-cock, Plover, and Wild-Goose are excepted from this Act, *Ibid. p. 16. c. 23.*

That none be or sell any Wilde Fowl, that is Pouts, Pettridges, Muir-Fowl, Black Cocks, Gray Hens, Termagins, Quailles, Capercallies, &c. under the pain of an hundred pounds to the buyer or seller, *la. 6. p. 23. c. 30.* See *Hunting* and *Hawking*.

WINE.

That none buy Wines from *Flemings* of the *Dam*, under the pain of eke of his, *la. 1. p. 14. c. 147.*

That none bring home corrupt or mixt Wine, and that none buy or sell it after it is declared to be such, and that no person mix Wine or Bece, all under the pain of death, *la. 3. p. 12. c. 89.*

That Wines brought in by the East and North Seas be sold, the *Burdewine* Wine for twenty pounds the Tun, and ten pence the Pint; the *Rechel* Wine for fifteen pounds the Tun, and eight pence the Pint; And the Wines brought in by the West Seas, to be sold the *Burdewine* Wine for fifteen pounds the Tun, and eight pence the Pint, and the *Rechel* Wine at twelve or thirteen pounds per Tun, and six pence per Pint: And that no Taverner mix Wines, nor luid the same, but expose them to sale for the prices foresaid, under the pain of eke of his of his Wines, and himself of his Freedom, *Q. M. p. 5. c. 11.*

Ratified as to mixing and huring of Wines, and the Magistrates of Burghs made Justices in that part, with power to lease and hold Courts monetarily for that effect, *la. 6. p. 7. c. 126.*

That no Wines be brought home without a Certificate of the price thereof, under the Towns Seal where they were bought, none Certificate be sufficient for the Wines of a Ship, and the price be made of the common prices that Wines give the time of the buying, *la. 6. p. 11. c. 52.*

That the Duty granted by the Estates to the King upon the Wines be payed within ten dayes after the arriving thereof, and that the Magistrates of the Burgh take Caution of the Merchants, Merchant, or home-bringer, for this effect: And that Letters of Homing on ten dayes be direct against the said Magistrate, home-bringers, or their Cautioners, in the option of the Collector, on this Act, and that the Person Denounced thereupon for disobedience, be not released, until he pay the double of the Duty, *la. 6. p. 14. c. 206.*

Custome of Wines. See *Customs*.

WITCH-CRAFT.

That no man use any manner of Witch-craft, Sorcery, or Necromancy, nor give themselves out to have such Crafts, there through, abusing the people; And that no man seek any help or response, or Consultation at any such users, or abusers, under the pain of death, to be executed by any Judge Ordinary hereafter having power, *Q. M. p. 9. c. 73.*

WITNESSES.

That better if only subscribing Witnesses be probative of the Parties Subscription, and that none in this case subscribe as Witnesses, unless he know the Party, and saw him subscribe, or heard him give warrant to the Notar, or saw him touch the Pen, or heard him acknowledge his Subscription the time of the Witnesses Subscribing, otherwise they shall be reputed and punished as accessory to Forgery: That hereafter none but Subscribing Witnesses be probative in Instruments of Seal: That hereafter none but Subscribing Witnesses be probative in Instruments of Seal, or Renunciation, *ad remanentia*, Homing, or Attenuments, or in Executions of Summons used for Interruption of Prescription in real Rights; and that in all the said Cases the Witnesses be designed in the Body of the Writ, Instrument, or Execution, otherwise the same to be null, *Cap. 2. p. 3. c. 5.*

COMMON WOMEN.

That Common Women be put at the outmost end of Towns, *la. 1. p. 4. c. 74.*

WOOD. See *Forrests*, *Planting*, and *Thieft*.

That the unlaw of Green Wood, by felling, or burning, be five pound, And that the old unlaw of Green Wood, as to the defoyers, stand otherwise as before, *la. 4. p. 6. c. 71.*

That every Lord or Laird, Plant at least an Aker of Wood, where there are no great Woods or Forrests, *Ibid. c. 74.*

That the pain of defoying Green Wood, by cutting, pelling, burning, or felling, or of new Hainings, be for the first time ten, for the second twenty pounds, And for the third time death, *la. 5. p. 4. c. 11.*

That these Acts be execute, and that the Judges ordinary hold two Courts yearly, at *Passche* and *Maritime*, for that effect, and cause Conventicles find Caution to defist under the pain of an hundred pounds, as to the first contravention, *la. 6. p. 1. cap. 30.*

That the fessles, pellers, or defoyers of Green Wood, or hained Wood, may be punished before the Baron, Sheriff, or Justice, and the pains, ten, twenty, and forty pound, on Fines, Stocks, or on Hons, for eight, fifteen, and thirty dayes, for the first, second, and third fault, *la. 6. p. 6. c. 14.*

That wilful Defoyers, and Cutters of grownd Trees, be punished to the death as Thieves, *la. 6. p. 11. c. 52.*

WOLF.

That Barons hunt and chase the Woolf, and the Woolfs whelps, four times a year; and as oft as they see them: And that the Tenants shill, *la. 1. p. 7. cap. 103.*

That the Sheriff and Bailie hunt the Woolf thrice in the year, bewest *St. Markes* day, and *Lammas*: and that the Countie lie with them for that end, *la. 2. p. 14. cap. 87.*

WOOL.

That no Wool be transported out of the Kingdom, under the pain of Confiscation thereof, and of the Whole Remanent Coods of the Owners and Transporters. And that no Licence be granted contrary to this Act, but that the Purchasers and sellers thereof, incur the same pains, *la. 6. p. 7. c. 113.*

This Prohibition is subjoynt to the Regulation then made of mens Apparel. That Wool be not transported to England, nor sold to any Englishman in Scotland or England, who transports the same to England, under the pain of Eke of his moveables, and of all the moveables of the actual Transporters. As also, of the Carriers and Sellers thereof to be transported, half to the King, and half to the Apprehender, and Whiting for six Moneths, and otherwise at the Kings will, annulling all Licences either granted or to be granted, *la. 6. p. 12. c. 149.*

The Acts Ratified, and all Licences in the contrary discharged; and the King promises, To grant no such Licences hereafter, *la. 6. p. 15. c. 250.*

That no Native or Stranger export Wool, nor skins with wool upon them, until made in wolk, or put to the best avail, under the pain of the just value thereof, half to the King, and half to the Informer and Profecutor, and such further punishment as the Exchequer shall appoint. That none fore-die the Motes of Wool, nor keep up the same to a death, under the pains against Regraters and Fore-diallers, (see *for-diallers*) and that for ewecheing the deceit of putting fones or the like stuff therein. No Wool be wupt up in Fleece, under the pain of Confiscation, half to King, and half to the discoverer and pursuer, Declaring always, that the Exchequer may Licence the export of Wool and skins, *Cap. 2. p. 1. c. 40.*

WRITERS. See *Seffion*.

That Clerks of the Signet be sworn to be faithful and secret. *la. 5. p. 5. c. 59.* Item, whi prices they should take, *Ibid. c. 60.* And that they mark their Bills with their names, *Ibid. c. 61.* See the Acts in *Seffion*.

That Writers to the Signet Frame or Signature or Letter, to be past his Master's hand, with any Novelty or Infamously against the accustomed stile, under the pain of Deprivation. And that they write their Names on the back of the Signature, as allowed by them, as they will answer at their highest penail, *la. 6. p. 10. cap. 13.*

Rites appointed for Writers, Clerks, and Keepers, and their Writs and Seals, *la. 6. p. 23. c. 19. See Prices*.

WRITS.

That all Original Writs and Evidents to be made after the first of *Novemb.* 1593, contain the Writers Name and Designation, specially inserted in the end before the inserting of the Wines, otherwise that the same make no faith, *la. 6. p. 13. cap. 175.*

That all Writs Subscribed hereafter wherein the writer and Witnesses are not designed be null, and not Suppliable by a Condescence on the Writer and Witnesses their Designations, *Cap. 2. p. 3. c. 5. Anno 1681. See it in Writings*.

FALSE WRITS. See *Railroad*.

YEAR, See *Orchard*.
YARES, See *Crucis*.
YOUTH, See *Pedagogue*.

That the Youth going out of the Kingdom, abide constant in the true Religion, *lun. 6. p. 6. cap. 71. See Religion*.

That fuch as fend their Sons abroad, have a special Care, that their stay may be where the true Religion is professed, specially where they was Ladegones, at least where the Inquisition is not, and in case any of their Sons haunt the exercise of contrary Religion, the father have the Charge of them may be framed to find Caution, to furnish them no more money, except their reasonable expenses to bring them home, *lun. 6. p. 20. cap. 2.*

ZETLAND, See *Orkney*.
Z FINIS.



A TABLE OF ALL THE KINGS OF SCOTLAND,

Declaring what zeir of the world and of Christ they began to reign, how lang they reigned,
and quhat qualities they were of; Verie necessar for the manifestation of the
dates of all Charters and Evidentes.



FERGUS, the first King of Scotland, the sonne of *Fergus*, a Prince of Ireland, began to reign in the zeir of the world, 3641. before the cumming of our Saviour Iesus Christ, 330. zeirs. In the first zeir of the 112. Olympiade: and in the 421. zeir of the building of Rome: About the beginning of the 3. Monarchie of the Grecians, when *Alexander* the Great overthrew *Darius Codomannus* the last Monarch of Persia. He was a valiant Prince, and died Ship-broken upon the Sea-coast of Ireland, in the 25. zeir of his reign.

II *Feritharis* brother to *Fergus*, began to reign in the zeir of the world 3666. in the zeir before the cumming of Christ 305. He was a good iustitiar. In his time there was a Law made, that gif the sonnes of the King departed were so young, that they could not rule, that then in that caise, the nearest in blood fuld reign, being in age sufficient for government, and then after his death, the Kings children fuld succede: quhilk law continued unto *Kenneth* the 3. his dayes, 1025. zeirs almost. He was slaine be the means of *Ferlegus*, *Fergus* his brothers sonne, in the 15. zeir of his reign.

III *Mainius* King *Fergus* sonne, succeeded to his fathers brother, in the zeir of the world 3680. and in the zeir before the cumming of Christ, 291. He was a wife and gud King, and died peaceably in the 29. zeir of his reign.

IIII *Dornadilla* succeeded to his father *Mainius*, in the zeir of the world, 3709. In the zeir before the cumming of Christ 262. A gud King. He made the first lawes concerning Hunting, and died peaceably in the 28. zeir of his reign.

V *Nothaus* succeeded to his brother *Dornadilla*, in the zeir of the world, 3738. And in the zeir before the cumming of Christ 233. He was a greedie and a cruel tyrant. He was slain by *Dovulus* ooc of his Nobles, in the 20. zeir of his reign.

VI *Reutherus* *Dornadilla* his sonne, began to reign in the zeir of the world 3758. In the zeir before the cumming of Christ 213. He was a gud King, and died peaceably in the twentie fix zeir of his reign.

VII *Reutha* succeeded to his brother *Reutherus*, in the zeir of the world 3784. In the zeir before the cumming of Christ, 187. A gud King. He of his awne accord left the Kingdom and lived a private life, when he had ruled 14. zeirs.

VIII *Thereus*, *Reutherus* sonne, began to reign in the zeir of the world 3798. In the zeir before Christ 173. He was an unwife, cruel tyrant: He was expelled and banished the Realme in the 12. zeir of his reign, behis Nobles: And *Conanura* a wife and grave man, was made Governour of theland. He died to exile in the Cite of Yorke.

IX *Iofina* succeeded his brother *Thereus*, in the zeir of the world 3810. In the zeir before Christ 161. He was a quiet and gud Prince, A gud medicinar and Herbitifer. He died in peace to the twenty fowzeir of his reign.

X *Finnanus*, *Iofina* his sonne, began to reign in the zeir of the world 3834. In the zeir before Christ 137. A gud King. He was meikle given to the superstitious religion of the Draydes. He died in peace in the 30. zeir of his reign.

XI *Durflus*, *Finnanus* sonne, succeeded to his father in the zeir of the world 3864. In the zeir before Christ 107. A cruel and a traitorous tyrant, slaine be his Nobles in battell, in the 9. zeir of his reign.

XII *Evenus* 1. succeeded to his brother *Durflus*, in the zeir of the world 3873. In the zeir before the cumming of Christ 98. zeirs. A wife, iust, and vertuous Prince. He died peaceably in the 19. zeir of his reign.

XIII *Gillus*, *Evenus* bastard sonne succeeded to his father in the zeir of the world 3892. In the zeir before Christ 79. A craftie tyrant, slaine in battell be *Cadallan*, in the 2. zeir of his reign.

XIIII *Evenus* 2. *Donaldus* son, K. *Finnanus* brother, began to reign in the zeir of the world 3894. In the zeir before the cumming of Christ 77. A gud and civil King. He died in peace in the seiventene zeir of his reign.

XV *Ederus*, *Dochannus* sonne, *Durflus* sonne, began to reign in the zeir of the world 3911. In the zeir before the cumming of Christ 60. A wife, valiant and gud Prince. He died in the 48. zeir of his reign.

XVI *Evenus* 3. succeeded to his father *Ederus* in the zeir of the world, three thousand, nine hundred 59. In the zeir before the cumming of Christ 12. A luxurious and covetous wicked King. He was ta-

ken be his nobles, and imprisoned, and died in prison, in the seiventh zeir of his reign.

XVII *Metellanus*, *Ederus* brothers sonne, began, to reign in the zeir of the world 3966. Four yeires before Christs Incarnation. A very modest & gud King. He died in the 39. yeir of his reign.

XVIII *Caratacus*, *Cadallanus* and *Eropeia* *Metellanus* sisters sonne, began to reign in the yeir of the world 4005. In the yeir of Christ 35. He was a wife and a valiant King, and reigned 20. yeires.

XIX *Corbredus* 1. succeeded to his brother *Caratacus*, In the zeir of the world 4025. In the yeir of Christ 35. A wife King, and a gud iustitiar. He died in peace in the 18. yeir of his reign.

XX *Dardannus*, Nephew to *Metellanus*, began to reign, In the yeir of the world 4042. In the yeir of Christ 72. A cruel tyrant. He was taken in battell, and beheaded be his own subiects, in the fourth yeir of his reign.

XII *Corbredus* 2. sur-named *Caldus*, *Corbredus* sonne, began to reign in the yeir of the world 4046. In the yeir of Christ 76. A valiant and worthy King, for he had many warres with the Romaines, and was oft victorious over them. He died in peace in the 35. yeir of his reign.

XIII *Lugthacus*, succeeded to his father *Corbredus* 2. in the yeir of the world 4080. In the yeir of Christ 110. A lecherous bloodie tyrant. He was slaine be his Nobles in the 3. yeir of his reign.

XIIII *Mogallus*, *Corbredus* 2. sisters sonne, He began to reign in the yeir of the world 4083. In the yeir of Christ 113. A gud King and victor-ious, in the beginning of his reign: but in the end of his life, became inclin- ed to tyrannic, lecherie and covetousness, and was slaine be his Nobles in the 36 yeir of his reign.

XIIIIII *Conarus*, succeeded to his father *Mogallus*, in yeir of the world 4119. In the yeir of Christ 149. A lecherous tyrant: He was imprisoned be his Nobles, and died in prison the 14. yeir of his reign: and *Argudus* a Noble man was made governour.

XXV *Ethodius* 1. *Mogallus* sisters sonne, began to reign in the yeir of the world 4133. In the yeir of Christ 163. He was a gud Prince. He was slaine be an Harper, in the 33. yeir of his reign.

XXVI *Sarraell*, succeeded to his brother *Ethodius* 1. In the yeir of the world 4165. In the yeir of Christ 195. A cruel tyrant. He was slaine behis own Countours, in the 4. yeir of his reign.

XXVII *Donald* 1. the first Christian King of Scotland, succeeded to his brother *Sarraell* in the yeir of the world 4169. In the yeir of Christ 199. a gud and a religious King: be was the first of the Kings of Scotland that can- zied money of gold and silver. He died in the 18. yeir of his reign.

XXVIII *Ethodius* 2. *Ethodius* 1. sonne began to reign in the yeir of the world 4186. In the yeir of Christ 216. An unwife and bafe minded King, governed be his Nobles. He was slaine be his own guard in the 19. yeir of his reign.

XXIX *Athreos* succeeded to his father *Ethodius* 2. in the zeir of the world 4201. In the zeir of Christ 231. A valiant prince in the beginning, but he degenerated and became vitious, and being hardly perfewed be his Nobles for his wicked life, slew himselfe in the 12. zeir of his reign.

XXX *Nathalocus*, brother sonne, as some writ, to *Athreos*, began to reign in the zeir of the world 4212. In the zeir of Christ 242. A cruel tyrant, slaine be his Nobles, and cast away into a privie, in the 11. zeir of his reign.

XXXI *Findocus*, *Athreos* his sonne, began to reign in the zeir of the world 4223. In the zeir of Christ 253. A gud King and a valiant, slaine be feinted Hunters, at the instigation of *Donald*, Lorde of the Iles his brother, in the 11. zeir of his reign.

XXXII *Donald* 2. succeeded to his brother *Findocus*, in the zeir of the world 4234. In the zeir of Christ 264. a gud prince, He was wounded in battell, and being overcome, died of displeasure in the first zeir of his reign.

XXXIII *Donald* 3. Lord of the Iles, brother to *Findocus*, began to reign in the zeir of the world 4235. In the zeir of Christ, 265. A cruel tyrant, slaine be *Crathlinthus* his successor, in the 12. zeir of his reign.

XXXIIII *Crathlinthus*, *Findocus* sonne, began to reign in the zeir of the world 4247. In the zeir of Christ 277. A valiant and a godly king, he purged the land from the Idolatrous superstition of the Draydes, and plant- ed the sincere Christian religion. He died in peace in the 24. zeir of his reign.

The Kings of Scotland.

XXXV *Fincornachus*, father brother sonne to *Crathilanthus*, began his reign in the zeir of the world 4271. In the zeir of Christ 301. A godly King and valiant. He was a worthy promoter of the kingdom of Christ in Scotland. He died in peace in the 47. zeir of his reign.

XXXVI *Romachus* brothers sonne to *Crathilanthus*, began to reign in the zeir of the world 4318. In the zeir of Christ 348. A cruel tyrannuslaine by his Nobles, and his head stricken off, in the third zeir of his reign.

XXXVII *Angulfiamus*, *Crathilanthus* brothers sonne, succeeded to *Romachus* in the zeir of the world 4321. In the zeir of Christ 351. A god King, slaine in battell bethe Pictes, in the 3. zeir of his reign.

XXXVIII *Fehelmachus*, another brothers sonne of *Crathilanthus*, he began to reign in the zeir of the world 4324. In the zeir of Christ 354. He was a valiant King, for he overcame the Pictes, and slew their King. He was betrayed to the Pictes betwix Harper, and slaine betwix his owne chalmers in the 3. zeir of his reign.

XXXIX *Eugenius 1.* *Fincornachus* sonne, began to reign in the zeir of the world 4327. In the zeir of Christ 357. A valiant, iust, and god King. He was slaine in battell bethe Pictes and Romaines in the 3. zeir of his reign. And the whole Scottish nation was utterly expelled the Ile bethe Pictes and Romaines, and remained in exile, about the space of 44. zeires.

XL *Fergus 2.* *Erihus* sonne, sonne to *Ethodius*, *Eugenius* the first his brother, returning into Scotland, with the help of the Danes and Gotthes and his owne currie-men who were gathered to him out of all counties wher they were dispersed, conquered his kingdom of Scotland againe out of the Romaines and Pictes handes. He began his reign, In the zeir of the world 4374. In the zeir of Christ 404. He was a wife, valiant and god King. He was slaine bethe Romaines in the 16. zeir of his reign.

XLI *Eugenius 2.* *Fergus 2.* sonne, succeeded to his father, In the zeir of the world 4390. In the zeir of Christ 420. He was a valiant and a god prince. He subdued the Brittones, and died in the threite two zeir of his reign.

XLII *Dongardus* succeeded to his brother *Eugenius 2.* In the zeir of the world 4421. In the zeir of Christ 451. A godly, wife and a valiant prince. He died in the 5. zeir of his reign.

XLIII *Constantine 1.* succeeded to his brother *Dongardus*, In the zeir of the world 4427. In the zeir of Christ 457. A wicked prince. He was slaine bethe a noble man in the Iles, whose daughter he had defiled, in the 22. zeir of his reign.

XLIV *Congallus 1.* *Dongardus* sonne, began to reign, in the zeir of the world 4449. In the zeir of Christ 479. A god and quiet prince. He died in peace in the 22. zeir of his reign.

XLV *Comarus*, or *Comarus*, succeeded his brother *Congallus 1.* In the zeir of the world 4471. In the zeir of Christ 501. A god and a wife prince, he died in the 34. zeir of his reign.

XLVI *Eugenius 3.* *Congallus* sonne succeeded to his father: In the zeir of the world 4505. In the zeir of Christ 535. A wife King, and a god iustitiar. He died in the 23. zeir of his reign.

XLVII *Congallus 2.* or *Conuallus*, succeeded to his brother *Eugenius 3.* in the zeir of the world 4528. In the zeir of Christ 558. A verie god prince. He died in peace in the 11. zeir of his reign.

XLVIII *Kinnmillus* succeeded to his brother *Congallus 2.* in the zeir of the world 4539. In the zeir of Christ 569. A god Prince. He died in the first zeir of his reign.

XLIX *Aidarus* *Conuallus* sonne, began to reign, in the zeir of the world 4540. In the zeir of Christ 570. A Godlike and god Prince. He died in the 3. zeir of his reign.

L *Kenneith 1.* Iur-named *Keir*, *Congallus 2.* sonne, began to reign in the zeir of the world 4575. In the zeir of Christ 605. A peaceable prince. He died in the 1. zeir of his reign.

LI *Eugenius 4.* *Aidarus* sonne, began to reign in the zeir of the world 4576. In the zeir of Christ 606. A valiant and a god King. He died in the 16. zeir of his reign.

LII *Fergushard 1.* succeeded to his father *Eugenius 4.* In the zeir of the world 4591. In the zeir of Christ 621. A bluidie tyrant. He flew himselfe in prison in the 12. zeir of his reign.

LIII *Donald 4.* succeeded to his brother *Fergushard 1.* in the zeir of the world 4602. In the zeir of Christ 632. He was a god and religious King, he was drowned in the water of *Tay*, quhill he was a filthing in the 14. zeir of his reign.

LIIII *Fergushard 2.* succeeded to his brother *Donald 4.* in the zeir of the world 4616. In the zeir of Christ 646. A verie wicked man. He was bitten by a wolfe in hunting, of the quhill infewed a fever wherof he died in the 18. zeir of his reign.

LV *Malduine* *Donald 4.* his son began to reign in the zeir of the world 4634. In the zeir of Christ 664. A god prince, strangled bethe his wife who suspected him of Adulterie, in the 20. zeir of his reign.

LVI *Eugenius 5.* *Malduine* his brothers sonne, began to reign in the zeir of the world 4654. In the zeir of Christ 684. A false prince, slayne bethe Pictes in battell in the fourth zeir of his reign.

LVII *Eugenius 6.* *Fergushard 2.* his sonne began to reign in the zeir of the world 4658. In the zeir of Christ 688. A god prince, he died in peace in the 10. zeir of his reign.

LVIII *Ambirkelethus* *Findarus* sonne, *Eugenius 5.* sonne, began to reign in the zeir of the world 4667. In the zeir of Christ 697. He was slaine bethe shot of aie arrow, by quhom it was shot it is unknowin, (a vicious prince) in the second zeir of his reign.

LIX *Eugenius 7.* succeeded to his brother *Ambirkelethus*, in the zeir of the world 4669. In the zeir of Christ 699. He died in peace in the 17. zeir of his reign. a god prince.

LX *Mordacus* *Ambirkelethus* sonne began to reign in the zeir of the world 4651. In the zeir of Christ 715. A god prince. He died in the 16. zeir of his reign.

LXI *Eifinus* *Eugenius 7.* his sonne, began to reign in the zeir of the world 4700. In the zeir of Christ 730. He died in peace in the 31. zeir of his reign.

LXII *Eugenius 8.* *Mordacus* sonne, began to reign in the zeir of the world 4751. In the zeir of Christ 761. a god prince in the beginning of his reign, and thereafter degenerating from his god life, he is slaine by his Nobles in the 3. zeir of his reign.

LXIII *Fergus 3.* *Eifinus* sonne, began to reign in the zeir of the world 4734. In the zeir of Christ 764. A lecherous prince, poyfoned by his wife in the 3. zeir of his reign.

LXIII *Soluathus* *Eugenius 8.* sonne, began to reign in the zeir of the world 4737. In the zeir of Christ 767. A good prince, he died in peace in the 20. zeir of his reign.

LXV *Achatus*, *Eifinus* sonne began to reign in the zeir of the world 4747. In the zeir of Christ 787. A peaceable, god and godlike prince. He maid a league with Charles le maigne Emperour and King of *France*, quhill remained in-violable kept to this day. He died in the 32. zeir of his reign.

LXVI *Congallus* or *Conuallus*, *Achatus* fathers brothers sonne began to reign in the zeir of the world 4789. In the zeir of Christ 819. A god prince, he died in the 5. zeir of his reign.

LXVII *Dongallus*, *Soluathus* sonne succeeded in the zeir of the world 4794. In the zeir of Christ 824. A valiant and god prince. He was drowned cumming over the river of *Sprey* to war against the Pictes, in the seventh zeir of his reign.

LXVIII *Alpinus* *Achatus* son, began to reign in the zeir of the world 4801. in the zeir of Christ 831. A god prince. He was taken in battell and beheaded bethe Pictes in the 3. zeir of his reign.

LXIX *Kenneith 2.* furnished the Great, succeeded to his father *Alpinus* in the zeir of the world 4804. in the zeir of Christ 834. a god and a valiant prince. He utterly overthrew the Pictes in diverse battelles, expelled them out of the land, & joynd the kingdom of the Pictes to the Crown of Scotland. He died in peace in the 20. zeir of his reign.

LXX *Donald 5.* succeeded to his brother *Kenneith 2.* In the zeir of the world 4824. In the zeir of Christ 854. A wicked Prince: he flew himselfe in the 5. zeir of his reign.

LXXI *Constantine 2.* *Kenneith 2.* his sonne began to reign in the zeir of the world 4829. In the zeir of Christ 859. A valiant prince. He was slaine by the Danes in a cruel battell stricken at *Carrallin* in *Fife*, in the 16. zeir of his reign.

LXXII *Eihs* furnished *Alipes*, *Constantine 2.* his sonne, succeeded to his father in the zeir of the world 4844. In the zeir of Christ 874. A vicious prince, he was imprisoned bethe his Nobles, where he died in the 2. zeir of his reign.

LXXIII *Gregoris* furnished the Great, *Dongallus* sonne, 2. began to reign in the zeir of the world 4846. In the zeir of Christ 876. A valiant, victorious and renowned prince throw the world in his time: he died in peace in the 18. zeir of his reign.

LXXIII *Donald 6.* *Constantine 2.* his sonne, began to reign in the zeir of the world 4863. in the zeir of Christ 893. a valiant prince. He died in peace being loved of his subjects in the 11. zeir of his reign.

LXXV *Constantine 3.* *Eihs* *Alipes* sonne, began to reign in the zeir of the world 4874. In the zeir of Christ 904. He was a valiant King, yet he proferted not in his warres against England, and therefore being wearie of his life, he became a Monke, and died after he had reigned 40. yeirs as King.

LXXVI *Malcolme 1.* *Donald 6.* his sonne, began to reign in the zeir of the world 4913. In the zeir of Christ 943. a valiant prince and a gude iustitiar. He was slaine in *Murray* by a conspiracie of his awin subjects, in the 9. zeir of his reign.

LXXVII *Indulfus* *Constantine 3.* his sonne, began to reign in the zeir of the world 4922. In the zeir of Christ, 952. a valiant and a god Prince. He had manie battelles with the Danes, quhom he overcame, but in the ende he was slaine by them in a frangeime of weire, in the 9. zeir of his reign.

LXXVIII *Duffus*, *Malcolme* the first his sonne, began to reign in the zeir of the world 4931. In the zeir of Christ, 961. A god prince and a severe iustitiar. He was slaine bethe one *Donald* at *Forres* in *Murray*, and was buried secretly under the Brig of a river beside *Kinloche*, but the mater was revealed, and the murderer and his wife, that consented thereto severely punished. He reigned 5. yeire.

LXXIX *Culenus*, *Indulfus* sonne, began to reign in the zeir of the world 4936. In the zeir of Christ 966. An vicious & an effeminate prince. He was slaine at *Meibven* by *Radarius* a Nobleman, whose daughter he had defiled in the 4. zeir of his reign.

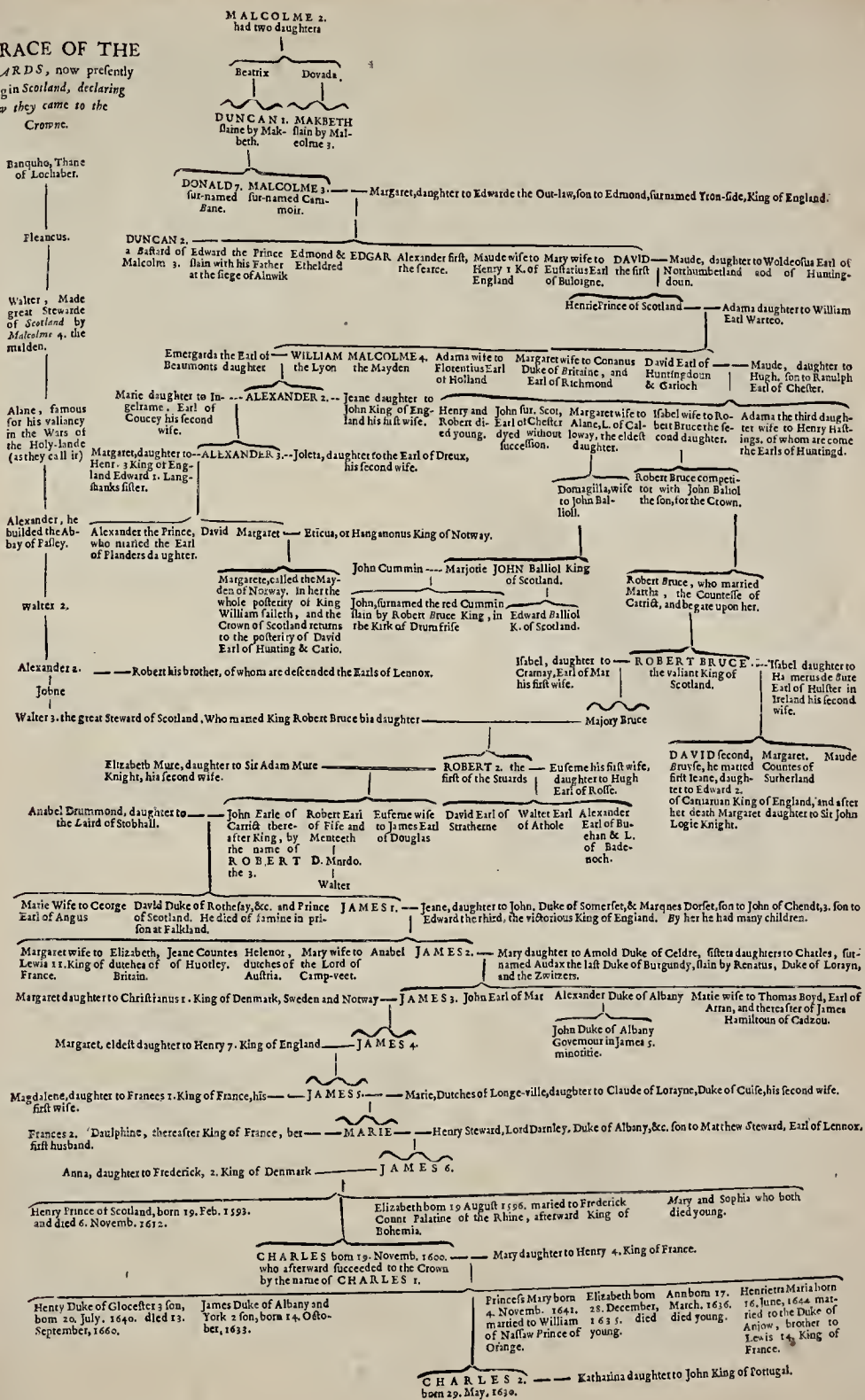
LXXX *Kenneith 3.* *Duffus* Brother, began to reign in the zeir of the world 4940. In the zeir of Christ 970. A valiant and a wife prince: But in the end he became cruel, and flew *Malcolme* his brothers sonne, and in Gods judgement, who suffereit not innocent blood to be unpunished, he was slaine by a frange ingine, an Image fixed in an wall at *Fetivcarne* by the means of a Noble woman there, called *Fenella*, in the 24. zeir of his reign.

LXXXI *Constantine 4.* furnished *Culenus*, *Culenus* sonne, began to reign in the zeir of the world 4964. In the zeir of Christ 994. Ane unpurper of the Crown. He was slaine in battell at the towne of *Crawmond* in *Louthian* in the 2. zeir of his reign.

LXXXII.

The race of the Kings of SCOTLAND, since Malcolme the second, Kenneth the thirds son.

THE RACE OF THE STEWARDS, now prefently reigning in Scotland, declaring how they came to the Crown.



LXXXII. *Grims Duffus* Sonne, began to reigne in the zeir of the ward 4966. In the zeir of Chrift 996. a viciuous Prince, he was slain in battell by *Malcolm 2.* his successeur in the 8. zeir of his reigne.

LXXXIII. *Malcolm 2.* *Kenneth 3.* his sonne, began to reigne in the zeir of the ward 4974. In the yeire of Chrift 1004. A valiant and a wife Prince, quha maid manie gud lawes, of the quhilk a few are extant. He was slaine by a conspiracie of his Nobles at the Castell of *Glammas*, who after the slaughter, thinking to escape, were drowned in the Loch of *Forfar*, for it being winter, and the loch frozen and covered with snaw the yeebrake and they fell in. In the righteous judgement of God. He reigned 30 zeires. * The table is to follow on, in this place.

LXXXIII. *Duncan 1.* *Beatrix*, *Malcolm* the Second his daughters Sonne, began to reigne in the zeir of the ward 5004. In the zeir of Chrift 1034. a gud and a modest Prince. He was slaine by *Macbeth* traitorously, in the text zeir of his reigae.

LXXXV. *Macbeth*, *Donada* *Malcolm* the second his daughters Sonne, began to reigne in the zeir of the ward, 5010. In the zeir of Chrift, 1040. In the beginning of his reigne he behaved himselfe asa gud and iust Prince, but thereafter he degenerated into a cruell tyrant. He was slaine by his Successeur *Malcolm 3.* in battell, in the 17. zeir of his reigae.

LXXXVI. *Malcolm 3.* (sur-named *Canmore*, *Duncan 1.* his sonne, began to reigne in the zeir of the ward, 1027. In the zeir of Chrift, 1057. a very religious and valiant Prince: He married *Margaret*, daughter to *Edward*, sur-named the Our-law, Sonne to *Edward*, sur-named *Yron-side*, King of England. A verie gud and religious woman, according to these times, who bare unto him sex sonnes, and two daughters, the sonnes were, *Edward* the Prince, *Edmond*, *Ethelred*, *Edgar*, *Alexander*, *David*, the Daughters were *Mahildis*, or *Maud*, sur-named *Bona*: wife to *Henry 1.* sur-named *Beauclerc* King of England, of whose vertues is extant that auld Epigramme.

*Prospere non letam fecere, nec aspera tristem,
Prospere terror ei, aspera risus erant.
Non decor essetis fragiles, non sepius asperam,
Sola potius humilis, sola pudica decens.*
That is,

Prosperitie joyed her not, To her griefe was no paine,
Prosperitie affrayd her als, Affliction was her gaine.
Her beautie was no cause of fall; In royall state not prud,
Humble alone in dignitie, In beautie onely gud.

She founded the Kirk of Carleill. The other daughter was *Marie*, wife to *Enstiasius*, Earle of Boloigne. King *Malcolm* builded the kirkes of *Durham* and *Dumfermeline*: He was slaine with his Sonne Prince *Edward*, in the 36. zeir of his reigne, at the seige of *Winwick*, be *Robert Mowbray*, sur-named *Peerece-eie*, and was buried at *Tinmouth*, but thereafter he was removed to *Dumfermeline*.

LXXXVII. *Donald 1.* sur-named *Bane*, usurped the Crowne, after the death of his brother, in the zeir of the ward, 5063. In the zeir of Chrift, 1093. And was expelled in the first zeir of his reigne by *Duncan 2.* King *Malcolm 3.* bastard sonne.

LXXXVIII. *Duncan 2.* usurped the Crown, in the zeir of the ward 5064. In the zeir of Chrift 1094. A rash and foolish Prince: He was slaine be *MacKendry* the Thane of the Meimes, when he had reigned little over a zeir be the procurement of *Donald 1.*

Donald 1. maid King againe in the zeir of the ward, 5065. In the zeir of Chrift, 1095. and reigned 3. zeires. He gave the West and North lles to the King of Norway, for to assit him to attein to the Crown of Scotland. He was taken captiue by *Edgar*, his cies put out, and died miserably in Prison.

LXXXIX. *Edgar*, *Malcolm 3.* his sonne, began to reigne in the zeir of the ward 5068. In the zeir of Chrift 1098. He builded the Priorie of *Coldingham*. He was a gud prince. He died at *Dundie* without succcession, and was buried at *Dumfermeline*, in the 9. zeir of his reigne.

XC. *Alexander 1.* sur-named *Fearee*, succceeded to his brother, in the zeir of the ward 5077. In the zeir of Chrift 1107. A very gud and valiant prince. He builded the Abbacies of *Scone* and of *S. Colmes Inch*. He married *Sybil*, daughter to *William Duke of Normandie*, &c. He died in peace without succcession, at *Strivilling*, in the 17. zeir of his reigne, and was buried at *Dumfermeline*.

XCI. *David 1.* commonly called *S. David*, King *Malcolm 3.* his zongest sonne, succceeded to his brother in the zeir of the ward 5094. In the zeir of Chrift 1124. A gud, valiant and religious prince, according to these times. He builded manie Abbacies, kis Haly-rude-houfe, *Kilsno*, *Jedburgh*, *Dun-dranean*, *Cambuskenneth*, *Kinloss*, *Mel-ross*, *New-bottle*, *Dumfermeline*, *Holme* in *Cumberland*, and two religious places at *New-castle* in *Northumberland*. He erected four Bishopricks, *Ross*, *Brechin*, *Dumblane* and *Dunkeld*. He married *Maud*, daughter to *Woldefus* Earle of *Northumberland* and *Huntingroun*, and *Inditha*, daughters daughter to *William* the Conquerour King of England, be whom he had one sonne named *Henry*, a worthy and gud zowth, who married *Adams*, daughter to *William*, Earle Warren, who bare unto him three sonnes: *Malcolm* the Mayden, *William* the Lion, and *David* Earle of *Huntingroun* (concerning whose posteritie looke the Table) and two daughters, *Adams* wifer *Florentin* Earle of *Holland*, and *Margaret* wife to *Conan* Duke of Brittain. He died befor his father. *S. David* died in peace at *Carleill* in the 29. zeir of his reigne, and was buried at *Dumfermeline*.

XCII. *Malcolm 4.* sur-named the *Mayden* (because he would never marie) succceeded to his gud-father *David 1.* In the zeir of the ward 5123. In the zeir of Chrift 1153. A gud and meik prince. He builded

the Abbay of *Cowper* in *Angus*, and died at *Ied-burgh*, and was buried at *Dumfermeline* in the 12. zeir of his reigne.

XCIII. *William*, sur-named the *Lyon*, succceeded to his brother *Malcolm 4.* In the zeir of the ward 5135. and in zeir of Chrift 1165. A gud and a valiant King. He married *Emerganda*, daughter to the Earle of *Beau-mount*. He builded the Abbacie of *Aber-brothok*, and the builded the Abbacie of *Balmerinock*. He died at *Strivilling* in the 49. zeir of his reigne, and was buried at *Aber-brothok*.

XCIII. *Alexander 2.* succceeded to his father *William*, in the zeir of the ward 5184. In the zeir of Chrift 1214. A gud prince: He married *Jeane* daughter to *John* King of England, be whom he had no succcession. After her death he married *Marie* daughter to *Ingraine* Earle of *Coucy* in France, be whom he had *Alexander* the thirde. He died at *Kernerie* in the West Iles, and was buried at *Mcroffe* in the 35. zeir of his reigne.

XCIV. *Alexander 3.* succceeded to his father, in the zeir of the ward 5219. In the zeir of Chrift 1249. A gud prince. He married first *Margaret* daughter to *Henry 3.* King of England, be whom he had *Alexander* the prince: quha married the Earle of *Flanders* daughter, *David* and *Margaret* quha married *Hangonans*, or as some call him, *Eriens*, son to *Magnus 4.* King of Norway, who bare to him a daughter, commonly called the *Mayden of Norway*, in whom King *William* his whole posteritie failed, and the crowne of Scotland returned to the posteritie of *David* Earle of *Huntingroun*, King *Malcolm 4.* and King *William* his brother. After his sonnes death (for they died before himselfe without succcession) In hope of posteritie, he married *Jolera*, daughter to the Earle of *Dreux* in France, be whom he had no succcession. He builded the croce Kirk of *Peibles*. He died of a fall off his Horse upon the sands betuix *Easter* and *West* King-horne, in the 37. zeir of his reigne: And was buried at *Dumfermeline*.

After the death of *Alexander 3.* quhilk was in the zeir of the ward 5255. In the zeir of Chrift 1285. There were Sex Regens appointed to rule Scotland, for the South-side of *Forth*, were appointed *Robert*, the Arche-bishop of *Glasgow*, *John Cummin*, and *John* the Steward of Scotland. For the North-side of *Forth*, *Mak-duff* Earle of *Fife*, *John cummin* Earle of *Buchan*, and *William Frazer*, Arch-bishop of *Sanct Andrews*, who ruled the land about the space of seven zeires, quhill the controversie was decided betuix *John Balliol* and *Robert Bruys*. *Gud-chire* to *Robert Bruys* the King of Scotland, cummed of the wa eldest daughters of *David* Earle of *Huntingdoun*: for *Henrie Hawings*, who married the zongest daughter, put nor in his sute with the rest, and therefore there is little profit of him.

XCVI. *John Balliol* (of whom looke the Table) was preferred to *Robert Bruys*, to be King of Scotland, be *Edward 1.* sur-named *Lang-shank* King of England, who was chosen to be judge of the controversie, upon a condition, that he fuld acknowledge him as superiour: quhilk condition like an unworthy man he received. He began his reigne in the zeir of the ward 5263. In the zeir of Chrift 1293. He was a vaine glorious man, little respecting the weill of his currie. He had not reigned fully four zeires, when he was expelled be the faide *Edward*, and leaving Scotland, departed into the partes of France, where he died long thereafter in exile. And so Scotland was without a King and government, the space of nine zeires: during quhilk space, the faide *Edward 1.* *Lang-shank*, cruelly oppressed the lande, destroyed the whole ancient monuments of the Kingdome, and shed meik innocent blood.

XCVII. *Robert Bruys* (concerning whom looke the Table) began to reigne in the zeir of the ward 5276. in the zeir of Chrift 1306. A valiant, gud and wise King. In the beginning of his reigne, he was subject to great miserie and affliction, being oppressed be England, bot at length, having over-com and vanquished *Edward 2.* of *Carnarvan*, at the field of *Bannock-burne*, he delivered Scotland from the slavery of England, and set it at full libertie, all Englishmen by force being expelled out of the land.

He married first *Jabell* daughter to the Earle of *Marre*, who bare unto him *Marjorie*, *Walter*, the great Steward of Scotland his wife (concerning whom, and the race of the Stewards, this day ruling in Scotland, looke the Table) after her death, he married *Jabell* daughter to *Haymerin de Burc*, Earle of *Hulstoria* or *Hulster* in Ireland, quha bare unto him *David 2.* *Margaret* the Countess of *Sutherland*, and *Maud* the dead zong. He died at *Cadross*, and was buried at *Dumfermeline* in the twentie-four zeir of his reigne.

XCVIII. *David 2.* *Bruys*, succceeded to his father in the zeir of the ward 5300. In the zeir of Chrift 1330. A gud prince, subject to meik affliction in his youth, being first after the death of *Thomas Rannilph* his regent, forced to flee into France, for his owne savegard, and then returning home, was tane at the battell of *Durham*, and was holden 12. zeirs almost captiue in England: but thereafter he was restored to his liberty. He married first *Jeane*, daughter to *Edward 2.* King of England, and after her death he married *Margaret Logie*, daughter to *Sir John Logie* knight, and died without succcession at *Edinburgh*, in the 40. zeir of his reigne, and was buried at *Haly-rude-houfe*.

XCIX. *Edward Balliol*, sonne to *John Balliol*, usurped the Crowne of Scotland, being assisted be *Edward 3.* King of England, in the zeir of the ward 5302. In the zeir of Chrift, 1332. But he was expelled at length be *David 2.* his Regents, and *David 2.* established King.

C Robert 2. sur-named *Blair-eie*, the first of the Stewards, son to *Walter Steward*, and *Marjorie Bruys* K. *Robert Bruys* his daughter, succceeded to his mothers brother, in the zeir of the ward 5346. in the zeir of Chrift 1371. A gud and a peaceable prince. He married first *Jeane* daughter to *Hugh* Earle of *Rosse*, who bare unto him *David* Earle of *Strathern*, *Walter* Earle of *Arthob*, and *Alexander* Earle of *Buchan*, Lord *Badzenoth*: After her death

for th' affection he bare to his children, begotten before his first marriage, he married *Elizabeth Mare*, daughter to Sir *Adam Mare* knight, Who had borne unto him *John*, thereafter called *Robert 3.* Earle of Carli: *Robert* Earle of Fife and Menteith and *Enfene* wife to *Lalnes* Earle of Dowglas. He died at Dun-donald the 19. zeire of his reign, and was buried at Seone.

C1 Robert 3. fur-named *John Farne*-zeire, succeeded to his father, in the zeire of the warld 1360. in the zeire of Christ 1390. A quiet and peaceable Prince: He married *Annabell Drummond*, daughter to the Laird of Stobhill, who bare unto him *David*, the Prince, Duke of Rothesay, that died in prison of verie extreme famine at Falkland, and *James* the first taken captive in his voyage to France, and deicined a captive, against all equite, almost the space of 18. zeires in England. He died of displeasure at Rothesay, when he heard of the death of the one sonne, and captivite of the other, and was buried at Paisly, in the 16. zeir of his reign. *Robert* Earle of Fife and Menteith governed Scotland, in the zeire of the warld 1376. in the zeire of Christ 1406. He died in the 14. zeire of his government. *James 1.* being a captive in England.

Murdo Steward succeeded to his father, *Robert* Earle of Fife, in the government of Scotland, in the zeire of the warld 1390. In the zeire of Christ 1420. And ruled foure zeires, *James 1.* zit being a captive in England. Both the father and his sonne *Walter* were executed thereafter for oppression of the subiectes be *James 1.*

CII James the first began to reigne in zeire of the warld 1394. In the zeire of Christ 1424. He was a gud, learned, vertuous and just prince. He married *Jeane* daughter to *John* Duke of Summefert and *Marques* Dore, sonne to *John* of Ghendi, 3. sonne to *Edward 3.* the victorior King of England, who bare unto him *James* the 2. and fix daughters *Margaret* wife to *Lewes 11.* the Dauphin, thereafter King of France, *Elizabeth* the Duches of Britaine, *Jeane* countes of Hunley, *Eleanor* Duches of Anstris, *Marie* wife to the Lord of *Camp-verre*, and *Anabella*. He was slaine at *Perth* traitorously be *Walter* Erle of *Atbole* and *Robert* *Grahame* and their confederates, in the 31. zeire of his reign, gif we count from the death of his father; and in the 13. zeire, gif we count from his deliverance out of England; and was buried at the Charter-houfe of *Perth* quhilk he buildit.

CIII James the 2. succeeded to his father, in the zeire of the warld 1407. In the zeire of Christ 1437. a Prince subject to great troubles in his youth. He married *Marie* daughter to *Arnold* Duke of *Geldre*, Sisters daughter to *Charles*, surnamed *Andax*, the last Duke of *Burgundy* &c. who bare unto him three sonnes, *James* the 3. *John* Erle of *Marg*, *Alexander* Duke of *Albanie*, and *Marie* wife first to *Thomas* *Boyd*, Erle of *Arrane*, and after his decourting to *James* *Hammiltoun* of *Cadzou*. He was slaine at the fege of *Roxburgh* in the 24. zeare of his reign.

CIIII James 3. succeeded to his father in the zeire of the warld 1430. in the zeire of Christ 1460. A Prince corrupted by wicked Courtiers. He married *Margaret* daughter to *Christians* 1. surnamed *Dives*, King of *Denmarke*, *Norway* and *Sweden*. He was slaine at the field of *Bannock-burne*, in the 29. zeire of his reign, and was buried at *Cambuskenneth*.

CV James 4. succeeded to his father, in the zeire of the warld 1459. In the zeire of Christ 1489. A noble and courageous Prince. He married, *Margaret*, Eldet daughter to *Henry 7.* Erle of *Richmond*, King of England and *Elizabeth* daughter to *Edward 4.* In whose twa perones the twa houses of *Lancaster* and *York* were united, and the bludie civil weires of England pacified. He was slaine at *Flowdon* be England, in the twentieth five zeire of his reign.

CVI James 5. succeeded to his father in the zeire of the warld 1484. In the zeire of Christ 1514. A just Prince and ferve. He married first *Margalen* daughter to *Francis 1.* King of France, who died thortlie thereafter without succession. After he married *Marie* of *Lorayne*, Duches of *Longe-ville*, daughter to *Claude* Duke of *Guisse*. He died at *Falkland* in the 29. zeire of his reign, He was buried at *Halitride-houfe*.

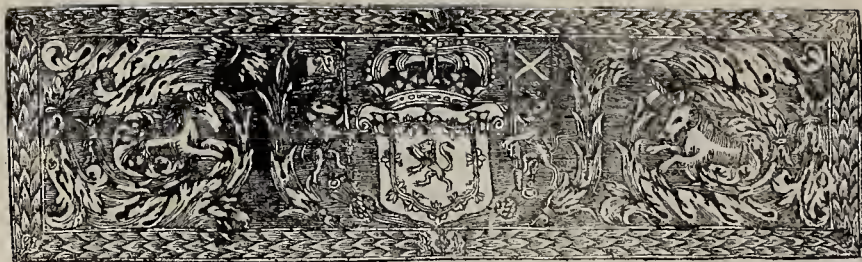
CVII James succeeded to her Father *James 5.* In the zeire of the warld 1513. In the zeire of Christ 1543. a Prince's vertuous inclined. She married first *Francis 2.* Dauphin, thereafter King of France, then after his death, returning hame to Scotland, she married *Henrie* Steward Duke of *Albanie*, &c. Lord *Darley*. sonne to *Mathew* Erle of *Lennox*, (a comelic Prince, *Prothepny* to *Henrie 7.* King of England) to whome she bare *James* the 6. She was put to death in England 8. Febr. 1566. after 18. zeires captivity.

CVIII James 6. A gud, Godlie and learned Prince, succeeded to his Mother, in the zeire of the warld 1537. In the zeire of Christ 1567. He married *Anna* Daughter to *Frederick* the Second King of Denmark, and *Sophia* Ulricus the Duke of *Meckelburgh* his Daughter, quha he botne unto him alreadie *Henrie* *Frederick* the Prince, the 19. Febr. 1593. and *Elizabeth*, 19. August. 1596. and *Charles* Duke of *Albany*, 19. November, 1600. And upon the death of Queen *Elizabeth*, he succeeded to the Ctowne of England, and was Crown'd King at *Westminster*, 25. July. 1604. He had also by his wife Queen *Anna*, two other Daughters born in England, *Lady Mary*, and *Lady Sophia*, who both died young. Prince *Henry* died upon the sixth of November, 1612. *Lady Elizabeth* was married to *Frederick* the 5. of that name, Count Palatine of the Rhine, afterwards elect King of *Bohemia*, by whom he had many Children. King *James* died at his palace at *Theobalds* in England, 27. March, 1625. when he had reigned 22. years over Great Britain and Ireland.

CIX King Charles the first, An incomparable Prince, for pietie, learning and vertue; succeeded to his Father in the year of the world, 1599. and in the year of Christ, 1625. He married *Mary* the daughter of *Henry* the 4. King of France, and *Mary* the Daughter of *Francis* great Duke of *Tuscany*, of the Noble Family of *Di-Medice*; in year, 1625. He had issue by her *Charles* Prince of Wales (Our present Sacred Sovereign) born 29. May, 1630. His Royal Highness *James* Duke of *Albany* and *York*, born 14. October 1633. And, *Henry* Duke of *Glocester*, born 20. July, 1640. And bad four Daughters, *Princess Mary*, who was born 4. November, 1631. and was Married 2. May, 1641. to *William* Nassaw Prince of *Orange*, and had to him one Son, *William* Prince of *Orange*, who now liveth; She died 24. December, 1660. His second Daughter, the *Lady Elizabeth*, was born 28. December, 1635. His third Daughter *Lady Ann*, was born 17. March, 1636. who both died young. His fourth Daughter *Lady Henrietta Maria*, was born, 16. Jane, 1644. and married to the Duke of *Anjou*, Brother to *Lewis* the 14. present King of France; she died in the year, 1670. The Duke of *Glocester* died 13. Septemb. 1660. *Charles* the first was by a strange and unparallel'd villany judged by a publick mock tryall of a pretended High Court of Justice at *Westminster*, and by some of his most rebellious and perfidious Subjects, was execute and suffered Martyrdome before his own Palace at *Whitethall*, 30. January, 1649.

CX King Charles the second, a great, wise, most mercifull, and Magnanimous Prince succeeded to his Father, in the year of the world, 1619. in the year of Christ, 1649. He was Crown'd King of Scotland, at *Seoone*, 1. January, 1651. and after nine years exile, by a rebellious, prevalent party in England, was in the year 1660. miraculously, and wonderfully, restored peaceably, to the Royall Throne of his Ancestours, and to the Crownsof Great Britain and Ireland, and was Crown'd at *Westminster*, 23. April, 1661. He married *Katharina* Infanta of Portugal, Daughter to *John* King of Portugal, and *Donna Lucia*, Daughter to the Duke of *Medina Sidmia*. He is now presently King of Great Britain and Ireland, whom God Almighty blefs, and long preserve, and may the Lineall Succession of that Royall Family (under whose happy Government this Kingdom hath flourished these 2012. years, in an un-interrupted Line) continue by a just, and Lineal Descent while the Sun and Moon endure.

F I N I S.



De verborum significatione.

THE EXPOSITION
OF THE TERMES AND
DIFFICILL WORDES, CONTAINED

IN THE FOURE BUIKES OF *REGIAM MAJESTATEM*,

and uthers, in the Acts of Parliament, Infestments,

and used in practique of this Realme, with

diverse rules, and common places,

or principales of the Lawes.

*Collected and Exponed be M. JOHN SKENE, Clérke of our Sovereaine Lordis
Register, Councell and Rolles.*

And now Re-printed by His Majestie's special Command.



EDINBURGH,

Printed by DAVID LINDSAY, Anno DOM. M. D. C. LXXXI.

CUM PRIVILEGIO.

TO THE READER.

I Have rather opened and shewen ane occasion to the gud Reader, to perform this warke, then expounded, or declared the samin; being an matter nocht pleasand in it self, nor treated be uthers of before: Gif I have preased to do weil, or attempted that, quibill uthers may accomplishe and make persfite, the profite and commodity redounds to thee, quba at thy pleasure, may big upon this little ground and fundament. Gif urtherwaies be errour or ignorance, I have nocht satisfied thy desire and expectation, Sic erranti medicina confessio. For ane absolute memorie, and persfite knowledge, in na thing erroneous, is proper to God, and not competent to man. Quhat ever I have done, I did it not to offend thee, or displease any man, but to provoke uthers to do better, alwaies for thine awin weil, be warre to reprehend my doings, flowand from ane benevolent, and gude mind: except thou be assured to be reprehended of na man, quba cumis after thee and fall censure thy doings. I am affrayed of all Readers, for ilk man hes his awin Judgement and opinion, qubair of their is als mony contrarieties, as diversities of persons. Advise therefore, and or thou do any thing rashly, gif thou may, transact and agree with all the posteritie, that albeit thou doe aswel as Homer in his Poesie: nane of them be unto thee, successor or imitatur of Zoilus: so great is the varietie of ingines, and inclinations, that nane can be sure fra reprehension. Reade therefore, and make thy profite of gud thinges. Correct modestly al errours, quibilks are ignorant, and nocht wilfull. Eik all necessaries omitted. Cut away al superfluties adjected. And whatever thou do, esteeme of me, as I do of thee and of al, to qubais knowledge, this my little labour shall happen to cum. And swa.

*Vive, Vale: si quid novisti rectius istis,
Candidus imperti: si non, his utere mecum.*



THE

EXPOSITION

Of the difficult words and termes, contained in the four Buikes of

REGIAM MAJESTATEM,

And others: In the Acts of Parliament, Infestments, and used in the practique of this Realme,

with divers Rules, and commoun places, or principall grounds of the Lawes.

The palme of
them quha
cans evil
armed to the
Kings hoist.



ARTILIA, Armour, Weapons, Harneishing, Sta. 2. *Roberti Bruyse. c. ordinatum 27.* Quhair it is statute that ilk man havand Ten pounds worth of gudes fall have for the defence of his body and Realme, ane sufficient Acton, and baster, with glusses of plait, an speir, ane sword; and quha-fa-eyer hes nocht ane Acton, and baster, fall have ane sufficient habirgion, or ane Ironc jacke, an Knapska of Ironc, and gluires. Swa that ilk man fall be readie *cum artiliis & harnesibus suis*, under the pain of escheit of all his gudes, the ane halfe thereof to the King, and the uther halfe to his Maister, and Lord. *Acton* ane aulde Frenche word, *Hocqueton*, quhilk corruptlie is pronounced *Ofson*, *segum militare*. Sum affirmis *Acton* to be ane auld kinde of armour, for preservation of ane mans bodie, maid of steill or Ironc, quhilk covered his head als well as the rest of his bodie: Quhair of ilk sum are extant as auld monuimentes in the Hielandes; Bot nocht dailie used, or worn. Uthers mair probable alledgis *Acton*, to be ane forme of armour, quhilk covers ane mans bodie (except his head) downe to his knee, maid of Taffie, Ladder, or Linnen claiith, stuffed with caddes, and stiked verie thick with threid, or silke of divers coullers, and partial gilt, with sprangcs or streames of Gold fullzie; And is commounlie used in time of battell under the habirgion to save ane mans bodie, fra the schot of ane arrowe: or fra the bruiling of the straik of an sword. It is ane kinde of that auzilment, quhilk in Latine is called *vestis virgata*, *varis virgis seu aureis lineis distincta*, & *virgata*, as *est illud Virgilii Aeneid. 8. Virgatus lucent sagulis.*

Respondens.

Replegator.

ACTORNATUS Lib. 4. c. *quis defendens 46.* *actor*, alienorum negotiorum gestor, uthera waies in the Lawes of this Realme called *responsalis*, quha makis answer for ane uther in judgement, speciallie for the defender, Lib. 1. c. *Eslo. 27.* Lib. 3. c. *Placita. 12. cum seqq.* Like as *Prolocutor* is he quha speaks for the perfewer, as his forepeaker. Lib. 1. c. *consequenter 13.* Als wa *actor natus* is he quha dois ony thing in an uther mans name or behalfe, As he quha compeiris for an uther in Courtes, or Justice aire, to pass upon inquestis, and serving of retoures, to the Kingis Chapel, or to give presence for him, quha fendis him. For he quha aucht baith sute, and presence in onie Court, suld nocht onlie fend an futour to decide actions, and causes, conforme to the Law, bot also suld compeir personally, or send an Attorney, quhilk also he suld do, quha aucht presence allentlie, for ather he suld compeir, or ane Attorney for him, with the seal of his Ames, the quhilk all friehalders, dwelland within the schireffdom, are obliged to do, in al Schireff courts. Lib. 1. p. 9. c. 130. In Justice aires Attornayes, suld be honest and sufficient persons of discrecion. Ja. 1. p. 3. c. 35. And *Attornatus Justitiarum*, is taken for the Justice depute quon. *attach. c. prepositus 61.* *Ass. Reg. Da. c. nullus 16.* Attorney is not onlie the procurator quha is sent: Bot also the procurator or mandat quhilk is given to him, and zit they are different, for an procurator is commounlie maid be ane privie man: And an Attorney, called *liters Actor natus*, is granted be the King, or onie uther, havand Chappell Stat. Rob. 3. c. *ut. generaliter, in omnibus negotiis, loquelis, & placitis moris seu movendis.* And therefore the Lordes of Session decreed ane requisition of ane aire, anent his maniage; maid be ane Attorney;

to be null. Because all sike requisitionis suld be maid be the superior, or be ane procurator havand special power, to that effect.

ADJURNATUS, ane French word, sunnonted or called to ane certain daie, likeas *Adjournamentum* is called an summonds, or citatio, summontois, quhilk is defined, *certi dicit & loci exhibitio paritum, ad diem legalem, quoniam attach. c. 1.* *Præceptor meus Matthæus Wesenbecus in paratilis. Tit. de in jus vocando. Nu. 13.* definiit citationem, ut si actus Judicialis, seu Judicii præparatorius, quo is quem coram sissi opus est, iudicis mandato, legitime vocatur, juris experientia causa Et *Assisa dicitur adjornata ad alium certum diem.* That is continued to ane certaine daie. Lib. 4. c. *Si Petens. 57.* & *curia dicitur respectiva.* That is continued or respelited. Stat. 2. Rob. Br. c. *Item quæcunque. 34.* *Chessaenus in consuetudines Burgundie Rub. 1. Sect. 6. verb. mellers & seriens. Nu. 88.* *multa (inquit) sunt nomina, quæ idem important, ut est citatio, in jus vocatio, monitio, editum, denunciatio, conventio, & aliud quod in vulgari nostro dicitur, adjournamentum. Adjournal* is the Justice aire, as ane act of Adjournal, so called, because it is maid in the Justice aire. *vid. iter.*

ADVOCATIO Ecclesiæ, Is the richt of patronage, or the tide and richt to present onie person to ane Kirk vacand, and nocht havand ane lauchfull Ecclesiastical person to rule and governe the faimin. Lib. 2. c. *Dos. 19.* Lib. 3. c. *sequitur 30.* *Dicitur autem advocatio Ecclesiæ, vel quia patrum aliorum Ecclesiæ, ratione sui juris, advocat se ad eandem Ecclesiæ; & asteris se in eam habere sui patronatus, eamque esse quasi sue clientis loco. Vel potius cum aliquis (nempe patronus) advocat alium, jure suo, ad Ecclesiæ vacantem eamque loco alterius (veluti defuncti filii) præsentat, & quasi exhibet.* In the English Lawest is called, *Avowson of Kirkes.*

AFFIDATIO, Lib. 2. c. *unde 49.* In the quhilk place, *Mutua affidavitio*, is taken for ane mutual faith, truth, and obligation of fidelitie, quhilk is betwixt the wife and the husband. And sicklie it signifies the mutual league, and band of fidelitie, quhilk is betwixt the over-lord, and his vassal, quha are bound and obliged *hinc inde* to uthers, quhilk is called *mutua dominii & homagii fidelitatis connectio*, Lib. 2. c. *mutua 88.* In ilk sort, that how far the vassill is bound be reason of homage to his superior: (as far the superior is obliged to his vassal, except reverence and honour allentlie, for the ane suld obey and seve his maister: the uther suld intertaine and defend his man. And the vassal suld honour and reverence his maister as his superior: But the maister suld not reverence the vassil: for like as the Law; there is no sovereign, nor impyre amongis them that are *pares*, conforme to the rule of the Law, *par in parem non habet imperium.* Even swa, the superior is not obliged to make onie reverence to his inferior, bot suld receive honour fra him. *Item Dissidatio*, (h. c. *inimicitiarum capitalium denunciatio*, quhen ane defies an uther, and gives up kindnesse with him) is contrair to *Affidatio*, Baith the ane and the uther is driven a *fade*, *vel fidelitate*: or fra ane word ut in the fawes. *Faida*, that is battell; *seid*, inquit, hatred. As we commounlie say *de illis seid*, And *semina dicitur fadum non facere*, gl. in *Sect. ult. de lege Contra. di. 2. defendi*: be reason women be the Law, are nocht subject to weir-fair, to battell, or proclamation maid for that cause.

AMERCIAMENTUM, or FORISFACTUM *Curie.* The un-law or amerciamet of a court; for absence in lawfull time, for ane

Disparatio

Fida

The un-law
of courts.

ane fault, trespass, or any ither cause, as is manifest in the Register, in the action perfused be the Thesaurar contrar the burgh of Perth, 16. Decem. 1541. The un-law in the Chalmersanis airc or court, is filite schillings; and twa schillings to the Serpentes of the burgh of ilke un-law. The un-law before the Justice on the North pairt of the water of Forth, aucht Kye, ane colpindach to the Crowner, and twa schillings to the Clerk. And in the South-side of the water of Forth, as in Louthian, & bewest the water of Tyne, and Forth, ten pundis, and ane colpindach, or threitie pennies to the Crowner, and twa schillings to the Clerk. In the Schireffe-court, it suld nocht exceed sextene schillings, and twa schillings to the Clerk, or ane colpindach, or threitie pennies. In the Baronne court the famin laws & un-laws, suld be kept, quhilkis are used in the Schireffe-court. In the court of them quha haildis of Barones, and are called *milities*, heir un-law is half of their superiours un-law. The un-law of them quha are called *submigeris*, is ane Kowe, ane zowce, or three schillings, leg. *Malc. Mak. c. 4.* The un-law within Burgh suld not exceed the summe of aucht schillings, leg. *burg. c. forissattum 42.* The un-law of them quha comperis nocht in Parliament, being lauchfull warned thereto, is ten pounds. la. 1. pti. Julij p. 4. c. 82. & p. 5. c. 99. Quhilk is like-wayes the un-law of them quha comperis nocht in general Councelles, quhilk now is altered be the newe act of Parliament, maid be O U R S O V E R A I N E L O R D E King James the Sext. 29. Julij. p. 11. c. 34. Quhair it is statute that everie Earle fall pay three hundred pounds, ilk Lorde twa hundred poundes, ilk Prelate ane hundred poundes: And everie Burgh ane hundred markes, in case it fall happen onie of them to be absent fra the Parliament.

ANNEXATION, Ane Laine word, quhilk signifies ane fast knitting and binding, as quhen ane thing is bund or knit with ane ither and bath as it were united togidder, and incorporate in ane. As quhen ony Lord-shipp, landes, Castelles, Customes, Offices, fishings, or ither renis are annexed to the Crown, to remaine perpenally their-with quhilk is called *incorporatio*, *quando bona aliqua, velus terre, rediguntur in corpus fisci, cum eorum scribiur Inventarium, manu publica, continens eorum nomina & qualitates, & ita ponuntur in numero rerum fiscalium. si quando 3. & ibi gl. C. de bonis vacan. lib. 10.* In the Lawes of this Realme there is twa kindes of annexation: The ane quhilk may be called *activa*, quhairin the word of Annexation is nocht expremed, but uther wordes equivaile theirow. The uther is *expressa*, quhilk contains manifest mention of annexation or union. The first forme is used in the daies of King David the secund 6. Novem. 1357. quhair it is statute & ordand, that all landes, rents, and possessiones, quhilkis of auld pertain to the crown, or the Kingis domaine and propertie, suld all hail, and perpenual remaine in the hands and possession of the King, for his sustentation & living, without ony alienation therof. And sike-like 27. Septem. 1367. with consent of the three Estates, it was statute for the Kingis better sustentation, and living, that all rents, fermes, kunes, customes, forrests, offices, and ither emolumentes quhat-sum-ever. And also all landes, alswid the pr. p. tie, and uthers, in quhat-shair King Robert 1. father to King David the second, decaid as of sic; and that all possessiones, & landes quhilkis pertained to the richt and propertie of the Crown, the time of the said King Robert, or of King Alexander the third, or of the said King David the second, suld returne all and hail to the crown, with all advocations of Kirkes, and all service pertaining therio; To remaine perpenual to the Crown, nocht-withstanding onie alienation therof, maid to onie person, and that na disposicion therof be maid thereafter, without consent of the three Estates. And gif onie person had onie of the saides landes labourd with his awin pleuch: It was ordand that he suld paie all meikle ferme and dewtie therfore, as the famin micht gudlie pay, or as onie ither lands as gud, and alsmeikle used to pay. And sike-like all the great and small customes, and burrow mailles of the Realme, are ordand to abide and remaine with the King, till his living, be ane act maid be Ja. 1. Parl. 1. c. 8. Of the second forme of Annexation quhairby landes, possessiones and uthers, *per expressum*, are annexed, united, and incorporate diverse and findre examples are extant in the actes of Parliament of King James the 2. 11. Parl. 4. Aug. c. 41. & of uthers maid therafter. Landes, and uthers dewties, or possessiones quhat-sum-ever annexed to the crown, being annallid or disposed, na lauchful dissolucion maid therio, it is lesfume to the King, nocht-withlauding the said allianceion to pur his hand to the saides landes, and take them back again to the Crown, *brevis manu*. without onie ordour or proces of law. And as concerning the profits therof, quhilkis are extant, *pendentes & nondum consumpti*, the time of the said intromission, the king, or his comptrollar maie intromet their-with, in the famin maner, as he maie intromet with the landes, *tunc soli, quia fructus pendentes, & exant consensu pars soli*. And twiching the fructes, and profits of the landes quhilkis are spented, and consumed; The King and his comptrollar, ancht & suld repute the famin fra the possessor, and uptakers of the saidis fructes, of all zeires of their intromission therewith, be waie of action, because they are consumed and spendid. Quhilk deid consistand in *factu*, suld needfull be proven be ordinar waie of action. To the quhilk hail profits the King hes gud richt, in respect that of the Law, *male fidei possessor*, can never acquire and conqueis to himselfe, onie fructes or profits, ither extant or consumed. And trew it is that al thay, quha receives ony infestment or unlauchful disposicion of the Kings annexed propertie, ar *male fidei possessor*; they receiving the famin against the manifest law of this Realme. The ignorance quhairof excusis na inhabitant of the famin. And mair-over, trew it is that the forsaide forme of intromission with the Kings annexed landes, and repiticion of the profits therof, hes bene in use and practik sen the making of the actes of Parliament therairon: Likas in the beginning of the reign of King James the Fourth 18. Jan. 1488. the landes and Lord-ship of Brechen, and Newar were taken fra David Earle of

cransford, and ane termes assigned to prove against him, the avayl of the mailles and dewties of the saides Landes with the pertinents, intrometted with be him, sen the time of the gift therof. Item the King may intromet with his annexed propertie, and profits therof, quhair he be *Major or minor*. For gif they be na lauchful dissolucion of the famin, he is ay as it were *minor* anent his faid propertie. Al annexations ar perpetual, and induris continually, ay and quhill ane lauchful dissolucion be maid be onie King: Induring the time of the quhilk dissolucion, the annexation ceasis, and sleeps, and the dissolucion being ended be decaife of the maker therof, the faid annexation beginns to quicken & *quasi reviviscere*. In sik forthat the King quha succedis to the maker of the faid dissolucion may set na fewes of his annexed propertie, be vnew of the dissolucion made be his predecessor, but mon make ane new dissolucion to the effect forsaide. Quhilk fault and vice, I finde in divers and findre infestmentes of the propertie; and specially in the minoritie of King James the Fifth, quhilkis are wrangously given be vertue of the dissolucion maid be King James the Fourth, his Father. *vid. Dissolucion.*

ANNUELL ane word used in the praftik of this Realme, for an zeirelie revenue, or dewty, payd at certaine crimes, ither legal, quhilkis are called *termini legales vel legitimi*, prescribed and appoynted be the law of this Realm, sike as Martin-mes & Whit-fondays; Or conventional as pleas the parties will agree and appoynt, be paction and contract, as betwix *Zule* and *cand-mes*, or onie ither time. In the Actes of Parliament maid be Quene Marie 4. Parlia. 29. Maji. c. 10. mention is maid of ground annuell, few annuell, and incertain quhat they do signifye: but refers the famin to the judgement and opinion of the Reader. Alwaies ground annuell is effeemed to be quhen the ground and propertie of onie land bigged or unbiggid, is disposed and annallid for ane annuell to be payd to the annallier therof, or to ane ither person, sike as onie Chappellane or Priest. Top annuell is ane certaine dewtie, given and disposed furth of onie bigged tement, or land, of the quhilk tement the propertie remanis with the disposer, and he is onlie obligid to pay the faid annuell. Few annuell, is ither quhen the few mail, or dewtie is disposed as ane yeirle annuell. Or quhen the land, or tement is sette in few-ferme heretabill for ane certaine annuell to be payd *nomine fidei firme*. The annuell of Norwaie quhairfoir mention is maid in the actes of Parliament of King James the third, and in the Register of this Realme, was an annuell of the summe of an hundred markes, sterling money, quhilk the Kings of this Realme was obligid to pay yeirle to the King of Norwaie, for the cause after specified. Because Donald Bane, brother to King Malcolm Cammoir, wrangouslie after the decaife of his brother usurped the richt of the Crown against his brother fones, Edgar, Alexander, David, and uthers. And for help, and supplie, gave all the lles of Scotland to the King of Norway, quhairthrow, and for ither occasions, monie bluidie and cruell battalles followed, untill the battell of Largs 3. August, 1263. In the time of King Alexander the third, And also King of Norway: Quha thereafter in the famin zeire 21. Januare departed in Orkney. And the Scottis beand victorious, Magnus the fourth of that name, King of Norway, sonne to the faid Ache, maid peace and concord, with the faid King Alexander in anno, 1266, and renounced, quite-clamed, and discharged all richt, or title, quhilk he or his successors had, or micht have, or pretend to the lles of Scotland. The King of Scotland payand theirow yeirle to the faid Magnus, and his successors ane annuell of an hundred markes, sterling money. Quhilk contract and agreeance was ratified, and confirmed be Haquinus King of Norway, the fifth of that name, and Robert the first, King of Scotland, in anno 1312. Borat the last faid annuell, with all the arrierages, and by-turnes thereof, was discharged, and renounced *simpliciter*, in the contract of marriage betwix King James the third, and Margaret, onlie daughter to Christianus the first, King of Norway, Denmark, and Sweden, 8. Septem. 1468. Quhilk discharge is nocht onlie ratified, but also renewed thereafter be the faid Christianus 12. Maji. 1469. And like-wise the faid King James the third 24. Fe. 1483. commanded his Ambassadors send to the Paip, to desire confirmation of the faid perpetual renunciation, and discharge of the contribution of the lles.

A R A G E, utherwaies Average, from *Averia*, Quhilk signifies ane beaft, as false hereafter expound: And fwa consequente Average, signifies service, quhilk the tennent acut to his mailster, be horse, or cariage of horse 18. Jan. 1501. John Stewart contrair William Blair. In the act of Parliament Ja. 4. p. 2. c. 10. It is written *Average*. And likewise, in the indenture at Perth pen. Mart. 1371. betwix Robert Stewart Earle of Menstith upon the ane part, and Dame Isabell Countess of Fife, on the uther part, it is plainly written, *in Averagis & Caragiis*. In the quhilk indenture, the faid Isabell daughter and aire to Duncane Earle of Fife, & spouse to Walter Stewart brother to the faid Robert, in the time of her Widuite, after the decaife of her faid husband, oblistid hir, to resigne the faid Earldom of Fife, in the Kingis hands in favour of the faid Earle, for new heritable infestment thereto, to be given to him. The quhilk indenture is subscribed be Joannes Rollo, quha was secretary to the faid Earle, And conforme thereto, resignation was maid: for the quhilk fcho received zeirle for her sustentation, an hundred fourtie five pounds, sterling money. Like as also the faid Isabell 22. Junij 1380. resigned *ad perpetuum remanentiam* in the hands of K. Robert the third, the Baronne of Strathbarr, Strathbarr, Discher, Toyer, with the lles of Tay, lyand within the Schireff-dome of Perth. The Baronne of Camell, and Onchil, with the forsaite threiv, of, and patronage of the Kirk of Kincardin within the Schireff-dome of Aberdene, the Barons of Crundell, and Affon, within the Schireff-dome of Invernes, the landis of Strabowie, and Abraundale, within the Schireff-dome of Bamsf. The landis of Logyashry, within the Schireff-dome of Perth; the

The King's
property
wrangouslie
annallid.

Annexation
is perpenual.

Ground ali-
nuell.

Top annuell.

Few annuell.

The annuell
of Norway.

Twa kindes
of annexation.

The second
kind.

Landes annexed and nocht
dissolvid may
nocht be annexed.
Of the profits
of landes annexed wrangouslie
annallid.

Isabell Countess
of Fife.

Sundrie
landes pert-
aining to the
crown.

De verborum significatione.

the baronie of *Caldy*, within the Constabularie of *Linthgow*, and Schierfe-dome of *Edinburgh*, and the landes of *Kellynsyth*, within the Schierfe-dome of *Sirivilling*. This I thought good to advertise the real how the Earldome of *Fife* and others landes foretold, pertained to the Crowne. *Duke Murdoch* sonne to the said Erle of *Fife*, being foretalled And that he King James the First, 1424. The said Earldome was decreed to remaine perpetuallie with the Crowne, like as it dois, as a speciall part of the annexed propertie. As also the Lord-Lip of *Meirboen* within the Schierfedome of *Perth*, and the baronie of *Kellie*, within the Schierfedome of *Forfar*, did fall int the handes of King Robert the first, be done of foretallor pronounced against Schir Roger *Moubrey* Knicht.

ARRENDARE, a Spanish word, commonlie used in chartours and infeoffments of this Realm, in latine, locare seu rem aliquid censualit. *fruentiam, non gratis, sed certa mercede interveniente concedere.* Correspondeth to the French rent is a certaine dewtie, as annuall-rent and arrendare and theiſtra arrendry, *quasi ad certum rentum seu redditum dimittitur.* to ſet and give landes or tenements to oñ man for a ſerſidewtie.

to fer and give, and hence, or vice versa, *Arriergagium*, a French word, *arrier*, backward, in Latin *retro*, as *Tamais arrier*, and be the Earls of *Angus*, in their times, to quhom it pertains to fecht the King's wanguard, as of auld it did appertain to *Macduff* Earl of *Fife*, as writes *Hector Boetius*. *Arriergagium firmarium*, signifies the by-run annualmills, fermes, profits or demies of onie tenement, or landes, the quhilk rellis upon the familie unvied. *agoniam attach. si tenementum*. 27. Leg. Burg. c. si quis voluerit. i. 156.

ASSISA, an French word, Quhilk signifies properlie sitting, or Session, and hes divers urther significations in the Lawes of this Realme, for *assisa* is taken for an constitution, ordinance or law. *Lib. 3. c. sequens.* 23. subinrit is called *recognitio*. And *lib. 1. c. si non* 23. mention is maid of

23. quhair it is called *recognitio*. And *lib. l. p. non 25*, mention is made of
ane *eltonzie*, or excuse, conforme to the Law and assise of the land. And
assisa is called ane constitution, law or statute. *lib. 4. c. die luna. 13*, as *assisa*

regis David Stat. Alex. c. *assissa* 18. And *assissatum* lignines stature, or ordained St. 2. Ro. Br. c. Item *ordinatum* 26. King David maid an assise, or constitution of him quha was accused in judgement, and clerged, for the death of his wife, *assissa* Reg. Da. c. *si quis velit*. 33. *assissaterra* is taken for the

Law and constitution of the land, Lib. 4. c. si vir. 16. c. sciendum. 64. a. si jam
infringere, is to violat and transgres the Law. And *assisa* of King James the
First of weichts and measures maid at Perth. 11. Mart. and the First zeire of
his reigne. *Iuxta assisam. lib. 2. c. dicitur autem. 74.* is conforme to the law;

or *Juxta legem*, is conforme to the time prefcribed be the Law, Lib. 3. c. 3. *sequens*. 33. in fin. Item *affssa* is called a measure, or certaine quantity, as the barrell bind of Salmond shuld keepe and containe the affsse, and measure of Salmond barrels. 12. 1. 1. Of Rob. Parl. 14. c. 110. and all Salmond

ture of fourteen gallons. Ja. 3. 1. Octob. Parl. 14. c. 18. and an hundred
ould be packed in barrels, of the measure of Hamburg, after the aulde af-
fise, and na smaller barrels nor vesselles. Ja. 3. 6. August: Parl. 10. c. 76
affisa halecum, the affise herring, signifies ane certain measure, and quan-

time of herring, quhilk pertainis to the King as ane part of his cuttumes,
and annexed propertie, Ja. 6.p. 15.c. 237. For it is manifest that he shuld
have of everie Boat, that passis to the drave, and flayis herring, an thou
sand herring of ilk tack that halds, viz of the Lambmeslak, of the winter

tack, and of the Lentrone tack, in December. 1516. The Kings Advocat contrair *William Harper*, and his Collegis. Item the Kings rents of affis is interpret, to comprehend the Kingis Lands and cultumis 9. Decemb. 1566. *James Ogilvie*, Mar. 1560. In the action betwixt *James Ogilvie*, contrai

Patrick Gray, certain oxen was poynded for sundrie unlawes, and for the
 ient Affise aucht to the Kings Hienes for the blench fermis of the lands of
 Airlie. And sik-like the thrid of the Kings rent of the Affise. That is to
 say, the thrid of the Kings rent of the Affise, as his dowrie. 12.3

say, the lands and customes, shuld pertain to the Queene, as hir dowrie, 143
9. Octob. p. 1. c. 2. In this realme an Affise is called ane certayne number o
men lauchfullie summond, received, sworn and admitted to judge an
decerne in sundrie civil causes, sik as perambulations, cognitions, mo

testations, purpresture, division of lands, serving of brieves, and in all and sundrie criminal causes. For be the law of this Realm, all crimes sould be decided and tryed be an assise, *Stat. Alex. c. 3.* Quhair of their is twa kindis. An ordinarie in use ourhills may be called ane litil assise, of the nummer of

13. or 15. persons, lib. 3. c. generalia 25. The uther called ane great assise
gubillk consists of 25. persons, l. 1. c. pœna. 16. lib. c. 2. dos. 19. and all the ass
fors, in baith the ane and the uther assise fwear ane solemn aith, t
For the gubillk cause they ar ca

judge and decerne rightly. *vid. bona pat.* For the quinke cause they are called *Juratores* li. i. c. *parua*. 16. and in sum buiks *affisa*, is called *jurata patri.* and in the English lawes an Iury. The great allife (quhilk is not commonly used in this Realme) is chofen against sik perfons, as hes bin upon an li-

afflie, and ar accused de perjurio vel temerario iuramento: and that they
have done wrong against the laws in clenging onie trespassor quha is guiltie
and fowle of the crime. In the quhill case the man that is clenged, altho
guilty, cannot be filed againe or punished: for he being anis quite, he

wrangously, cannot be filed against or put to the proof
ever quite for that crime: but the assisors may be accused of their wrang-
ous deliverance. I. 3. p. 8. c. 20. N. c. 63. The great assise shuld be of 2 s. p.
sons, Nobill and gentilmen: And the Lords of the Session, upon the fi-
nall, shall them to be esteemed: halden and reputed

daie of Junij. 1591. declared all them to be esteemed; handen and fap-
Nobil persons and gentilmen, that fal happen to be summond upon sick
assise, quha are landed-men, albeit they be inferior in rank and dignitie
them. upon quha is assise they shuld passe.

ATTAYNT, *Taynt*, an word meikle used in the English lawes, *attayntus*, is accused, filed or convict for any crime or cause. *Stat. 2. Ro. B. Item. 9. c. Item dominus 21. c. Item. 24.* An JUDGE being convict, or attaynted, for a fault, or of partialitie, shuld be punished at the Kings wil, and

his office. *Stat. 2. Ro. Br. c. c. dominus rex. 22. Stat. 1. Ro. Br. c. Item quod*
luis. 8. l. 5. p. 71c. 104. Bot attaynt or Teynt, is called the deliverance or pro
tion of 24. (alias 25) teill men, the quhilk may be called an great allife.

ATTACHIAMENTUM, from the French word, *attacher*, ligare, and charge or binding of any person, to the effect he may be drawn to.

and compelled to compeir in judgement and anwer aslaw will. In the preface and beginning of the buik called *quoniam attachamentum, attachamentum dicitur quoddam vinculum legitimum, per quod parti defendens inveniatur stringitur, ad standum iuris, et respondendum parti de se consequenti iuridice.* And attachamentum sumis is of guds and geare, as in contraites, conventions, and actions of moveabill guds, in the quhilk the gudes and geare of the defender are attached, untill he find caution and pledges to anwer aslaw will, quhilk being funden, the attachament is relaxed and lowfed. Sumtimes attachment is of sone mans person and body, as in actions of wrang, or criminal caufes. In the quhilk the person of the transgressours fuld be first attached, and gif he be disobedient, or fugitive, his gudes and gear, may be attached, untill he find caution to underlie the law. Swa commonly, bot not perpetually, attachamentum, vel effi honorum, vel corporis, seu arrestamentum honorum, as gif the Crowner can nocht apprehend one man indired, to attach him personallie to compeir in the Justice arieane he fuld arrest all his gudes moveable and unmoveable to remaine under their pledges, And to be furth command to the King, in case he compeir nor. *1. Male. Mak. c. 1.* And in criminal caufes, speciallie in treason the person or bodie of the delictor fuld be first attached, and put in fure firmace, untill he have thocht sone assise, quhiddir he be quite or foule. *L.p. p. 12 c. 49.* And in civil caufes the gudes and gear, of the defender fuld be first attached. *Li. 4. c. 1.* as writes *Mattheus de affilij, in consequendis Sicilia. consili. Humaniate.* Nu. 33. Be the civil Law in execution of decretes, first the moveabill guds pertaining to the debtour, fuld be first diffused, thereaftir his lands and immoveabill guds may be comprised. Thirddie the debtour and to him, quhikills are called *nomina debitorum*, may be perswore and diffused. *La Divo Pio. 1. scilicet. 3. De iudicat.* Quhikis conform to the act of Parliament, quhairby it is statute, that the lands pertaining to the debtour fuld noch be comprised, untill his moveabill guds be first searched, focht, and diffused. *Ja. 3. p. 5. c. 36.*

AYERIA. li. 4. c. *fi quis federit*. 23. c. *quicunque*. 31. aff. Reg. Da. c. *quis federit* 41. In the quibik place it is called *melius animal*, the bestaunch from the French, *le meilleur avoir*. Quibik be the Law is given be the husband-man to his maister, as anc herezelde, and lib. 4. c. *quicunque*, 31. a. *veria* is called *animal*: The quibik place is de *natione animalium*, that is of poynding of cattell.

is of paying a fine. A VINULUS properly is the mother-brother, but (simile confor-
to the French manner of speech, it is taken for the father-brother, i.e.
Latin patruus, l. 2. c. si quis liberum 24. c. deficientibus 34. de iudic. c. l. i.
nota 1. In quibus loens sui successione dicitur pertinere ad avunculam et
quos liberos non est confeniamen juri nostro dicitur, si avunculus proprie
accipitur pro fratre matris, quia cognatorum, h. c. confaniamenorum,
dixit matris apud non nulla est successio; h. c. cognati non succedunt aliis.

В.

BAGIMONT, histaxation of benefices. Ja.3.p.6. c.43. Ja.4.p.4. 39. The Pape in the time of K. James the third, send in this Realm ane cardinall and legat, called *Bagimont*, Quha did make an taxation of the renuallies of the benefices, that the famin might be knawin to the Pay

To the effect, that quhen onie person came to Rome seikand bulles or ric
to onie benefice fra him, he micht conforme to the said rental as he ple
ed; sell the samin for samekle Silver, or Golde, as he thocht maist pr
Col. 1. Subilexation is surrounded upon the Canon Law, in the A

BALLIVUS, an French word, *Baillif*, Ane baillie or judge, *li. 1*

10. c. 31. quia hcs ane ordinar power and jurisdiction. Namballivus
judex non potest esse arbit. li. 2. c. 4. Ballia, in Latin provincia, ane bai
rie or jurisdiction. li. 1. c. 7. c. 18. Stat. 2. Rob. Br. c. 4. c. Robertus. 28. Dici
autem Ballivus à Baall, h. c. domino, quia ballivi dominantur suis subdi

quasi earum magistri & domini, Rebus in confil. regias, de sentent. ex
art. 7. gl. 1. And in the Checker compts, the Baillies of Burrowes are per
perlic called *balliui*. Q^{ua}be the Lawes of this Realme, makis com
piling in the Checker of their burrow mailles, as ane part of the Kings

zeirlic in the Checker, or their burrow houses, as are part of the King's
nexed propertie, and also of their common gude, which shuld be imple-
ed in the necessar affaires of the burgh. And likewise in the checker, com-
is maid of the King's propertie, be sik as are called *Ballivi Regis*, and
combuta Ballivorum.

Chalmers in-put, and out-put be the Comptroller, for quhom
ould be answerable. Mair-over, in the Checker compt maid per rou

is quhen the Comptur is charged in his compt, conforme to ane for
compt, rolled of before: And *computum extra rotulos*, is quhen
comptur is charged in his operation, be any precept direct be him
or be any promission maid be him of the Kingis rents, before the r

or be ony intronmillion mair be mair of the King's
ing of his compt, or with onic dewtie silver, or uthir thing
teining to the King extraordinarie, and not zeirlie, as ane parte c
parliament.

PARRLEMENTES BANNEIS. 13. I. DAY. 7. C. 101. In the quhill

BANRENTES, *Banereis.* *2. l. par. 7. c. 101.* In the same
it is manifest, that Ban-rent is another kind of estate, greater and main-
rable than Barrones: For the Barrones are permitted to chuse their
commissioners, to be sent for them to Councell and Parliament, to pro-

all and findrie needes and causes, pertaining to the commonnes, in
Parliament, or generall Councell: But the Ban-rentes shuld be w
be the Kingis speciall precept, to compeir personallie in the Parlia
or Councell: In sik maner, as Bischoppes, Earles, Lords, Abbots

or Councils. In like manner, This worde is commonlie used in the
othes, uisito be summoned. Cuius l. 2. de Feudali-
lish lawes, and in findrie lawes of other Countreies. Cuius l. 2. de Feudali-
7. de nova fidelitatis forma. Boerius in decisiones Purdegalesens,
magni Consilii. Guido Pape quest. 614. & 32.

De auctoritate magni consilii. B 2

Сотрѣнъ
ballivorum
ad exire.

Сотрѣсавъ
рѣтѣише
& охладѣ-
ише.

Normand. l. 5. c. 2. Nu. 7. *Zafius* de Feud. Tit. qui *Fendum* dare possunt. Some callis Banerens them quha hes Baner rent, and divided in fundrie partes. Others callis them quha hes the rent or zerlie dewtie of ane Barrenne. And sik-like, some understanis them quha bearis the Kingis Baner in his hoist and armie : quhilk office and honour, pertains hererablie, and allanetlie, to the Costable of *Dundee*, the Kingis Baner man. But all when they are belied and maid Earles, are called Barrenne Banerens, and Lorde of our Sovereine Lordis Parliament : Quhairby it is manifest, that the said dignitie is common to manie, and nocht proper to ane man : And therefore seeing *Zafius* in the place foresaid, writis, that Baner-rent is ane dignitie concerning weir-fare : I think in my opinion, that Banerents are called *chevaliers* of armes, or Knichtes, quha for obtaining of great honours, dignities or riches, hes power, or priviledge granted to them be the King, to raise and lift up ane Baner, with ane companie of men of weire, either horse-men, or fute-men, quhilk is nocht lesum to ony Earl or Barrenne, without the Kingis speciall licence, asked and obtained to that effect : As *Hencie Tasquill Advocat. lib. 2. des re. cerbes de la France. c. 9. Fol. 100.* provis be money and fundrie argumens of the Historie of France. And Doctour *Thomas Smith*, ane learned man, in his buike, anent the common weill of England. *lib. 1. c. 17.* Sayeth that Knightes, Banerents, at maid in the felds, with the ceremonie of cutting of the poynt of their standerd, and making of it as it were ane Baner, they being before Bachelers, are now of ane greater degree, allowed to displaie their Armes in ane Baner, in the Kingis hoist and armie.

BANNITUS, Banished for onie crime or uther cause. *Bannum*, signifies ane trumpet, in latin *tuba*, as writis *Alciatus. l. 2. par. c. 2. ex Procopio. l. 4. belli Persici.* And be the common use and consuetude of this Realme, quhen onie person is banished, or put to the horne, the same is done with three blaifs of ane horne, or an trumpet. And for that effect, it is stature and ordained that the Kinges maire, or serfant fall have ane horne and wand. *Ja. 1. p. 7. c. 99.* for with the horne he denunces men rebellis, and with the wand, he receives them to the Kingis peace, quhilk therefore is commonlie called the wand of peace. *An Bannius possit impune, offendi in corpore & bonis. vid. Chellanum in consuetud. Burgundi. R. 2. Sect. 1. ver. confiscationis. Nu. 7. cum segg.*

BARO, Ane Barrenne. *Zafius* de Feud. Tit. qui *feudum* dare possunt, writes conforme to *Cornelius Tacitus*, in *Libro de Germania* : That *Dux*, or onie Duke, is the Governour of ane Province, or Armie, *Comites*, or Earles, are they quha are affeious to the Duke or Prince. *SWA* *Call* a *comitandus*, because they accompanie the saidis Dukes, and never callis out of their preference.

Marchiones, or *Marqueffes*, Wardaires, or keepers of the *Bordoures* : For *Mark*, *Marche*, in Latine *Limes*, and *Mark-grave* in Dutche, is *Comes Limitaneus*, or onie *Marchiones* dwelling on the *Bordoures*, or *Marches*, of the Cuntrie. As in this Realme the Earldome of *March*, quhilk perteineth to *OUR SOVERAINE LORD*, As ane part of his annexed percheinie. Bot *Comes Martialis*, or Earle *Martialis*, is ane man of dignitie or jurisdiction, *de morte, vel bello* : Because the iurisdiction of weir-fare perteinis to him. *Alciatus libro de singulari certamine. c. 32.* Affirms, that like as the Earle is inferior to ane Duke, swa ane Barrenne is inferior to ane Earle : And that *Baro*, cummis fra the Greek word *Barys*, *gravi*, wif, grave, prudent, and discreet : Bot contrarie wif, *Petrus Pithaur. lib. 1. Adversariorum* writis, That *Baro* signifies ane baistid, fuile, or un-wif-man. Quhais opinion, I cannot gudlie approve.

Baldus in *Cap. Immutis de electione, definit* *Baronem*, ut sit *quisquis merum iussumque habet imperium in aliquo castro vel oppido, ex concessione principis*. In this Realme he is called ane Barrenne, quha haldis his landes immediatlie in chief of the King, and hes power of pit and Gallous.

BARRATRIE, or *Barrataria*, ane kinde of Simonie, especiallie in obtaining the richt of benefices. *Socius reg. 55. Baldus in consilio 21. Part. 5.* For all men passand to *Rome* and buyand benefices commis *Simonie*, and are called *Barratrones*. Be quhome *Barratrie* is committed, and qubat is the paine thereof, it is manifest be the actes of Parliament. It is ane Italian word, and be the *Italiane* interpreters of the civil Law, *Barrataria*, is quhen ane Judge corrupted be buddies (lik as gold and silver) judgis wrangecouslie, *Petrus de Raven. singulari. 156.* and swa doing sellis iustice for meid and profitie, and makis his offel der to be bought be him, quha will give maist thereof. *Angel. de Syndicato. Nu. 4.* For the quhilk crime he may be deprived, and sherpelie punished. *Barth. l. 1. Ma. q. 13. Sect. 1. nu. 2. de ann. legat.* And likewise *Barratrons* in the Law of England, suld nocht be suffered to make lute, or to give judgements or pronounce sentence or domes, anno 3. *Edward 1. c. 32.*

BASTARDUS, in French *Bastard*, anbarne unlauchfullie gotten outwith the band of Marriage. Quhilk word is barbarous, and (as I suppose) nareafone can be given quhairfore it is so called. Bot *Gabriel Palesus*, in his buik de *nobilitate*, *Spiritualis filius. c. 18.* allcagis it to cum fra *Bastardus*, quhilk signifies ane huire, or common woman : Be reason that bastards are commonlie gotten and procreat with sik weemen, in Greeke he is called *nothos*, for *in notha* signifies that part of the fathers gudes & gear, quhilk be the law of the *Athenians* leasumlie might be given be the Father to his bastard sonne, extending to the summe of *mille drachma*, and therefore *Nothos* was called all that was not woir or lauchfull, as writis *Budaeus in Pandectis*. And swa *Nothos* cumis fra *no*, privative particula, & *nothos*, *de divinum*, esse *Suida*. Because he wantis that quhilk is godlie and lauchfull, that is ane honest and lauchfull birth, or parentage. And swa *nothos* dicitur qui non sit legitimus, to the quhilk there is in a proper Latine word correspondent, as *Quintilianus* testifies *lib. 3. c. 6.* Nevertheless, he is commonly called *Spiritus*, for in *l. 1. ff. de posses. contr. tabul. Spiritus di-*

cuntur para ten spiritus, h. c. statione, vel seminatione, etque uaga, & promiscua, ubi doctores sporadem legunt, quasi spiritum concepti, like as they are called *uaghi concepti. l. in adoptivis. 14. de ritu nuptiarum*. Likewise *Spiritus* was the proper name of ane man amougis the *Romains*, as *Titus*, or *Caius*, and was written with two letters *Sp*, and likewise they quha had na certain Father, was designed with the saids two letters, *S*, and *P*. And swa be common use and consuetude, *Spiritus dicebatur sine patre*, and *Plutarchus in problematibus*, because their Father and mother nocht being lauchfullie married, they have na certain Father : quia *pater dicitur quem legitima nuptia demonstrant. l. 5. ff. de in jure vocand.* And it is alike to have na Father, and to have incertain Father, as we say, he quha will have monie Gods, hes na God. *Postremum Blondus lib. 8. Roma triumphans, is (inquit) qui illegitimam natum esse ex concubina vel foris, contumeliose causa, spiritus dicitur, eo quod Sabini, muliere pudendum spiritum appellarent : hac ille in honesto originis genere lateo editor, infamem & inhonestam appellationem natum voluerunt veteres.* And that part of weemens claires, lik as of their gown, or petticoat, quhilk under the belt, and before, is open, commonlie is called, the spare. As concerning the succession of bastards, this choert rules are to be observed, conform to the Law, and practice of this Realme. First na bastard, nor na persone, nocht procreat, and gotten in lauchfull marriage, may onie waies be lauchfull airt and successor to onie of our Sovereine Lordis lieges. *lib. 2. c. in custodia* 50, for be the law of God *Ismael* being bastard, gotten upon ane bound woman *Agar*, might not be airt to *Abraham*, with *Isaac*. *Gen. 21. 10.* Because all richt of succession is be reason of blood, and consanguinitie of the Father side, quhilk is called *jus agnationis*, and thetheris ane bastard, quhais Father is incertaine, be the law is understand, be reason of blood to be sib to na man, and nane to him, & ubi nullus est pater legitimus, ibi nulla est agnatio aut successio ratione agnationis.

Secondlie the batrines mail, or female, lauchfullie gotten be ane bastard, with ane lauchfull married wif, succedis to him as righteous and lauchfull airt, in his Landis, gudes and gear, in the samin manner, as gif their father had been gotten and borne in lauchfull band of marriage, quia *filius est heres legitimus, quem nuptia demonstrant. lib. 2. c. in custodia* 50.

Thirddie gif the lauchfull baime mail, or femaill of ane bastard, succedisto him, and thereafter decaiss without lauchfull airt gotten of his awin bodie, or without lauchfull brother or sister : and lauchfull testament and latter will maid be him, all and hail his landis, gudes and gear, nocht being disponed and analied be him in his lifetime, aucht and suld perteine to the King, be the priviledge and richt of his Crown : Because, as saidis, there is na richt of succession in this Realme, be the Mother side, and the sonne or daughter of the bastard decaissand as saidis, hes na persone sib to him be his Father side : And swa all richt of succession ceasand baith uppon the Mother and Father side : tota ratione agnationis, quoniam agnationis, the King be reason of his Crown, is universal successor to him in his landis, gudes and gear, as ultimus heres.

Fourthly, ane bastard being legitimat, or not legitimat, may in his lige pousty and induring his lifetime, annalie and dispone his landes, gudes and gear moveable, and unmoveable, to quhom he pleasis, in the samin forme and manner as onie person gotten in lauchfull bed may do be the Law.

Fifilie, all gudes moveable and unmoveable of ane person borne bastard, and decaissand bastard, without lauchfull airt gotten of this bodie, and na disposition thereof maid in his time, perteinis as escheite to the King, be reason of the richt of his Crown. *lib. 2. c. quare autem. 51. leg. foret. c. s. bastardus. 50. de judic. c. s. bastardus. 54.*

Sextlie, Ane bastard being naturalized or legitimat be the King under the great seal, be the practice now used and observed, hes allanetie power to make testament, dispone his moveable gudes and gear, and nominate executors, conform to the Law of this Realme : be the quhilk Law, na man lauchfullie, or unlauchfullie gotten or borne, may make onie disposition in his testament, bot of his moveable gudes allanetie. For na man upon his death-bed, or in his latter-will, without consent of his airt, may dispone ony part of his heretage. *lib. 2. cap. Potest. 21. cap. Cum quis. 36.*

Seventhlie, gif ane bastard legitimat and rehabed in his life-time, makis ane testament lauchfullie : The King thereby is excluded fra all richt and intromission with his moveable gudes : Bot gif he makes ane testament, quhilk is null and unlawfull : Or gif he makis na testament : The King be reason of bastardrie, succedis to him in all his moveables, and unmoveables. For in this case, the effect and power of the legitimation ceasis, and hes na operation.

Achtlie, quhen ane bastard decaiss without ony lauchfull testament maid be him, or nothavand airt hes lauchfullie gotten of his bodie : The King, be his Theasurer, or ony uther havand gift and power fra him, may intromet with all the moveable gudes quathsumever, perteinie to the bastard, the time of his decaise, and not disponed be him in his lifetime, as escheit perteinie to his Hiensell, be reason of his crown and Kinglie power.

Ninthlie, Sick-like all landes and tenements pertaining to the said bastard, the time of his decaise, and halden immediatlie of our Sovereine Lord in chief, after his decaise perteinis to the King, and the propertie thereof, be decaise of the bastard, and be reason of escheit of bastardrie, belangand to the Crown, is consolidat with the superiority in the Kingis person : in sik forme and manner, as gif the bastard in his life-time, had maid resignation thereof, in the Kingis handes.

Tenthlie, Concerning landes and heretage, pertaining to ane bastard, not halden of the King, bot of ane uther superior, Spiritual, or Temporal, the King hes richt of presentation : Be the quhilk, after the decaise of the bastard, he may present ony person quhom he pleasis, as heretabie tenent

Spiritus, Spare.

De successione agnata & post-sua Bastardorum, Bastardus non potest esse heres.

Legitimus filius, Bastardum non habet, igitur successio.

Fiscus succedit filio vel filia, Bastardus.

Bastardus est filius alienus potest, tamquam liber earum dominorum.

Fiscus succedit bastardo.

Bastardus legitimatus potest testari legitimus.

Bastardus legitimatus potest testari legitimus.

Testamentum illegitimi factum non excludit filium.

Bona mobilia Bastardi sine deservantur.

Bona immobilia Bastardi sine deservantur.

In alienatione immobilium Rex habet jus presentationis.

In alienatione immobilium Rex habet jus presentationis.

Dux.

Comes.

Marchio.

Comes Martialis.

Nothos.

Spiritus.

sement to the Bastards immediat superiour, be his letter, under the quarters scale, becard: That for si-mekle, as N. borne Baltard, and de-cesand Baltard, without any aiter, lauchfullie of his bodie, and na lauchful disposition maid be him in his life-time, had the landes cal- led B. pertaining to him, in heritage, halden immediatlie of the said superiour; and his Henck be willing not to preiudice the superiour, suent his superiorie: Therefore prekensto him, sik ane man, chang- ing the superiour to receive him, and give him ilk tithemone of the landes, as the unquihle B. had of him before.

BERTHINSEK. Or *Birdick*. Berthe Law of Birdick, na mau suld die, or be hanged for the thief of ane sheepe, ane veale: Or for si-mekle meate as he may beare upon his back in ane feck: But all sik thieves, suld pay ane sheepe, or ane cow, in his quahis lande hee is taken: And mai- over, suld be furred. *Lib. a. c. De vrbano p. ca. 14. quoniam attach. c. per constitutionem. 44. Aff. Reg. Da. c. 1. In fine. Stat. Al- ex. c. de Berthinsck. 19. Quibk is conforme to the Civil, and Cannon law. Nam omnia delicta & malefacta estimantur volumine, & propositio delin- quentis. L. qui injuri a. 53. In prin. ff. de furt. l. i. ff. de Var. & ext. crim. Id- eoque si quis necessitate sumit sedande, egesset, aut pauperie coactus, rem alienam conrexit, quia non adest animus furandi cupidus, excusati potest. c. si quis. Exir. de Furi. non enim sciam, sed causa facienda inspicitur. l. Pe- rum. 39. ff. de furti. Et vnglo dicti solet, necessitatem non habere legem. L. Non solum §. Plt. de excusationib. Tuor.*

BLUDUEIT. *UYTE* In English is called *Injuria*, *vis infiri- cordia*. Aneun-law for wrang or injurie, ilk as bloud: For they quha ar infect with Bludueit, hes free liberte to take up all vnlawes or amercia- ments of Court, for effusion of bloud: And to hald Court thereupon, and to appley the famin to their awin iustitice and profie.

BONA PATRIA. *Lib. 1. c. i. f. v. 29.* Ane assise of cuntre-men, or of good nightbouris: Some times it is called *Assisa bone patrie*, quhen twelve, or ooma men are chosen furth of ony part of the Cuntre, to passe upon Assise, quha ar called *Juratores*, because they suld swear judiciallie, in presence of the partie, ane solemne oath. *Lib. 1. c. Post hoc. 14. lam 1. P. 13. c. 13 §. 1* In this manner following. We call icill fuitly say, and na fuitly conceale, for na-thing be may, fa far as we are charged upon this Assise, be God himself, and be our part of Paradise, and as we will answer to God upon the dreadfull day of judgement.

BONDAGIUM, or *Villanagium*, *flavere*, or servitude: For *bondi*, *utvivi*, and *Villani*, signifies ane thing. *Lib. 2. c. Consequenter. 13. cam. seqq. Bondi*, be reason of their band and obligation, as bound and oblihted men, *Nativi*, be reason of their nativite and birth, as borne men within the land, *Quasi ascripti glebe*. That is depite, destinate, or ordained be their master, to dwel and remaine upon the land, for keeping and labour- ing thereof. *Lib. 2. c. Pluribus 14.* And therefore utherwaies ar called *Vil- lani*, be reason of their office: In fa faras they have the cure of Villages, and landward husbandrie committed to them. *Bondagium per anteriores crines capitis. quoniam attach. c. de brevis. 31. 15.* quhen ony free man, renuncis his liberte, and makis himselfe ane bond, or slave to ane great man in his Courte, and makis tradition, & delivering of him-selfe, be gi- ving ane grip of the haire of his forehead: to the effect he may be main- tained and defended be him thereafter. The quhik bond-men, gif they reclaim to their liberte, or happen to be fugitive fra their master, may be drawn back againe be the Nofe, to servitude: Fra the quhik the *Scoti* hly faying cummis, quhen ane beaslis and menaces to tak ane wher be the Nofe. And it is leasum to ony man to fel his liberte; but gif hee dois, he may never recover the famin. *Assis. Reg. Da. c. Quilibet 12. quoniam attach. c. quilibet. 56.* To this the Civil Law is conforme. Nam his qui ad precium particidandum se venduntur passim sunt, ad libertatem proclama- re non liceat. *L. i. ff. quib. ad lib. Perus. l. vi. h. 1. 1. Adversarius*, makir mention of ane kind of adoption, per comam fuescipulis, quhen ony person tuike ane grip of ane other mannis haire, and did cut it: Quhairby the ane, became the Father adoptive, and the uther, the Sonne adop- tive.

BORCH. Ane Cautioner, pledge, or sovertie, *lam. 3. Par. 14. c. 99.* In Latine, *Fide-jussor*, *viende* Free Borgh, vid. *Megaris*. Borgh of Ham-hald. *de Mariag. c. Sciendum 17.* Ane Caution or sovertie used in byeing and selling, quhik the Frier sendis to the byer, to make the gudes furth- command, as his awin proper gudes, and to warrant the famin to him. For it is Statute, that na man fall by ony gear, except the seller thereof finde him ane lauchfull pledge: quhik is called Borgh of Ham-halde. And gif it fall happen the gudes fuld and bocht, to be challenged be ane uther, and the saide pledge cannot finde him, for quhome hee is pledge, to re- lieve him of the said challenge: He fall pay to the Challenger, the triple of the thing challenged: And aucht Kye to the King, as ane ut-law. And gif he quha faunde the said pledge, relieviss him not from the said damage, hee fall be banished the realm. *Lib. 1. c. Statuti attach. 19. Stat. Alex. c. Sta- tuti attach. 19.* For generally the Cautioner hes gud action, contrair the prin- cipall, for his relict. *Lib. 3. c. 1. In fine.* And siklike within Burgh, the like caution suld be found in byeing & selling of all merchandise, except meate and drinke, and uther things of small consequence. *Leg. Forest. c. Nullus. 48. Et de jure civili venditor per evictions prestationem. cognitor servare emptorem indemnem. eadem modo ad si dominum nullus esset. l. ex empto. N. in prin. ff. de actionibus emp. vid. Ham-halde. vid. Ham-fenck. Mai- over, gif ony man be cummis ane furth-command is sufficient, gif he produce him personallie, hail & founde before the judge, in a lauchfull law & place. But gif he be pledge for ane uther, that hee fall answer as hee is pledge: all he man satisfie for him in court, and to the partie, to quhome he is pledge: in all things, as the principall fuld have done. *Quoniam attach. c. vbi aliquis 11.**

BOTHNA. *Bathna, Boshna. L. 4. c. Si quis natus. 30.* apparis to be

ane Parke, quhair cattel ar fed and included, *vi in Libro M. Alexandri Skene, fratris mei germani, quondam in supremo Senatu Advocati*, quhik is confirmed be *Heitor Boetius. l. 7. c. 123. Nu. 3. Cam. scribi maritimum. Thef- salie partem a veltigali, quod Regis procuratoribus ab incolis in amor pen- di solutum erat, cum gregum multitudine abundaret. Ruthubanian appel- lat, est enim quondam, id est veltigal, prisca Sctorum linguas Ruthorae collectio: hec est. And it is manifest, that the place in the quhiklie the zowes ar included quhen ar milked, is commonlie call ane Bucht. *Sikhike Julius Gressius. l. 11. c. 1.* writes that Italy is called a *Bucht*, because Italy. *lib. in the said Greek language, signifies Oxen.* of the quhik there was great abundance and multitude in Italy, quhik is confirmed be *Tacitus Panfidiu lib. 2. c. 22. Italia inquit* ab Italia, Siculorum dicit, *quis enim anti- quus invasi. For ob hoc Italia dicitur, quia magis in ea boves, hui. l. ual. ha- bentur, ac non namque quod latius, per diminutionem una litera ad altera immutata, vultus appellatur. Item Ruthena. Stat. Alex. c. 15.* Signifies ane Bar- ronic, Lordship, or Schireffdom, as is manifest. *Ex libro Sctorum. ca. 99. Assis. Regis David: Et Dominus Bathene*, is the lord of the Baronic, and ground: *Leg. Peri. ca. 1. in Libro M. Willielmi Skene, fratris mei, Commis- sarij Sancti Andree. Pag. 149. c. 79. item. l. 1* is batue and unlained, that the Kingis Maite, that is, the Kingis Court or ilk Bothe, thair, of ilk Schi- reffdom, halden within fourte daies. *Ass. Reg. Da. ca. 6. in Lib. quondam M. Roberti Carraith, l. C. Dofsimi.**

BOTE. Aneauld Saxon worde, signifies, Compensation, or Satisfac- tion: Asman-bote, theim-bote; And in all exambion, or coosing of landes or gear moveable: The ane part that gettis the better, givis ane Bote, or compensation to the uther. Quhairfor there is ane example in *§ si familia, in fide. de offi. iudic. & id § quodam actiones, in fide. de actionibus* Man-bote. Kin-bote. For the slauchter of ane Kin-famin. Thieft-bote, is quhen ony man agries with ane thieft, & puris him fra the Law. l. 1. §. 2. *ind. Par. 1. c. 2.* Or quhen ony sellis ane thieft, or fisis writ him, for thieft-dome done, or to be done. *La. 1. Par. 13. c. 137.*

BOVATA TERRÆ. ane oxen-gate of land. *Li. 4. c. Si quis fedi- rit. 23.* Quhik in sum buikes, is wranglefullie written, *Pavata terra.* The Lordes of the session be their decreet. 18. Julij. 1541. Et decreet and modified ane Oxen-gate of land, to twentie shillings in all dewries zeily. Bot in this I finde na certain rule; For some land is naire fertill, and uther mair barren: Alwaies, ane Oxen-gate of land, fuld comigne threene acker: And four Oxen-gate, extendis to ane pound land of auld extent, con- forme to the decretes given be the Lordes of the Checker. 11. Mar. 1585. *Patrick Mony penny of Pūrig*, and uthers, contrair Auld Bishop of Orkney, And at the instant of *John Crichtoun of Drumfroun*, contrair *John Fentoun*.

BREVE. Ane common worde in the Lawes and practique of this Realme: And also in the Civil Law. *Lib. 1. c. De exactorib. Tribus. Li. 10. leg. ult. c. conveniend. f. ff. de iurib. Lib. 10.* Quhair, in the Glossie, it is called *Schedula*, ane schort compendious writ: Like as all brevies ar conceived in few words, and a ralswa called *Trovis*: And in *Robr. C. de sentent. ex pendo reciam. Alciatus Lib. 1. Diffinit. cap. 21. Et Jacobus Cuiacius, Antonio Conio repugnant, Legum ex Brevisculi, id est ex scripto breviori formula conceptio*. Because the sentences and decretes of Ordinar judges, fuld be red and pronounced in writ. *Breve testatum*, is ane writ or instrument, subscribed be ane publick Notar: Or be twa Winesses, quha ar called, *parres certis, vel curia. h. c. conveniend. l. i.* Quha baith haiths their land of ane superiour. *Cuiacius Lib. 2. c. Lib. 2. Tit. 3.* De feud. in the auld Lawes of this realm, diverse and findie Brevies hes bene used and wonte, quhairfor mention is maid *2 non. attach. c. de brevis. 31.* And in findie uther places. Bot foven forms of Brevies allanetie, are nowe com- monlie used. The first, the Brieve of Mortancetie. The seconde, the Brieve of tutorie. The third the brieve of division. The fourth the brieve of Tere. The fifth the brieve of line, or lineacion of landes, and tene- ments within Burgh. The sixth the brieve of division. The seventh, the brieve of perambulation. Quhairfor the three first brevies are answer- ed, and retoured againe to the Chancellerie. And the uther four re- ceivis na retoured answer. The cause of the diversitie dependis upon the forme of the brevies direct furth of the Chancellerie. Because the three first brevies in the end of ilk ane of their contenis ane command to the judge, to quhome they are direct, to fend back againe his answer to like point of the brieve. And the remnant four brevies hes na sik command; And therefore requiris na answer.

BREVE de divis faciendis. Is the brieve or summons of cognition, or molcation anent the propertie and commonie of Landes, anent the bounds, meithes and marches thereof, betuix Neighbour, and Neigh- bour. Quhik be the new act of Parliament, suld be decided be ane assise, before the Schierffe, and his deputies. *Ja. 6. p. 11. c. 42.* It maie be like- waies called the brieve of division, or of perambulation, or onie uther concerning the marches of landes. *Lib. 2. c. dicitur. 74.*

BREVE de nova diffina. *qno. attach. c. de brevis. 31.* Is the brieve or summons of ejection, or spulzie. For *diffissor*, is he quha eipies onie man furth of the possession of his landis, without ordour of the law, as writis *John Ral. verb. diffissor.* And *nova diffina*, signifies a new spulzie, mairterful, wrangous, or violent spoliatio & awa taking of move- able guds and gear. *22. March. 1547. William Lindsay contrair Alex. Chene. Natus in filio curia parliamenti. part. 1. c. 10. c. 18.* affirmis that *novi diffina* is that quhik in the civil law, is called *interdictum unde vi*. And co- prehendis *alio interdictum unde vi possidetis*. And in the Law of Normandy. *li. 8. c. 5.* it is called *interdictum reciperande possessionis*. *ind. diffina.*

BREVES pleable, *breve placabili*, are all ilk brevies, quhikis are perswaded and defended be ane ordinar forme of process before ane com- petent

Yuratores.
The aith of
the Jussori.

Bondi.
Nativi.

Villani.

Bondagium
per anteriores
veterines.

Borgh of
Ham-hald.

Man-bote.
Kin-bote.
Thieft-bote.

Breve testat-
um.

Brevies novis
in fide.

perent judge, at the instance of ane perswearer against ane defender. For it is Statute, that a man shall be ejected furth of his land or tenement, quhairin he allegis him to be vest and failed, bot be ane briewe pleadable or sum other briewe accordand therio, & that the said person be lawfully summonsd, to answer upon his heritage, at ane certayne day & place. Stat. 2. Rob. Dr. c. Item. 2. 5. quhilk is conforme to the acts of Parli. 1. a. 3. p. 6. c. 41.

R. E. V. E. de resto, the briewe of richt was used before the Justice generall and his deputies in decision of the ground, richt and propriety of lauds, and redaction of infemments, the quhilk forme of process is declared at length, in the first buike of *Regiam Majestatem*, and in *quo. attach. de brevis*. 13. and be the Lords of council and session is decreed nocht to have bene, nor zit to be their mony zeires in use, and therefore they find themselves, conform to the institution of the Colledge of Justice, and jurisdiction granted to them, to be judges competent in all causes of heritage, viz. Februar. 1542. *Patrick Weemes contrair Forbes of Keres*.

BREVE de morte antecessoris, the briewe of Mortanceffrie. 1. 2. c. generalia. 25. Or the briewe of succession, or of consanguinitie, de iudicib. Naturalia. 158. Or breve inquisitionis. Stat. Rob. 3. c. 1. Or the briewe of inquest. 1. 4. p. 6. c. 94. Albeit all brevies are inquisitions, because they are determinative inquisitionem parie, de iudicib. c. cum quis. 152. or the briewe of recognition, breve recognitionis Stat. 2. Rob. Dr. c. Item. quia. 23. It is the maine necessar, common and profitable briewe, or inquisition that is used be the lieges of this Realme, quhairy air desir, to be served and retoured, as narrowest and lauchfull airt to his father or uther predecessour. This briewe is raised furth of the Chancellerie and perswearer be ane appeirand airt of perswite, for recovering of his landes, furth of his superiours handes: toger with all the profits and commodities therio. *leg. forest. c. et f. h. 71*. The raiser of the briewe at the famin time suld find caution to perswew and follow the briewe, and his clame conforme therio. lib. 3. c. generalia. 25. Be the aid law of this Realme, the Justice generall and his deputies havand jurisdiction nocht onlie in criminal causes, bot also in civil actions, was judge competent to the service of this briewe. *quo. attach. de brevis*. 31. Bot now the famin is served before the Schireffe, Stewart, baillie, or onie uther judge havand power and jurisdiction. Stat. Rob. 3. c. 1. Or before judges delegat be commissioun, granted be the Lords of Council, for the serving of the said briewe. 1. a. 5. p. 6. c. 82. The briewe suld be proclaimed upon fiftene dayes warning *exclusif*. That is upon fiftene daies, nocht comptand the daie of the service of the briewe to bee ane of them, be ilk persones, as hes power be their office or commissioun, to proclaim the famin, in ane lauchfull, publick, and convenient place: That is to say, in the principall Burgh of the Schireffe-dome, Balliery, or uther place quhair the landes lies: at the mercat croce therio, and in mercat time of daie, before twa witnesses at the least, to the effect that the knowledge theriof may cum to the audience of all parties, havand or pretendand thereinall, and thereafter the briewe suld be lauchfullie execute and indorfate, be the officiar, executor theriof, and stamped with his seale or signet before the famin be presented in judgement. Stat. Rob. 3. c. 1. 1. p. 9. c. 127. 1. 4. p. 6. c. 94. 1. 6. p. 11. c. 60. In *registo* 16. No. 1537. It is necessar and also useful to the Schireffe, or onie uther Judge of this Briewe, to summonsd certaine persons maift worthy within his jurisdiction to passe upon the assise, and that upon the space of fiftene daies, or zit gif he pleas upon ane uther time, and gif they be present in the dole-buith unsummonsed, it is leasum to the Judge to compell them to passe upon the said inquest. 1. a. 5. p. 6. c. 94. And all ilk persones summonsed and nocht comparand, ar charged at the barre and disobeyand, suld be decreed in ane unlaw and amerciamet of court. The briewe beand lauchfullie proclaimed, and the persons of inquest like-waies summonsed, and the daie of comparance being cum: the perswearer exhibitis and presentis the briewe dewlie execute and indorfate, in judgement to the Judge, and desiris him to cause the famin be red, and put to the knowledge of ane assise: Thereafter the officiar, executor of the said briewe, be his great airt, fall fware judiciallie, that he did execute the famin briewe, conforme to the indorfation therof in all poyntes, and the witnesses therein in-vill, fall also make faith, that they heard, saw, and bytude, quhen the said officiar did execute and proclaim the Briewe, in ilk manner, as is containid in the indorfation therof: The briewe and indorfation being fwa verified, gif ony person havand entrefse, compenis to defend and object against the briewe, he sulde have inspection therof, gif he desiris the famin: And gif he proponis ony relevant exception, declinator, dilator, or peremptory: Hee thereby castis and annullis the Briewe: either unil ane newe briewe be raised againe, or *simpliciter* in all times cumming: utherwaies, gif he has ane reasonable exception or defence to stop the briewe, the famin fall passe to the knowledge of ane assise, *Quoniam attach. de brevis*. 13.

THE N Certaine lauchfull menne maiste worthie, and quha beste knawis the veritie, to the number of Thretee, or fiftene, ar chosen in judgement, in presence of the perswearer, and defender: Or in presence of the perswearer, and in absence of the defender, knawin to have entrefse, and being lauchfullie summonsed, and nocht comparand, to the said election, to object against the assise: For likeas it is necessar, that he be anis summonsed: Swa gif he compenis nocht, being lauchfullie summonsed, the briewe suld receive process, and passe to the knowledge of ane inquest, at the desire of the perswearer, in absence of the defender. lib. 3. c. generalia. 3. 5. aff. Reg. Da. c. sciendum est. 44. lib. 4. c. Si petens. 57. Quhilkis persones, na lauchfull and competent against them, suld be received, fsworne, and admitted: And therefore ar callid *Juratores*. vid. *Bona Parria*. And gif they, or onie ane of them be fsworne and received, the judge may continue the brieweto ane uther daie, gif he pleas, and as necessitie requiris: utherwaies the continuation therof, is nocht leasum, without the

consent of the partie, after the claine is given in; And inquisition taken in the cause, gif the persones of inquest, being well counsellid, and advisid, deliveris and fewis *Negative*, in favours of the defender, and findes the perswearer na waies nearre and lauchfull airt to him: quha dedit lair Vette, and failed in the Landes achimed: In that case the defender dois bruik and joyis the possession of the said landes, and the perswearer is debarrid and feclued theretha. Bot gif the assise deliveris and fewis *Negative*, as said is, or *affirmative*, in favours of the perswearer against the defender, conforme to the claine in all poyntes: This their answer to all and fundie the poyntes of the briewe, sealed with all their seals, or of the maill part of them, toger with the seale of the Schireffe, or uther judge closed, and the briewe inclosed therein (to the effect the same may be confered with the answer) is sent back and retoured to the chancellerie, conforme to the Kings command, containid in the end of the briewe. Stat. Rob. 3. c. 1. Quhilk therfore is called ane retour. And it is to wit, that there is twa kinds of retours, or answers maid be the persons of inquest, to this briewe, and retoured to the Chancellerie: The ane is general and the uther speciall: The generall is, quhair na landes or tenements ar speciallie acclamed or toucht be the perswearer of the briewe: Bot onlie it is desired, that hee may be served and retoured generale, nearre and lauchfull airt to his Predecessour: To the quhilk generale claine, ane general retour is maid, be venue quhairto the said general airt, hes gude richt and title to all contractes, obligations, and reversi-ones, and to the moveable airt-shippis quhilkis pertained to his predecessour, and were not discharged, or disposed before his decease, in his liege possitie: And ilk-like, he may perswew, and defend quha sume- ever action competent to him, be decaise of his fathir predecessour, to quhom he is served airt general. 8. March. 1540. *James Scott, contrair Blair*: The speciall answer and retour is, quhen the perswearer

of the briewe, clains speciall landes, and the persons of inquest givis ane particular and special answer to ilk special poynt of the briewe. 1. 6. c. 1. *statuti Dominus* 45. The quhilk is direct and tend to the directioun of the Chancellerie, to be tryed be him, gif the famin be conforme to the directioun and ordour of the briewe in all poyntes. Here is to be understand, that the landes containid in the retour, ar halden immediatlie of our Sovereign Lord the King, or of ony uther superiour. Gif the landes be halden of the King in chief, the directioun of the Chancellerie, comandis his Clerkes to direct ane precept, under the testimoniall of the great seale, called the quarter seale, in quhite Walk, to the Schireffe of the Schire, quhair-in the landes lyes: commanding him to give saifing to the person retoured, or his Attourney, of the landes containid in the retour: And to take securitie of the mailles and dewties of the landes, sa lang as they ar retoured, to have bene in the handes of the King, or his Predecessours, be reason of warde, or none-entrefse, quhairof ane memoriall is maid in ane buike callid, *Responde*, vid. *Responde*. Gif the landes retoured be balden of ane uther immediat superiour then the King: The directioun of the Chancellerie, directis ane precept, charging the superiour, to give saifing to the person retoured, of all and fundie the landes containid in the retour: He doand to him therefore all quhilk he is obliged to do be the Law: Quhilk precept, gif the superiour disobeyis, beand required personallie, or at his dwelling place, to obey the famin: And for verifing therof, ane authentick instrument reported to the Chancellerie: Then the second precept, callid *Memento*, is direct to the said superiour, beand in effect, that the King remembrand, that of before he gave command to him to give saifing: quhilk command as zit is nocht obeyed, quhairof he mervails: And therefore zit, as of before, chargis and comandis the said superiour, to give saifing to the person retoured, of the landes containid in the retour. And gif ane uther authentick instrument be reported to the chancery for verifcation of the superiours disobedience the second time; The third precept callid *Furche*, is direct, commanding him to give the said saifing, or utherwaies gif he disobey, the king certifies him, that he will direct his uther precept to his schireffe to give the famin. In the execution of all thir three precepts, it is not necessari, that the superiour fall be personallie apprehended. But it is sufficient gif he be charged in the execution of any one of them. The third precept and charge being like-waies disobied, and the famin disobiedience lawfullie verified, as said is, ane precept is direct furth of the chancellerie, to the schireffe and his deputies of the schire within the quhilk the landes retoured lyes. As kend mention, that the King hes given command be his uther letters, to N. Barron and his deputies, that he without delay suld give saifing to the person retoured, or his attourney of the landes containid in the retour, quhilk gif he dois not, he comandis and chargis the schireffe, to give saifing of the said landes with the peniments without delay, saifand ilk mans richt. Quhilk precept being obeyed be the schireffe, and saifing given conform therio, the superiour who was three times charged of before and refused, be reason of his disobedience, tynis and forfeits the superiority of the landes quhairto he refused to give saifing induring his lyfe time. Quhilk superiority fall pertene to his immediat superiour, quhiddir that be the King or ony uther. And after his deceas, his airt being served and retoured to the superiouritie of the famin landes, recoveris the said superiouritie quhilk his father did time throw his disobedience. And sa be the law and practice of this realme, ane superiour may tynne and forfeit his superiouritie. First, quhen he is entered and failed in the superiouritie, and being charged be precepts of the Chancellerie, refusis to receive his vassall; & tennens, served and retoured to the property. In the quhilk cause be reason of his contempt and disobedience of the Kings precepts and command, he tynis the superiouritie, induring his lyfe time, without any declaratioun, or decreit of ane judge. Secondly, quhen the superiour is not entered nor failed in the superiouritie, and is charged be the Lords letters raised be his vassall, to crue within fourtie dayis thereto, to th' effect he

The claine
of vengeance.

Service affe-
matives.

Retour.

Twa kinds of
retours.

Generall re-
tour and
aire.

Speciall re-
tour.

Of lands re-
toured holden
of an uther
superiour.

The second
precept.

The third
precept.

The fourth
precept of the
schireffe.

Twa manners
of retouling
superiourities.

may enter to the property. The quiklik forty daies being by-past, at the instance of the vassal, he may be decreed to be decreit of the Lords of the Schire to have tyn his supendosity, and to satisfie the partie grieved. *14. 3. p. 7. G. 57.* And in bath the caises foresaid, the vassal, or tenant, false entered an half of the King, or the other immediate over-lord, to him quia contemptum diobeyet. Last of all, concerning the giving of failing conform to briefes served and returned before the judges, commissioners the forme and orlour of the Chancery above written, shall be kept and observed, and gif the landes required be halden immediately of the King; the precept of failing shall be direct to the Schireff and his deputies. For the Lords and ditors of the Chescire statute and ordained, *8. Aug. 1528.* that in time coming, the clerke of the Chancery, upon the breve served be an commission, shall direct the precept of failing, to the principal Schireff of the schire, and make the respon upon the schireffs head, notwithstanding the said commission, quiklik is ordained altherly to have effect, anent the serving of the breve, and not anent the giving of the failing. And true it is, that all failings past upon precepts of the chancery, shall be given by the schireff clerk or his deputies, for the quiklik the schireff shall answer. *14. 5. p. 6. c. 77. Mar. p. 6. c. 34.*

Precepts of failing given conform to returns be commissiō.

BROCCARI. *Instatuti gilde.* signifies lockers, brokers, mediators, or intercessors in one transactiō, pactiō or contract. As in buying and selling, or in contracting of marriage. In the civil law they are called, *Proxeni.* *Lib. 1. c. 101. iii. de Proxeni.*

BULLION. an French word, *Billon,* signifies uncunized silver or gold, quahair silver or gold is, or may be cunized or striken: s. *lik as Bullion.* in grek *Chrysantinos, h. e. aurea arena, ex terra effusio.* *lib. 1. e. de metall. l. 11.* In the English law it is called *Plate.* In the acts of parliament of this realme, it is statute and ordained, That merchants shall bring hame Bullion, quhair-anent the Lords of checker maid this ordinance, *At Edinburgh the 10. day of Janua. 1597.* In presence of the Lords of checker compeired personally the Provost, Bailies and the Thaurer of Edinburgh, with certain merchants their neighbors, and gave in their supplication, desiring the A. B. C. of Bullion to be explained, and an solide order to be taken with the expres quantitie of Bullion, quiklik they false astricted to pay presently, & at all time hereafter. After consileratiō quhairof, & conference had at length with them, upon the particularities concerning the said matter of Bullion. The saids Lords of checker, with content of the saids Provost and Bailies, for themselves, and their remanent neighbors, and merchants of this realme, by this statute and ordained, that all merchants falling bring and pay in all time coming, for ilk last of hydes, sex ounces Bullion: For ilk last of Salmond, four ounces Bullion: For ilk 4 hundredth claith, four ounces Bullion: For ilk ferlaith of woole, four ounces Bullion. And for all other wares and merchandise transported be them furth of this realme, for ilk ferlaith of gudes, or fa-meikle as payis ane ferlaith of fraucht: The said Merchant fall pay, four ounces of Bullion: And untill maist perfitte knowlege, be had of the full quantitie of the ferlaith, or dainties twa tun fraucht, to be compred to the sek: And twa sek fraucht to the ferlaith. And the said Bullion to be in-brocht to the Cuntzie-houfe be the merchants: And payment to be maid to them for the famin, conforme to the act of parliament maid there-anent, upon the nineteenth day of December, last by-past.

Ane A. B. C. of the Bullion, set downe by the Lords of checker, for gudes transported furth of the Countrie. And declared be them, to be conforme to the actes of Parliament, And the acte of checker, above specified. 13. Febru. 1597.

The last of drinking beare	ij. ounce burnt silver
The last of Ruchate	liij. ounce
The last of Beare	ij. ounce
The last of Malt	ij. ounce
The last of Rye, and Ryemeale	ij. ounce
The last of Killing, Codlinge and Ling	ij. ounce
The last of Olie	ij. ounce
The last of Orkney butter	ij. ounce
The last of Herring	ij. ounce
The last of Salmond	liij. ounce
The last of Saipre	ij. ounce
The last of Aife	ij. ounce
The last of Pick and Tarre	ij. ounce
The last of Lint and Hemp	ij. ounce
The last of Lrne	ij. ounce
The last of Copper containing 14. schip pund	ij. ounce
The last of Hart hides, dry hides, and salt hides	vj. ounce
The tun of wine	i. ounce
Ilk four hundredth of claith	liij. ounce
Ilk feck of schip skins containing 300.	ij. ounce
The ferlaith of lamb-skins containing 800.	liij. ounce
The ferlaith of cunning-skins containing 16000.	liij. ounce
Ilk ferlaith of furelles containing 4000.	liij. ounce
Ilk feck of gait-skins containing 680.	ij. ounce
Ilk three chaldre of salt	i. ounce
Ilk hundredth of dailes	ij. ounce
Ilk last of Narvistralloun	ij. ounce
Ilk tunne of sled	i. ounce
Ilk four chaldre of coales	ij. ounce
Ilk three hundredth of drie fish	vj. ounce
Ilk thousand ling or killing in peill	ij. ounce
For ilk four cadill of glasse	ij. ounce
For ilk feck of wooll containing xxxij. stances	ij. ounce
The last of wax, containing xliij. schip pund	ij. ounce

BURLAW. *Eydaw.* Lawes of *Burlaw* are maid, and determined be content of neighbors elected and chosen be common consent, in the courts, called the *Burlaw* courts. In the quiklik, cognitiō is taken of complaints betwixt neichbour and neichbour, *lib. 4. c. 4.* The quiklik men faichosen, as judges and arbitors to the effect foresaid, are commonly called *byrlaw* men. It is an Dutch word, for *baur* or *bursuman* in Dutch, is *rufficus*, an husband-man. And *byrlaw* *burlaw*, or *barlaw*, *leges rufficorum*: Lawes maid be husband-men, concerning neichbour-hold to be kept amongs themselves.

CADROW. quahair of mentio is maid in the act of P. printed. *1568. Ja. 2. 4. An. 14. 54. c. 41.* wrangously, for *cadrow*, becaue lenth of the barony of *Cadrow*, an zeirly pension or annuall-ent of 26. pound 15. schil. 4. pen. was payed to the King in the checker, as is manifest in the Schireff-rolles. *Ja. 2. 14. 56.* and likewise in the Schireff-rolles, *Ja. 3. 1487.* in the quiklik rol, the barony of *Cadrow* is called *Hammilton*, and in divers others rolles.

CANUM. *Cana.* In hindrie charters and infestments of lands, specially halding of the kirk, is commonly used, for the duey and revenue quiklik is paid to the superior, or lord of the land, and specially to bishops, or kirk-men, quidder it be quhair, beir, aites, or uther kinde of vicuals: s. *for*, or summes of mony, as is manifest, *Julij. Feb. 1509.* The King contrare the *fol. of Balmonech.* That nevertheless, the lands of *Kilconquhair*, liand within the schireldome of *Eyre*, are retoured to be halden be service of ward and relieve, payand a certain fun of silver, *nomine cani.* to the B. of S. Andrews. Quiklik to be well done, I cannot assure: for it is certain, that all lands halden *nomine cani*, payis ane certain fun of silver, or some uther certain duty, particularly exprest in the infestment. Sa gif that manner of halding be like to the halding be service of ward and relieve: of necessity the famin mon be ane taxed ward, and during the time thereof, the tenant full pay na maist but the particular summs or duty contained in his infestment. *Canum*, appers to be ane Irish word, for *Kene* signifies the head, as King *Malcolm Kellmair, grandis Capite, vel capio*, great head and likewise *Kain* or *Chan*, is called tribute, payed be the servant, or subiect to the maister, as I have red in ane auld amhenick register of the bishopric of *Dunkeld*, quhair it is called *Chan* or *Chanum*. And amongs the *Romaines* there was twa kinds of tribute: ane real, quiklik was impure be reason of the quantity of the landes and guds immovable, quiklik is called *jagurie*, *quod pro modo jurgum imponebatur*, *l. 9. c. de agricol. et censil. lib. 1.* An uther personal, quiklik was impured to the agricol and is called *capitatio*, *quod pro capite hominis prestatur*, *d. l. 9. cum. l. seq. c. ubi gl. l. sacrosancti. 8. c. de sacrosanct. eccles. l. ult. c. de annon. et tribul. lib. 9.* And in the Evangel, *licetne dare censum Cesari.* *Thod. Pera interpretis, licetne dare captationem Cesari.* *Aulus Cellius*, and uther latin writers makis mention of them quia was taxed be the head or pow. In latin *capite censui*. Sa this word *Cane* signifies the head, or rather tribute, or dute, as *ane* *lowes*, *Cane* chels, *Cane* aites, quiklik is payed be the tenant to the maister as ane duey of the land, specially to kirk-men and prelates, quia in the time of their greatnes and supremacie, used ane forme and stile differs from uthers: and the auld form of precepts, given in the time of *K. Robert* *xi* extant, anent the inbringing of the K. remis, contains *censum*, *Cana*, *redius*, *culsumas*. And canage of wol, or hyds, is taken for the custome therof, *l. navium fol. 171. in li. M. Willielm* *Scens, commissarij Sancte Andree fratris mei germani.* Specially, quiklik is given for the mending and up-halding of the haven for schips. *leg. burg. c. ult. in lib. Carbarith.*

CAMPIONES. ane word commonly used in singular battell: For in auld times, quhen controversies, and debates could be in uther welfare decided, bot be singular battell: the parties did either fecht be proper person, or conducted, and fled for wage uthers to fecht for them. Quia war called *campiones*, becaue they faucht in *campo*, or in the fields, *de judic. c. 93.* Albeit sumtime they did fecht in the K. palace. *lib. 4. c. stat. 38.* and sumtime in the common treits, *quo. attach. c. apud Dunfries, 59. stat. Alex. c. apud 28.* from the quiklik consuetude cummis the common saying, *Do thou rich, do thou wrang, chein thou a campian strang*: for this is the law of Scotland. becaue in all adions, and quarrels decided be campions in singular combat: That partie did win the cause, quahais campian was victorious, & he quahais campian was vanquished and overcum in battel, did tines his cause. *vi. Duellum gladiatorium, or duellatores, are forbidden. l. i. cum. c. de gladiato-ribus.*

CATALA. an French word, *Chattel*, as is commonly taken in the lawes of this realme, for all guds and greave moveable, *li. 2. cum quis. 52. c. infurrit, 53. c. 55. ubi res mobilis dicuntur catalla:* and likewise in the lawes of *Normandy* guds moveable, signifies all things, as possessions, quiklik may be removed fra ane place to an uther, and commonly are called *catel*, as horse, claith, gold, silver, and uther lik things. *li. 3. c. 1. d. 8. c. 1.* Like as *hereditas*, or heritage, signifies all lands, & immovable guds in the said law of *Normandy*. *li. 8. c. 1.* And also in the lawes of this realme. *li. 2. c. 53. filid. c. item quod quicquid: 19. and leg. burg. c. contigat. 104.* gif ane burges decas without an testament, hisaire, and his catrell, false in the keeping of the kinsmen of the mother side, called *agnati*.

CATHORIUS; *Catherius*, quhat it signifies, I cannot well declair, alwaies it is equivalent to the valor of *9. Ky. St. Alex. c. apud. 28. quo. at. c. apud. 59.* quhair it is statute, that gif any person beis convict in singular battel, or uther waies of breaking of the K. protection, or peace: he fall give to the K. *viginti duas vaccas, & res cathorios, vel pro qualibet cathorio novem vaccas.* It is true, that *catherius* in latin, signifies an gelded horse: fra the quiklik cumis the latin proverb: *catherius in fossa*, against them quia being unable, and not qualified, seeks and cravis offices, quahair in they can do na maist service nor a horse or horfman can do, being inclosed within an fowfe: and s. *liklike catharius in porta*, quhen ane horse *Catherius* being

The paine of him quia is convict in battel, or break the Kingis protection.

being led forth of the stable, in the port, or in the beginning of this journey, snappers or fallis with his maister. The superstitious peopill esteemed that to be an evil preface of the journey.

CARRUCATA terra. A French word, for *chateau*, is ane pleuch, *curatrum*, and contains asmeiche an portion, or measure of Land, as may be tilled, and labourd within yeire and daie be ane pleuch. *lib. 1. c. 10. 19.* Utherwaies in the famin place it is called *hilda terra*, *vid. hilda terra*. quihik is ane word used in the auld *Erion* Lawes.

CARTA extensa, or extensa. Ane chartour quihik contains ane disposition of landes, with certaine niches, and marshes utherwaies called an boundand chartour, *quon. attach. c. flat. dominus rex. 62. aff. reg. Da. c. Ratui per consilium. 36. Stat. Wilb. c. 7.*

CAUPES, Calpes, in Gallway, and Carria, quahair of mention is maid in the Actes of Parliament. *Ja. 4. p. 2. c. 18. 19.* signifies ane gift, sik as horse, or utherthing, quihik an man in his awin lifetime, and liege poultie gives to his Maister, or to onie uther man, that is great in power and authority, and speciallie to the head and chiefe of the clanne, for his maintenance and protection, likeas for the famin effect and cause findrie persons payis Black maill to thieves, or maintainers of thieves, contrair the Lawes of this Realme. Bot in the *Iles* and *Hie-Land* of this Realme, the *calpe* are presently payed be him quia oblihis him thairfore, after his decease. Swn the *Hereteldis* payed be provision of the Law and the *Calpe* is given be speciall paction, and obligatioun, baith the ane and the uther after the decease of the deboutor. Bot the *Hereteld*, seld be first payed to the Lands-lord, and an noable oppression is used in taking up of the *Caupie*. For gif the chiefe of the clanne oblihis him to pay an *Calpe*: after his decease, ane *Calpe* is payed for him. And also quhen onie of his clanne decays, ane *calpe* likewaies is payed for ilk ane of them, be reason of the promes maid by their maister and heir. *Perinde ac si obligatio facta per principem singulis, obligat singulos ex tribu.*

CEPUM animalium, the taulch, creische or farnes of beastes leg. *burg. c. si quis scierit. 71.*

CHAMPERT, ane bud, or gift, taken be onie great man, or judge fra onie person, for delay of iust adiones, or furthering of wrangous adions: quihidder it be clandes or onie gudes moveable. *Stat. 2. Ro. Br. c. dominus Rex. 22.* Champert in the Lawes of England is quhen the judge be himselfe directlie, or be onie uther indirectlie, maintains the pley, to obtene the maintenance of the ane partie aganist the uther. *John Russell, ver. Champert, in the civil law. pactum de quatuor litiis, is unlesum and forbidden l. 5. c. de postulat. l. ficonia 22. c. mandati.*

CHARDONES *vel Cardones.* Cardes quahair with wol is carded and wrocht leg. *burg. c. de parva custodia 137.* fra the French word, *chardon* from *Cardus* ane thwiffill, to the quihik the Cardes are like in sharpnes and in multitude, or similitude of monie tharp pikes, and teith.

CHAUD-MELLE, in laigne *Rix*, ane hoar suddaine uulzie, or debaite, quihik is opposed as contrair to forthouch felonie. *Ja. 1. p. 6. c. 95. vid. Mellem, vid. Forthouch felonie.*

CHECKER, and the forme of Comptes maid theiir. *vid. Seacarium, vid. Ballivus.*

CLAN-MAKDUF *de iudic. 78.* The croce of *Clanmakduf* dividis *Strathene fra Fife* about the *Newburgh*, beside *Lundorin*. The quihik had priviledge and liberie of *Girth*; in ilk fort, that quhen onie man-slayer, being within the ninth degie of kin and bluid to Mak-duff, sumtime Earl of Fife, come to that croce, and gave 9 kic and an colpinchad, he was free of the slaughter committed be him. In the flanes of this Croce, I saw sindrie barbarous wordes and verses writen, quihik here willingly pretermitt, and zit sum of them appear to be conforme to this purpose;

Propter makgidrim & hoc oblatum, Accipe smeleridem super lampade Impida lubrum.

King David the 2. gave and disposed the Earle-dome of Fife, with all priviledges & cum lege quia vocatur *Clan-mak-luff*, to *William Ramsay* and his aires, quihik charter is zit extant in the Register. *Hector Boetius lib. 12.* dedatis three priviledges given to *Mak-duff*, his clanne and familie, 1. that the Earle of Fife suld set up the King in his Chyre, the time of his Coronation: the 2. that in the time of battell, he suld secht the want-guard. The 3. that *Mak-duff* and his clanne suld have the priviledge and richt of regallitie. And I saw an auld evident beand, that *Spens of Wormelown* brand of *Mak-duff* Kinne, enjoyed the benefite and immunitie of this Lawe, for the slaughter of ane called *Kinnymont*.

CLAREMETHEN *Clarmathen*, the Law of *Claremeiben* concerns the warrandice of stollen cattell, or gudes: for quhen ilk guides are challenged, or repeated be the iust awners thairfor: It is statute and ordaind that all persons, quha suld warrant the famin, fall cum to certaine places, speciallie nominat and appoynted to that effect, and lauchfullie warrant the famin. *lib. 1. c. hac sunt loca. 22. Stat. Alex. c. de Catal. lo. 12.*

CLARIFICATIO *quo attach. c. si quis appellat. 46.* The purging or clenging of ane assise. *aff. Reg. Da. c. 3. Clarificatio debitis*, the clearnes of ane debite, quihik is notour and clear in the selfe: Or clearlie, and sufficientlie proven and verified. *leg. Foreff. c. probatio. 86.*

CLEP, and Call, ane forme of Claime, petition, or libell, or certaine solemne wordes used speciallie in criminall causes: for sum clames were conceived fymple, without onie solemnitie of wordes, as the brieve of distres, or poynding for debt. *quon. attach. c. de brevibus 31.* uther clames were libelled and conceived in ane certaine solemne sonne, as in pleyis of wrang and unlaw, in the quihik clepe, and call, was used as ane certaine solemnitie of wordes preferred be the Law, and observed in the practik, as when the perswider did clep, and call, the defender with wouth wrang and unlaw, in harming and skaithing of him of ilk ane thing, or of sik ane summe of silver mar or leffe, to his great harme and skaith.

COLPINDACH, ane zounge beaft, or Kow, of the age of an or two

zeires, quihik now is called an *Condaeh*, or quoyach, quahair of the price was 30. d. *leg. Ma. Ma. c. 4.* It is an *Irish* word, and properly signifies ane fur follower.

COLLISTRIDIUM, *Callistrigium, quod callum stringat.* Quihik maie be called the Jogges, and is ordained for punishment of baxters. *leg. Varg. si aliquis. 21.* quahair it is called an pillorie, or stocks, or onie band quahair with the craig, or hals is bund, as an half-jang, in the lawes of England, anno. 51. Henr. 3. in latin *Nimelle*.

CONQUESTUS, quahair of frequent mention is maid in the Lawes and practik of this Realme, is different from heritage. Because heritage signifies lands and immoveable gudes, quihik pertainis to onie person, as aie and universal succellor, to his father, or onie uther predecessour: And be the civil Lawes hereditas nihil aliud est quam successio in universum jus, quod defunctus habuit. *l. hereditas. 62. d. regul. jur. l. nihil. 24. d. verb. signific.* and be the municipal law of this realme, the eldest sonne succedis iure universali in universum hereditatem patris sui. *lib. 2. c. cum quis. 29.* Conquestus signifies landes, quihik onie person acquiris and possidet pro. iure, vel singulari titulo, veluti donatione, vel singulari iure contra. *lib. 3. c. cum verb. 28.* Quihik is conforme to the civil law, ubi quisbus sit. ciur lucrum, quod exemptio, venditio, locatio, conditio, vel generaliter ex opus ejus descendit. *l. coiri. 7. cum seq. ff. pro Socio. Et de iure hujus regni, conquestus cuiuslibet liberi hominis legitur, qui mortuus de ipso sensus hereditatis, sine herede de corpore suo, gradatim ascendit: hereditas vero gradatim descendit. Stat. Wilb. c. notandum. 24. leg. Burg. c. sciendum. 155. Stat. Rob. 3. c. 3. vid. post-natur.* And it is to be observed, that gif conquest landes, after the decease of the conquerour, dois ane ascend, to onie person, quia thairair happens to decease, the famin landes fall descend, as heritage to his nearest aie, because conquest dois ane ascend, aie ascend, and thereafter perpetualiter descendit to the righteous aie, gif onie be: quia conquestus dicitur ratiom primi conquestoris, & cum transmittitur ad ejus heredem, exiit naturam conquestus: & induit naturam hereditatis.

CORONER, Crouner inquires be ane inquest ane murder and slaughter done, and committed quietlie. The quihik inquisition suld be taken in the hie strectes, or in open places, in corona populi, for the quihik cause he is called coronator, or zit because the violent death of the subiects pertainis to the Kings Crown, and power. Quahairnt the crouner takis inquisition, as said is. *D. Thomas Smith lib. 2. c. 23.* of the common weill of England, Reade the English Lawes anno. 4. Edward. 1. c. 2.

CREFFERA, or *haca porcorum*, ane cruie, or ane fwinces cruif. *leg. burg. c. Nonlicet. 87.* quihik in sum auld buikes is called ane *Stye*.

CROY, in the Actes of Parliament. *Ja. 1. p. 5. c. 93.* is ane satisfactioun or almshtment for slaughter of ony man. The quihik judg fuld paie to the narrest of his kin, in case he ministrer nocht the Law as he suld doe. *Ja. 1. p. 6. c. 89.*

CULRACH, sumtimes is called an furth comand borgh, but maie properly it maye call ane backborgh, or cautioner, for quhen ony havand power, or jurisdiction replegis ony man fra an uther mans court, to his awin court, he suld leit behind him in the court, fra the quihik the replegiatioun is maid, an pledge or cautioner quia false bundin and obliشد, that he quha usis the replegiatioun, fall do justice within zeire and daie in his awin court, to the partie complainand, upon the person quia is repleged. Quihik cautioner leit in the court be him, and behind him quia usis the replegiatioun, is called *Culrach*. *lib. 4. c. si quis in alterius 20. quo. attach. c. 3. mod. ten. cur. c. 12. de iudic. c. 28.* And gif the partie complainand gets na reason in that court, to the quihik, the defender is borrowed and repleged, he fall have regres againe to the first court, fra the quihik the replegiatioun was maid, and thair fall the mure, and pley be ended, and the Culrach false in ane unlaw, gif the partie perswect compenis nocht, and he quha used the replegiatioun, and did nocht Justice, fall time his court for zeire and daie.

CURIA, Ane courtie, quahair of iure is superiour and sum inferiour, *leg. Malc. Mah. c. 4. vide Americenarium.* The supreme court is the Parliament, quihik has jurisdiction of all maters Ecclesiasticall, civil, and criminall. All courties by and attour the ordinar persons of the judge, the persweder and the defender suld have certaine uther persons and members, quihik are called *claves curie*, the keyes of the court, that is ane lauchfull officier or ferjand, quia suld summond, attache and arrest the parties. Ane lauchfull Clerke quia suld informe the assise, and the dempster, and hes the cure and keeping of the proces. Ane futor quia wairis and pronounces the waird, and interlocutor of the Court. Ane dempster or doomster quia gives the doome or sentence definitive, conforme to the information of the Clerke or Judge.

CURIA christianitatis *lib. 2. c. debet autem. 37. lib. 1. c. placitum. 17.* Is called the ecclesiasticall jurisdiction or court: utherwaies *forum ecclesiasticum*, *lib. 1. c. 5.* Curia Christianitatis opponitur laicali seu seculari, *lib. 2. c. cum aliquis 50. lib. 3. c. preterea. 23.* For unto the ane pertainis the ecclesiasticall, and to the uther the temporal or secular jurisdiction.

CURIALITAS, curialitie, curtesie, from the French *Curtioise*, civillitie, gentleness, humanitie, for the law of curtesie, is an gentil and favorable ordinance or constitution, grantd and observed in this Realme, and nocht universalie kept, or used in uther cuntries, And therefore it is called *Curialitas Scotiae*, the curtesie of Scotland. And in the Lawes of England *lex Anglia*, or the curtesie of England, within the quihik twa realmes and nane uther this law is use. That is quhen onie man maries lauchfullie ane wife, and receivis lande and heritage with her: And it happen that he beget with her ane bairne, quia being borne, is heard cry and beuixt four wallis of ane house: And thairer his wife decays before him, he fall bruck and possesse, all the landes quihik she pertained to her, in during his lifetime, albeit the bairne live or decease. *Lib. 2. c. cum itaque 58.* The bairne borne, being sonne, or daughter, maill,

or femall de Indie. c. *Maritagium*. 127: Quhilk law hes place in landes and heretage, lyand without burgh, halden of the King or any other superior: An also in landes and tenementes lyand within burgh and halden in free burgage. *Leg. burg. c. falquis*. 44. This Law is nocht introduced in favours of the wife or bairnes, bot is maid in favours of the husband allanerlie. And therefore it is nocht necessary that he have onie failing, infirmite, or uther richt, to the landes quhilk pertaine to his wife heritable: Bot onelie the benefice and privileg of the curselie, quhilk is valuable and sufficient to him induring his life-time, for bruiking and posseling of the landes, and for removing, out-purting and inputing offmentees, in sik maner as gif he were proprieter, lyt-rentar, tackes-man or rentaller. And maire over, the Law of the curselie is extended in favour of the Second husband. And therefore gif one man maries ane heretrix, and after his decease, shee maie ane Second husband, and beare to him ane sone, or ane daughter, and thereafter shee decease, hir second hus-band aicht and sulde bruik and joie the privileg of the curselie, in sik maner as gif the first hus-band might have done, in case his wife had deceasid before him. *lib. 2. dic. cap. 58. de Jadic. cap. 137.*

As concerning the estate and qualite of the woman that is married, it is necessary that she be heretablie infest and faised in the landes as aire to his father or uther hir predecessour. Bot it is nocht necessarilie required, that she be ane virgine and maiden. Because the curselie perteineth to the second hus-band, quia maries ane widow as faise is. Alwaies quhiddir the wife be widow, the time of hir second marriage: or virgine and maiden, the time of hir first marriage, necessarilie shee suld be ane heretrix, aire, or universall successor to hir Father, Mother, or to sum uther of hir predecessours. For gif the wife hes onie richt and titill to the landes and heretage, as singular successor, be ventue of onie contract, *ut illo tempore*: Hir husband after hir decease can never claime richt to the landis, in thousand, five hundred, ninie five. *Robert Lunde of Ballyngy*: contrair *Robert Balfoure of Droune*. The curselie hes nocht place quhen na bairne is borne in lauchfull marriage, for it is necessar that ane bairne be borne mail or femall, quick and livand: And for probatiōn theirof, he is written be hand bukkes *brayand*, *lqueland*, or *loulde cryand*. For in French *brayer*, in the latin *vagire*, isto crie or greite with ane loud voice. Quhilk word in our language, is als wa attributed to Hofs, Hantes, and uther beastes. And gif contraverse ane annent the life or crying of the bairne, it is lesuim to the Father to pruisse the famin be twa lauchfull men or women, quia heard the bairne *clamare*, *plorare*, *vagire* *sen brayare* *leg. burg. d. cap. 44*. The husband or Father suld bruik the curselie after the death of his wife, albeit the bairne being borne quick happen to decease immediatlie, or shortly after his nativite. Or albeith the bairne and the Mother both departe this life, for suppose the bairne happen to decease before his Mother and shee decease thereafter, or albeith both the bairne and the Mother decease at ane time, or zit gif the bairne leveis, and the Mother before the hus-band depart forth of this life, the hus-band survivand after her death fall bruik the privileg of the curselie of all Landes quhairin his wife was heretablie infest: ninth of Julij, ane thousand, five hundredth ninie seven. *Martha and Eupheme Mackalkane*, contrair *Maister James Ward-law* advocate. Iwa the substantiall heades of the curselie are this following, quabair gif onie ane falsifie the curselie cause. Firsh is required ane lauchfull marriage betuixt man and wife. Secondlie, the wife suld be ane heretrix haveand *ius universale*, quabie shee succeeds to her Father, Mother, or some uther her forebear. Thirdlie: She suld be heretablie infest and faised in the Landes. For gif she decease, nocht beand entered and faised, hir hus-band suld have na curselie. Fourthlie: She suld decease before her hus-band, for as lang as shee and the husband livis, he hes *ius mariti*. And after hir decease, he hes *ius curialitatis*. Fiftlie, Bairnes suld be lauchfull givand & borne, at the least ane bairne, mail or femall, quick and livand. Last of all the curselie is effectuall to the husband, twiuing waide-landes, pertaining to his wife, as the Kings confirmation. For landes halden of the King in chief, and confirmed be him, fallis nocht in waide, induring the life-time of the person to quhome the confirmation is granted. He being thereby immediat tennent to the King. And like-wis, gif onie man maries ane heretrix of waide landes, and after her decease her aire is *Minor*, and of less aige: Nevertheless the landes fallis nocht in the superiours handes, be reason of waide. Bot the husband sulde bruik and posses the famin induring his life-time, be reason of the curselie of this Realme. Because the richt of the waide Pertaining to the superior, ceasis quhair the curselie belanged to the hus-band has place. *Pervis. Februar*, ane thousand, five hundredth, fiftie three: *George Gorthie* contrair the Lord *Melbourn*. And zit the hus-band being onlie life-rentare may nocht fel or annaillie heretablie the faide Landes, or onie paine theirof, in hurte and prejudice of the tictious aire. *leg. burg. c. 44*.

D

DISCLAMATION is used in the law, and practick of this realme *Clamare*. *Clamare* id est quod dicere, asseverare: As *clamare aliquod tenementum aut aliquam terram esse suam*, to claime, and asseme onie heretage or lands to be his awin. *Clamare aliquem dominum* to claime, avow, and asseme onie man to be his maister or superior, to quhome he aicht service, & of quhome he haldis his landes in chief. *Disclamare* is to disclaime, disavow or denie as to denie ane uther to be his superior, as quhen the superior affirmis the lands to be halden of him, and the vassall denies the famin. In the quhilk case, if the contrair be fund of veritie, the vassall tines and amittis

all the landes quhilk he haldes of that superior, & the propertie theirof returns to the superior, *de maritag. c. 18. Stat. Ro. 3. c. primo. ao*. Quhair the auld forme and manner of disclamaion is declared. Maireover, disclamaion is quhen the persouer claimes landes perteinand to him, and haldin of ane superior: and the defendour affirmis the famin to be haldin of ane uther over-lord. *lib. 1. c. foli. 26. lib. 3. c. tali*, 18. To the decisiōn of the quhilk contraverfie, both the faids allaged over-lords suld be called. And he quha failst to prove himselfe superior, fall never be heard to claime the famin afterward, and the vassall being convict, tynis the land and propertie theirof, quhilk is adjudged to him, quia was wrangoulle denied be the superior, and is forsoth to have richt theirof. *lib. 1. c. feroth*, 28. Last the vassall tynis & forscaldis his landes, gif he wrangoulle denies his few, or the condition theirof, that is the service aicht theirof, conforme to the French proverb *qui se denie, se perit*. The reason is because the vassall denyand his halding, his maister or landes, contemnis and dishonours his maister. Bot it is necessar that the vassall or tennent denie fraudulently, that is wittinglie, quia *vassallus scdmum quod sciens abnegavit, amittit: ignoranti vero subvenitur*. Quod subdubites, dubitanter respondere passit. *Causas. lib. 4. de feud. tit. 5. c. Tit. 21. & Tit. 39. de parane-gatis feudum*.

DISRATONARE, from the french word *Differer*. In Latin *Duellare*, *Duellum contendere*, to fecht in singular battell, and commonlie is understand of the appealer, or persouer, quia *cum vadit duellum provocat ad quadum disratiōnem, & defendens vadit ad defendendum*. Sum-time disratiōnare is maier general taken, for to tene onie thing in judgement be forme of proces, concord or aggrievance. *lib. 3. c. cum itaque*, 14. *lib. 2. c. fieri autem*, 67. *quoniam aiaach. c. 4*. Item it signifies to prove onie thing conforme to the consideration of the Court be battell, write, or be ane assise of the curie. *lib. 1. Cap. fveris*, 18. *Cap. fveris Dominus*, 20. *Iter cad. mer. Cap. apparet*, 24. Or be the airt of the parties, and certaine conjuratiōn: tounes quhair are called *Sacramentales*, quia sum-time maie, and sum-time, fewer in number maks faith and swearis in onie cause with ane partie haveand entreffe in persure or defence. *Caus. lib. 1. de feud*. And in the Lawes of this Realme, *dictur aliqui jurare cum tercia, septima, Duodima manu*. Quhen three, seven or twelve persoues swearis with him. Quhilk in the Cannon Lawe is called *Purgatio Canonica*.

DISSASINA, *Sassina* is ane French worde, and signifies possession, to the quhilk *Dissassina* is contrare, and signifies dispossession, quhair ane person beand in possession of onie Landes, as mailer to his maister, or haveand onie uther title theitio in write, is wrangoulle ejected and put fra the famin, without onie warning or ordour of Law. Like-wis *Dissassina* is called spulzie, quhen onie person is spulziez violently and wrangoulle of moveable gudes and gearre, pertaining to him, as his awin proper gudes: and being in his possession certain daies or monthes. For ejection concernis Landes and gudes in moveable: and spulzie is of cartell, and gudes moveable, and both the ane and the uther is comprehended under *Dissassina* *aff. reg. de Cap. Statutum fuit*, 31. Quhilk is conforme to the English Lawes. *Henric. 3. Stat. de Mercurio*, c. 3. and the lawes of France. *Molineus in fitt. v. Part. 1. c. 18*. And be the auld law of this realim, *Dissassinator*, or committer of spulzie or ejection, being convict theirof suld paye ane unlaw of ten pundis to the King. *Stat. Alex. c. Stat. 7*. And may be accused criminallie before the Justice and his depuies. *la. 5. p. 4. c. 33*.

DISPARAGIUM, like as *parage* is called equalitie, from the latin word *paritas*. Sa *disparagium* is called inequalitie in bloud, honour, dignitie, or utherwaies, from the word *disparitas*, *leg. Forre. c. de heredi-bus*, 64. *cum seq.*

DISSOLUTION, ane latin word, quhilk signifies lowing of that thing quhilk was bound of before. And likewise lowing is contrair to binding: Swa dissolution is contrair to annexation, speciallie in the Kings propertie, annexed and united to the Crown. For the famin being dissolved is maid lowse, and free of that nature and qualitie that it may be annaill and disposed to sik as pleasis his Hienes, with certaine conditions and provisions. Dissolution of the propertie is maid to the effect the famin maie be fauld and annaill be the King, and therefore can nocht be lauchfully maid in his minority. *la. 6. p. 14. c. 203*. For like as the King being *Minor* may nocht fel his propertie: evin fa that time it is nocht lesuim to him to doe onie thing that maie be ane preparative to the annexatiōn theirof. And likewise gif onie man haveand heretablie infirmen or uther richt to onie part of the Kings annexed propertie, for the crime of treason, is forfeald: and thereafter be the three Estates in Parliament is restored in the minority and lesse age of ane King. Albeit this restitution may rehale his person: Zit is na sufficient richt to repone or restore him againe to his richt of the said annexed propertie. For like as dissolution maid in the Kings minority is null: Evin swa, ane restitution maid in his aige, concerning his annexed propertie is of ane avall: for the dissolution, and restitution at birth of ane nature, and produciens effect, hurtfull and prejudicial to the King, in *Regillo*, 18. Julij, 1597. The Kings advocate contrair *Alexander*, *Lord Hume*, and tennentes of *Dum. lution* suld be maid. And sa it is manifest that ane dissolution of the annexed propertie suld be maid be ane King in his majority, in ane Parliament with consent of the three Estates, *la. 6. p. 15. c. 233*. Bot an annexation may be maid in Parliament in the Kings minority, *la. 6. p. 15. c. 233*. It is leuim to the King after the dissolution, to fet his proper lands annexed, or unannexed in few-feme to onie of his lieges, and speciallie to the kindle tennentes and possessours theirof, as he pleasis. Dissolution induris only for the lifetime of the King, maker and author theirof, and quhen he de- ceasis, the same ceasis and endis. And theirore the famin beand temporary, and personall, his airtes and successours may out-fet onie annex-

Ejection
spulzieThe King in
his minority
maie nocht
dissolve his
propertie.Quhen and la
quhome dis-
lution suld be
maid.To quhome
may the King
fet his prop-
ertie.

D

Diffolution is temporal.

Diffolution of landes dissolved in personall.

The diffolution being expirid, the annexation begins in queneke, and returns.

The King may set his propriety in frowne alle.

The Kings rental of his propriety, with unannexed and annexed, fild be augmented.

The annexed propriety may be annulled by the three Estates.

Maritagium.

Antidote.

Dotalitium. Dotalium. Vitalitia. Morgagnatium.

ed landes in fowerme, be vertue of one diffolution, maid be his Father or predecessour. Albeit diffolution be temporal, as fild is, zit the Landes set and disposed heretabie after the diffolution, remains perpetuall with them and their aires, to quhom they are disposed, after the forme of the condicions, conveined in their indentures. And swa the alienation and diffolution lauchfull maid, is perpetuall, & *transferta ad heredes*. Albeit the diffolution be Temporal and personall, as fild is, the diffolution expyand and cessand, be the decease of the author thereof, as fild is: All the landes annexed of before, returns againe to the forme & nature of the annexation; Swa that the same may not be set in fowerme, nor annexed be the King, succedand to him, quha maid the diffolution, untill a new lauchfull diffolution be maid thereof be himselfe. In respect that all annexations of their awin nature, ar perpetuall; and albeite, they may be interrupted and stayed, for auncertaine space, be ane diffolution; zit after the ende thereof, the annexation dois quicken, revive, and walken, as it were, out of sleep, and returns to the awin perpetuall nature, and swa remains untill a new diffolution be maid.

The King after a diffolution, may set his landes in fowerme allanerlie, and not in blench, or *venite alba ferme*, nor be service of warde & reliefe, or uthervais, bot in fowerme, as fild is. Lam 6 par. 1. ca. 234.

The King may not set his landes in fowerme, except the famin bee done with expresse augmentation of his rental: That is, his greffines, customes, burrow-milles, fermes, marters, mutton, pultrie, avange, carnage, or any uthir dewties & service. Quhilk is not only manifest in the alienation of the annexed propriety: Bot likewise fild be observed and kept in the diffolution of the un-annexed propriety. For it is cerneine, that the Kings of this realme, the time of their Coronation, makis faith full solemnitie, that they fall not auncle, transfers, nor dispone the right and rents of the crown: As it is statute be *David 2.6. No. 13.57. & 6. ca. 10.* may not sell the right of the crowne, na maid may he annulle the rentes thereof, quhairfoir the un-annexed propriety is ane parte. Mair-over, albeite an diffolution is not necessar in the alienation of the unannexed propriety (because that quhilk is not bound, requiris na lowering) zit in a diffolution maid be kings of this realme, expres mention is maid baith of the annexed & unannexed propriety, to be set in fowerme, for augmentation of the K. rental, quhairby it is cerneine, that the an, allwell as the uthir, being set in fowerme, cannot be disposed in diminution of the rental. And concerning that qualitie & condition, expremed in the form of all diffolutions, the un-annexed, & annexed propriety, ar oflike nature: *Et in hoc causa pari jure censetur*: Sa that neither the ane, nor the uthir, may be disposed, with diminution of the rental, uthirwise the mention of the un-annexed propriety, in the acts maid annule diffolution, were superfluous. Thir ar the substantiall condicions, expremed in the diffolutions of the propriety, maid be the Kings of this realme, quhairfoir, gif any ane be not observed, the alienation & diffolution maid after the diffolution, is null, & of nane availle: 1.6. p. 1.5. c. 236. Vj. & uthir, the forme of diffolution abone expremed; it is lessum to the King, with advise, deliverance & decreet of the hail parliament, and for great, feand and reasonable causes, concerning the well-fare of the realme: first advised and digested, lill considered be the three estates: To fell, annulle, and dispone the kings annexed propriety. 1a, 2. par. 11. cap. 41. 1a, 3. p. c. 84.

D O S hestva significacions, First it signifies that quhilk is given to the husband, with the wife, be reason and in contemplation of marriage In the civil law is called *Dos*, in our municipall law, *Maritagium*. Tocher gud. Lib. 2. c. *Dos* annem. 19. Secondly, *Dos* is taken for that gift & disposition of landes & tenements, quhairane man givis to his wife, quhen he maries her at the Kirk dure, or in the face of the halie kirk: Quhilk aneit & fild be, ane reasonable third part of all and hail, the tenement of land, quhilk the man or husband hes the time of the deponation or marriage. Lib. 2. c. *Dos* annem. 19. c. 20. lib. 4. cap. quatuor. 49. Stat. Alex. c. deluid. 163. And is given in recompensation of the tocher, payed be her, or in her name, to her husband: And therefore is called *antidos*: *Cornel. Tacit* callis dos that quhilk the husband givis to the wife, and not that quhilk the wife givis to the husband. *Livius lib. 3. callis in manus nuptiale*. In France it is called *Dotalitium*, or *dotalium*. It is given to the woman, to the effect, that after the decease of her husband, the may susteine & nurish hir selie, in during all the daies of her life-time: Therefore it is called *Vitalitia*. *Morgagnatium* for the Dutch word *Morgengab*, morning gift, is ane kinde of dowry, in the second significacion; & signifies the gift of guds moveable or immoveable, quhilk the husband givis to his wife, the day or morning after the marriage, and commonly is used in the Dutch lawes, in *speculo Saxonicos* & *Lundrecht*, in Greek *hypotheca* in latine *matrimoniale donum*. *Cicilius li. 4. de ferd.*

D U E L L U M, duorum bellum vel plurium, singular battell, or combat: vide *Campiones*, Noble perones, or landed men, may fight in proper person, or be uthers in their name, quha ar called *Campiones*, in Latine, *duellatores*, Speciallie, flik as ar their awin bondmen, or tenants, quha in bodie & guds ar under their maisters protection & maintenance; And therefore fild hazard and employ the famin in the defense of their maisters honour, and actions. Bot husband-men, ignoble, and unlanded men, fild fight personallie, and nocht be *Campiones*. *Ass. reg. Cap Statutum juri per regem. 32.*

Bot all men that are decreeped, lamed, mutilat, or passed the age of threescor years, ar excused from singular battell. Lib. 4. c. 4. leg. *Durg. c. Si burgenses*. 24.

And fliklie, religious perones, clerks, & weemen may not be compelled to fight. Lib. 4. c. 3. Stat. Alex. c. 3. Ass. reg. *Durg. cap. statum dominus* 38. It is in frowne with election of the defender, to fight, or to pass to the knowledge of ane Allie. Lib. 4. Cap. 2. *Quia deinde debet primo eligere deinde vadere, & postea jurare*. lib. 4. ca. *lexham* 46.

The appellant or prover, fild swear that his quarrell is just, & the de-

fender swears the contrair, and avownd the equitie of his cause. *Iter. camer c. Compromissum* 29. It is not lessum to any person to provok ane uthir to battell, or being provoked to fight without licence of the King, uthervais, baith the appellant, & the defender, untill & forefalis al his gudes moveable, & immoveable de *Indice*. 87 Because na Earone hes power of singular battell, or of probation be water, or Iron, & *stat. Alex. c. preterea* 32. Mair-over, gif any man havnd the Kings licence, happens to be convicted be battell, or of breaking of the Kings peace, he falls sit to the King xxij. Kye, & *iter. camer vel pro quolibet cathorio, novem vacas*. *Stat. Alex. cap. 28*. Quhilk paine & outlaw appears to be ordained to stay flik ungodlie thrie & debate; for the law of singular combat is ungodlie, & fild not be used among Christians, albeite the same was permitted & used be the Longobardes, in civil and criminal causes. *Alcius de jug. certum. Cuius in Lib. Pandorum*. Quhilk is conforme to the Canon law. cap. 1. 2. de *purgat. vulgat.*

D Y O U R, Divoire, uthervais Bair-man, quha being involved and drowned in debtes, and not able to pay or satisfie the same, For eschewing of prison and uthir paines, makis cession and assignation of all his gudes and gear, in favours of his creditours: And dois his devour and dewtie to them, proclaimand himselfe Bair-man, and indigent, and becumand debt-bound to them, of all that he bes. *Leg. Burg. ca. Bair-man*. 144. In Latine, *cedere bonis quilibet* is most commonlie used amongst merchandes, to make *Bauk-vour Bankrupt*, or *Bankrupt*. Because the doer thereof, as it were brekis his bank, fillle, or seate, quhair he used his traffique al before. de *Indice Bairman* 46. Be the civil law, fik cession of gudes and gear may be maid iudicialle, or lorth of judgement, be him quha is present, or absent, be writ or epistle, or beane maid perform, call *Nimius l. ult. de cess. bonor*. Bot to the effect that debours fild be deared to deceivie their creditours, and fild the main unwilling pay their debtes in findie places, diverse framfull formes of dyvoire, ar used and observed: for sum-time the debour naked, sit upon ane cauld flane, in presence of the people. *Alcius lib. 3. Parerg. c. 47*. Sumtime his hinder pates, or hippees ar dashed to ane flane. *Guido Papa. decis. 343.*

Or in public place, baith headed, his belt is cutted, quhairby he is proclaimed indigent of gear and eredit: And therefore may pass and repaife quhair he pleasis, without any trouble of his Creditours.

Arto illud Horatii, Epistola secunda 28. Tibi eo quod vis, quid zonam perdidisti. Conforme to the quhilk, in this realme, he is said to have his belt cutted, *Zonam perdere*, quhikes na gold, silver, guds nor gear. For in auld times, like as it is zit used in diverse places, ilk man caried his silver and his gold in his belt, either in ane purse hanging at the end thereof, or sewed and inclofed within the famin. *Sueton. in Vitellio*, cap. 16. *Lydia zona amorem plena se circumdedit*. Et *Cicilius apud Cellium*. Lib. 15. ca. 12. *Zonas (inquit) quas plenas argenti exulis, eas ex provincia inanes reversi*. And in the tenth chap. of *Mat*, and ninth verse: Christ commendis his Apostles nocht to possesse Gold, Silver, or Money, in their Girdles. Mair-over the forme of the aith quhik be the Lawes of this Realme, the Divoire fild make, contains that he fall swear, that he hes nocht in free gear, above five shillings, four pennes: Fra the quhilk cummis ane common speach dailie used amongst pulir and indigent perones, quha hes nocht in guds nor gear, the value of five shillings and ane plack. In the Law of Normandie. Lib. 2. c. 10. Lib. 1. c. 21. Divoires ar called *Bank-querotivis*. And if they do the famin fraudfullie, they may be punished to the death.

E

E N A C H. Lib. 4. c. *statum dominus* 64. Ane mendis or satisfaction for ane fault, crime, or trespass. As gif the maister lyis with the wife of his bondman, or slave: The servand therefore salbe put to liberte, and fall receive na uthir Enach, mendis, or satisfaction, for the violation or defowling of his wife. Lib. 2. c. *Pluribus* 14. Like as uthervais, *fratruallus*, *Cucurbitaveris dominum tuum*. That is gif the vassall makis his maister ane Cuckold: That is gif he hes carnall copulation with his maisters wife, he tinis and forefalis his landes. Lib. 1. de *Feud. Tit. quib. mod. Feudum amittitur*, § 2. *Corbita*, in the Lawes of the Longobardes, is adulterie: And *Cucurbita* signifies ane Cuckold, quha is wife is ane hitire: quha uthervais is called, *arg. Gl. in d. Selt*. 2. From the Greek, *argor de fidia*, *fusus, otiosus*, quha littleside, and payis nocht his debts, bot suffers ane uthir to work his labor. *Alcius in lib. de singulari certam. c. 32. & in lib. probatorium*. *Horatius sequitur Cucullum vocat*.

E N C H E S O N E, the cause, occasion, or reason, quhairfore any thing is doie: As quhen we say, that ane is condemned for Enchesone of thielit: That is be occasion or be reason of thielit, committed be him. *Mod. ten. cur. c. 21*. Or that the vassall is in the keeping of his Over-lorde, be Encheson of warde *quoniam attach*. Cap. 51. And ane action or pley, may beadvocate fra the Schireffe Courts, to the Kings Court, for many causes. Lib. 2. c. *Dos autem* 19. Quhilk in findie English booke, is said for many Enchesones. And Ed. 1. King of England. *Westm. l. c. 6*. Statutis and ordains, that na-man salbe ane merchand, without ane reasonable Enchesone.

E N E X A, *Part hereditatis*, ane French worde: for the first, chiefe, and principall part of the heritage, *Leg. Forest. c. si hereditas* 96. For in the French young, and speciallie in the Law of Normandie, the eldest and first begotten sonne, is called *Paisne*, & in the Lawes of England *Heir*. 3 in *stat. Mabletrig*. Cap. 9. It is called *Enitis pars hereditatis*. And likewise in ane uthir place of the lawes of the famin King, *Ins fuitie*, quhik in this Realme is the law of birth right: In Latine, *jus primogeniture*, de *Quo Tiraquellius copiosè scripsit*. Be the auld civil Law of this realme, there is na heit of succession in the right line ascendend. And therefore the farther succeeds not asaire to his sonne: Except speciall provision be maid in the

Cedebona.

Corbita. Cucurbita. Arg. Argor.

De jure he. u. fuitie.

the contrar. *Quia provisio hominis tollit provisionem legis. Et pacta conventa, legem contrahentibus prestantur.* Swa all succellion, is either in the right line descendunt, or in the line collateral.

De linea recta descendunt.

THEY quia ar of the right line descendunt, fild be preferred to all others: As the sonne, the daughter, the nepuoy the neice, and a defendand in infirmum: observand and keepand always the prerogative of the degree: For the Prior degree, excludis the possessor from all commoditie & rule of succellion: As the son in the first degree, excludis the nepuoy in the second; and the nepuoy excludis the nepuoy in the third degree.

Defilio.

Gif any man havand laudes and heretage decass, leavand ane sonne allanerlie behind him, without all distinction, the sonne succedis to all and haill the heretage; quilk is in Latine, *succedere a seculo, vel ex affe.* lib. 2. c. cum quis: 29.

Defilia.

Gif any man decass, and leavis behinde him maas sonnes nor ane, either he is *occummanus*, and haldis not his lands be service of warde; and then his heretage is divided amongst all his fonnessor he is *Miles*, and haldis his landes per *servitium militare*, be service of warde & relief: In the quilk case, the eldest sonne succedis in the laill lands; quilk heretablerie pertaine to his father. *Lib. 2. c. si quis plures* 30. Bot this distinction is not observand be the practice of the quille. Berthe quilk the eldest sonne succedis to his father, *ex affe*, that is, to all and haill his fathers heretage and laudes; Albeit, sinder other Nations hes diverse lawes hereanet: Like as be the law of God, in the auld testament, amongst the Jewes, the first borne sonne, after the decease of his father, receivis double portion. *Gen. 21. 17.* That is (as some interpretis) as meikle as twa of his brother. *Iosephus de Antiq. Iud. lib. 4. c. 8.* writtis that the eldest sonne, be reason of his birth-right, fild have *duplimum facultatum paternarum partem*, the double parte of his fathers gudes.

Defiliis diversarum uxorum.

Gif ane man had diverse wives, quahirof ane is ane heretrix, havand laudes pertaining to her heretablerie; and hes procreat upon ilk ane of them bairnes, mailior femal; the sonne gotten upon her, succedis to her heretage. *lib. 2. c. si ante* 31. For as generallie the sonne succedis to the father; Swa in this case, the sonne fild succedis to his mother. *Leg. Forest. c. si quis habuerit* 26 de Indic. c. 24. Conforme to the common rule of the law. *Paterna paternis, materna maternis.*

Defilio & filia vel filius.

Quhen any man decass, leavand ane son, and daughters ane or maas; The son allanerlie succedis to all his fathers heretage. *Lib. 2. c. Marins* 32. As gif ane man hes procreat with his first wife, daughter, ane, or maas, and after her decease, begettis ane sonne upon ane other wife, the sonne onelie succedis to him. *Leg. Forest. c. si quis habuerit* 26. Becanse the Son borne of the first, second, or last wife, succedis as universal aire to his father, and excludis all his sisters. *De judic. c. Item nota* 115: As it is writtein some buikes, *femina non succedit cum masculo.*

Defilia.

Faileing sonnes and bairnes, lauchfullie gotten of their bodies, the daughter succedis. For gif the defunct hes ane daughter allanerlie, thece fild succede to all her Fathers heretage, in the forme and manner, as the sonne succedis to his Father. *De judic. Cap. Item nota* 115. *Lib. 2. cap. Haredum* 28.

Defiliabus.

ITEM, Gif ane man decass, leavand behind him maas daughters nor ane, gotten upon ane mother, his heretage fild be divided equalitie amongst them, in alsomny partes or portions, as there is daughters to succede. Quilk forme of succellion is callid, *succesio in capita, cum seipse hereditatis advena, dividitur in tot partes quod sunt capita, vel personae succedentes.* Bot the eldest daughter, fild have the principall mesuage, without division, be reason of her dignitie and birth-right, and satisfaction therefore fild be maid to the remanent daughters. *Lib. 2. cap. Si ante* 31. *De Indic. c. Item Nota* 115. Toaggerliss with the superioritie of the portions, pertaining to all her younger sisters, to quhome their husbandes fild make homage, acknowledging her to be their superiour, and their aires fild give the relieve of their landes, quhen it fall happen. *Lib. 2. c. Marins* 32.

De filiabus diversarum uxorum.

Gif ane man have sinder wives, and of ilk wife, ane or maas daughters: All his daughters succedis to him in his heretage equalitie, *Ter capita*, as gif they were all gotten upon ane mother. *Lib. 2. c. porro contingit* 33.

De liberis burgensium ex diversis uxoriis.

ITEM, Gif maas dochters nor ane, ar procreat upon sinder wives, of the quilk wives, ane is ane heretrix: Swa that the heretage cummis be her, and not be her husband: The daughter, or daughters gotten upon her, succedis to her heretage, and excludis all the rest of the daughters theira. *Leg. Forest. c. si quis habuerit* 26. *De Ind. c. 24.*

Berthe Lawes of the Burrowes, gif an Burgeisse have maas wives nor ane, and bairnes procreat of ilk ane of them: All the landes pertaining to him, be reason of heretage, or conquest, in the time of his first wife, fild pertaine to the bairne gotten with her, in the first marriage: And all the landes conquest be him, the time of his second wife, fild pertaine to the bairne gotten with her, in the second maringe. *Leg. Burg. c. Si Burgensium* 26.

De secundo gradu nepos vel nepotium.

Faileing sonnes and daughters quilk is are nearest and lauchfull aires, the right of succellion pertainis to the *Nepuoy* or *Neice*, gotten upon the Sonne, or the daughter. *Quia defunctus proximioribus hereditibus, nepuoy vel filio, vocatur heredes remotioribus, ad Nepos vel Nepuoy ex filio, vel filia, recta linea descendunt.* *Lib. 2. c. Haredum* 28.

De nepote uno vel pluribus ex filio.

Gif any man decass, leavand behind him ane *Nepuoy* or *Nepuoyes*, ane or maas, procreat be his sonne already decassid: (*Ex filio primario*) they fild succede to him in the samin manner, asis above said, of the succellion of sonnes: That is, gif there be ane *Nepuoy* allanerlie, he is onelie universal succellor: And gif there be maas *Nepuoyes*, the eldest allanerlie succedis to all. *Lib. 2. c. Porro* 33.

De nepote & filio.

Gif any man decass, leavand behind him ane *Nepuoy*, begotten be

his eldest Sonne, already decassid, And ane second sonne, quia is his brother to the said *Nepuoy*: The second sonne is excluded from all right and commoditie of succellion to his father. Becanse the *Nepuoy* lauchfully begotten be the eldest sonne representis the person of his father, and therefore *Jure representationis* succedis in his fathers right; and consequently is onelie aire to his Gud-Chir: like as his father would have been, gif he had not decassid before him. *Lib. 2. c. Porro* 33.

The like is to be understood of ane *Neice* or *Neices*, ane or maas, begotten be the eldest sonne already decassid, quia fild be preferred to their father brother, anent the succellion of their Gud-Chirs heretage: Except speciall provision of tailzie be maid in favours of the aires mail. *Quo casu heredes masculi succedunt, non dispositione juri, sed ex provisione hominis.*

ITEM, Ane *Neice* or *maas*, of ane sonne or daughter, succedis to their Gud-Chir or Guddame, in the samin manner as their father or mother fild have done, gif they were zit living. *Lib. 2. c. Porro* 33. And in this case it is to be observed, that quhen maas *Neices* nor ane, borne of sinder mothers succedis, that the heretage fild be divided *ratione stirpis*, in alsomny partes, as there is stockes, of quhome the saids *Neices* descendis and procedis: As for example, gif there be ane *Neice* begotten upon ane daughter, and twa *Neices* begotten upon ane other daughter, they all three fild succede to their Gud-Chir; bot the heretage fild not be divided in three partes: *ratione capium*; bot in twa partes allanerlie, *ratione stirpis*: That is, of the twa sisters quilkis are the twa stockes, of quhome the saids *Neices* descendis: And fwa the ane *Neice*, gotten upon the ane sister, fild have the ane lesle: And the other twa, in the other halfe allanerlie of the heretage: Quilk forme of succellion is callid *succesio in stirpes*, quhen the bairnes being maas in number, succedis to als meikle allanerlie, as would have pertaind to their mother, gif shee had been living.

De nepote & filio.

De nepote uno vel pluribus, successio in stirpe.

De linea obliqua collateralium.

QUHEN the succellion faileis in the right line descendunt, then they quia ar of the side line, or collateral fild succede: as quhen the sonnes and daughters, and all perfines descendunt of them lineallie, faileis: Swa that there is ane of them to succede: Then the brother of him quia is decassid, fild succede to him. *Lib. 2. c. Deficientibus* 34. *Item qui ex linea recta descendunt semper preferuntur illis qui ex transversa linea proveniunt, & illis deficientibus, si ad successionem admitti debent.* *Lib. 2. c. Porro* 33.

The heretage, and all moveable gudes pertaining to the eldest brother, decassid without lauchfull aires of his bodie, pertainis to the second brother, immediatly nearest to him. *Quia hereditum gradum descendit ad immediat proximum.* *Lib. 2. c. Si ergo* 23. *c. Præterea* 25. *Leg. Burg. c. sciendum* 150.

Gif there be three brothergermain, borne of ane father, and ane mother; And the second brother decassid without aires, procreat lauchfullie of his bodie: His elder brother succedis to him in his landes, and immoveable gudes. And the younger or third brother is alluerlie excluded therfra. *Quia conquestus gradum ascendit.* *lib. 4. cap. Si ites* 50. *lib. 2. Cap. Præterea* 25. Bot be the practice of this realme the aire schip of the moveable gudes, pertaining to the second brother, the time of his decease, descendis and pertainis to the younger, and third brother, as lauchfull aires: To quhome likewise pertainis the lauchfull tutorie of his fild second brothers sonne, quhen it fall happen to fall.

Gif there be maas brother nor ane, three, or maas in number, and the youngest of all fall happen to decasse without lauchfull aires, gotten of his bodie. His immediat elder brother succedis to him as lauchfull aire: Becanse conquest ascendis fra ane degree to ane other immediatly to the first degree. *Stat. Rob. 3. Cap. 3: Stat. Wilhelm. Cap. Notandum* 24.

Faileing the brether, and their aires, gotten of their bodies, the sister, or sisters, gif there be maas nor ane, succedis in *Capita*, to their brother, in the samin manner, as the daughters succedis to their father. *Lib. 2. c. deficientibus* 34. *De Indic. cap. Si quis* 24.

Gif the brother decassid without aires gotten of his bodie, his full sister gotten with him beane father, and of ane mother (quilk is callid *foror germana ex eodem utroque parente*) succedis to all his heritage, and excludis all other sisters, gif ony be gotten be his father, upon ane other wife, quilk in Latine is callid *foror consanguinea*, *Lib. quart. Capite Si homo* 48.

After the decease of the sisters, their bairnes succedis in *stirpes*, in the samin manner, as their mothers might have done, keepand always the distinction betwixt the mail and femal, be the quilk the sister sonne excludis the sister daughter. *Lib. 2. cap. deficientibus* 34. *De judic. c. Si quis* 24. *Quia (ut dicitur esse) mulier nunquam cum masculo partem capitis in hereditate adipiscitur.*

Faileing the sister bairnes, and the aires gotten of their bodies, The father brother (*Avunculus, hoc est patruus*) And his bairnes descendand of him, succedis: *Lib. 2. Cap. Deficientibus* 34. *De judic. Cap. Si quis* 24.

Faileing the father brother, and the aires lauchfullie gotten of his bodie: The father sister (*Matertera, hoc est Amita*) and her bairnes fild succede, conforme to the foresaid distinction, betwixt mail and femal. *Lib. 2. Capite Deficientibus* 34. *Item, quart. de Indicibus* Capite. *Si quis* 24. Berthe quilk distinction, the father sisters sonne, excludis the fathers sister daughter.

It is to be diligenter observid, quhen maas persons nor ane (sik as monny sisters or neices) succedis, and it happen any one of them to decasse without aires lauchfullie gotten of their awin bodies: the portion and

De fratruum.

De fratre uno in maximo.

De fratre uno in maximo.

De fratre uno in maximo.

De fratre uno in maximo.

De fratre uno in maximo.

De fratre uno in maximo.

De fratre uno in maximo.

De fratre uno in maximo.

De fratre uno in maximo.

part of the heretage quhilke pertained to the defunct, accerleis to all them that remains on life, and fuld be divided amangis them all. *Lib. 2. c. Maritus. 32. de iudic. Cap. Item nota. 115.*

Last of all, gif ony man gotten and borne in lauchfull marriage, decaits without ane lauchfull aire, and it cannot be knowin, quha fuld succede to him: Or gif it be in question or doubt, quahis his richterous aire: Be the auld law of this realme, the King, or ony uthir superiour, retained the landes in his awin handes, untill the play was ended, in favours of the iust aire: Or untill it was knowin, quha was the lauchfull aire. *Lib. 2. cap. ult. 53.* Bot now, gif there be na lauchfull aire, to entere to the heretage: the King, as *ultimus heres*, recognoscis, and retainis the famin as *eschette*, ad perpetuum remanentiam, and may sell and dispone thereon, at his pleasure, as his awin proper landes and heretage. *vide Basilford.*

ERECTARE *Essonia abaliguo facta*, to reckon, esteeme, or judge Estates, or executions, maid be ony person. *Quoniam attach. Cap. de brevisibus 31.*

ESSONIAM, an Effoinzie or excusation. *Lib. 1. Cap. 10. Jam. 2. 13. Octob. p. 11. c. 55. Jam. 1. par. 9. c. 114.* From the French word *Exoin*, quhairfor mention is maid in the Lawes of Normande. *Lib. 9. Cap. 10.* And be *Molineus in Stil. Suprem. cur. par. 1. cap. 6. de contumacia*, And be *D. Tbo. Smith. lib. 2. cap. 14. of the common will of England.*

ESTOVERIUM, *Iter. Camer. Cap. Si quis capus 25. de iudic. Cap. 156.* Sufferation, Nurishment: for the superiour, during the time of the warde, fuld sustaine the aire honourablie, conforme to the quantitie of the heretage. *Lib. 2. c. Plenam 42. Jam. 4. p. 3. cap. 25.* Quhilke is conforme to the *Englishe Law in Magna Carta*, quhairit is statute, That the warder shall give the aire his reasonable Estoverie, Anno 9. Hen. 3. c. 12. quhair also it is written, that the relict of ony man, shall have his reasonable estoverium, of the common gudes of her husbande that is deceased, untill her dowrie be payed to her. *vid. Quarentena viduarum.*

EVE *Ei Treve, dicuntur navoi de avo & triavo, quorum majores servitium servierunt*: That is, firk slaves or servantes, quahais rather, gudschir, grand-schir, and for-bears, has been servandeto ony man, and his predecessours. *Quoniam attach. ca. de brevisibus 31. vid. Bondagium.*

EXITUS Terra, The rentes, fruites, and profites of the land. *Lib. 2. Cap. Si quis liberum 24. lib. 3: c. cum autem 6. quoniam attach. cap. fecus. 28. leg. Forcett. Probaia 87. Exitus iustitiae*, The profite or commodities of the justice aire, *Iter iustic. c. 3. 4. Exitus curie*, the commoditie and profite of the court, fike as unlaues and fumes of money, payed be them quha are amerced, or convict of ony crime, or comes in will therfore, as is manifest be the forme of the precept, direct be the Chalmerslane, to the Schireffe, to take up, and intomeit with *exitus camerarie*, or the profites of the Chalmerslane aire. *Exitus hereditatis de afor. cap. 1.* is called the fruites, rentes, profites, and emoluments of the heretage, quhilke in the English law is called the issues of the heretage. *Mages Carv. Anno 51. Hen. 3: cap. 17.* And firklike *Exitus tenementi*, signifies the mailles and dewties thereof. *Quoniam attach. c. Secus 29: Modi ten. cur. c. 30.*

EXTENT of landes, signifies the rentis, profites, and issues of the famin, quhairfor there is twa kinds. The auld extent, and the new extent; For it appeares, that the rental and valour of landes, has been taxed; and liquidat to ane certaine summe of silver, conforme to the profites and dewties, quhilke the landes payed at that time: Quhilke is called the auld and first extent, *tempore pacis*. Bot because the revenues and dewties of landes be progresse of time, did interresse and grow mair and mair: ane uthir taxation and extent was maid in the time of peace, as the former extent, conforme to the profites augmented, as said is; quhilke therefore is called the new, or second extent: And propertie is the verie availe that the land is worth, and givis the daye of serving of the brieve. *Ja. 3. p. 7. cap. 55.* To the quhilke, the worde *Nunc*, contained in the brieve and retour, fuld be referred. For *tempore belli*, or in time of weire, there is na ordinar or certain extent of landes, prescribed be ony law: for in firk time, either the landes are wast, and are not labourd; or the lands-lordes servis in proper persone: And it is na reason, that they fuld baith make personal service, and also pay extent or taxation. The lordes of the Session esteemes ane marke land, ane auld extent, to four marke land of new extent. *21. Mart. 1541.* Quhilke commonlie is called the fourth maille, and fuld be generallie used in retouring of landes to the Kings Chancellerie, and uthers Chappelles: Albeit the famin is nocht perpetuallie observed. This distinction of the auld extent, and new extent, is necessary For taxation of landes are raised, conforme to the auld extent, and the relief of landes, is the retoured maille, according to the new extent. And firk-like, quhen landes are fallen in the superiours handes, be reason of none-entres, he fuld have allanerie, the retoured maille thereof, conforme to the new extent. *vide None-entres.*

F

FALSING of doomes, Reduction of decreets. *vide Sok.*
FARANDMAN, *De Iudic. c. 47.* An stranger or Pilgrimer, to quhome justice fuld be done with all expedition; That his peregrination be not stayed or stopped. *Peregrini mercatores, dicuntur Farandman. lib. 4. c. 30. in lib. senenfi.*

FELONIA, signifies nocht onelie the falsed, or the contumacie of the vassall toward his over-lord, or of the over-lord toward his vassall. Bot also all and quhatsumever capital crime in Latine, *felus*, in Dutche, *Schelmheit*, or ony uthir fault or trespass. *Iter Camer. c. Si quis capus 25. Mart. Alex. ca. 2. lib. 2: cap. ult. 54.* As to hurt or assaillze ony man, with sword, either edge or cure. *Ja. 11: par. 6: c. 97.* Or ony lesse or private crime, as suspition of theft, or quhatsumever fraud, deccate, commonlie used in contraites, pactiones, and uthir conventions. *Lib. 3: cap. ex*

causa. 8. in fine. Cuia lib. 1. defend. Writis that felonie is not onelie rebellion: bot also perfidie, fraud, or ony kinde of fault. *perfidus, fraud, culpa, improbius.*

FEODUM, *Feodum*, signifies nocht (as some affirmis) lile-rent, in Latine, *usus fructus*. For he that is failed in the lile-rent of landes, is nocht understand to be failed in *feodo*, or in the fee thercof. For the aile is differente from the uthir. *7. Mart. 1561.* The Countesse of *Cranford*, contrair the Earle of *Cranford*. And firk-like, *Feodum* signifies nocht the superiourtie of landes. For gif ony married man happens to decaise, yest and failed in the superiourtie of landes, his wife fuld not have ane terce, or third thercof.

Bot *Feodum* commonlie signifies, as is commonlie contined in brivies and retoures. *Cum aliquis distine obsequii solius & vestitus, in terrarum de feodo. lib. 3: Cap. Cum vero 28. c. sequens. 3. Stat. Rob: cap. 1.* Of the quhilke landesthe iust third and reasonabie terce, will pertaine to the wife, fra the time of her husbandes decaise, and during her lifetime. *vid. Quarentena viduar. Domi feodi or feudi*: Is called the Lord of the ground, or land: *lib. 2: c. Usurarii 53.* *Ruhair feodum & hereditas*, ar baith ane, & *hereditas domini* proprii crimen, *dictum pertinet ad domium feodi, tanquam offensa. Item, si quis condemnatus fuerit de furto, res ejus nobiles, & catalla fidei vicecomiti remanere: Terram autem si quam habuerit, dominus feodi habebit. lib. 2: cap. Forisfactum 55.* He is called uthirwise, *Dominus fundi. Lib. 2. c. Desjuncti. 69.* *Ei fundum idem est quod fundus. lib. 2. cap. Muna. 68.* And *Allo feudi*, is ane action or pley of landes or heretage. *Lib. 1: p. 3. Feodum militare*, signifies landes halden be service of warde, and relief: *Lib. 2: cap. Maritimum. 56.* *Feodum laicale*, is landes pertaining to Laicks and Temporal men. *lib. 2: cap. 59.* As *feodum Ecclesiasticum*, signifies, landes pertaining to the Kirk, or Kirk-men. *Lib. 3: cap. sequitur 3.* *Cum feqq.* Swa be the lawes of this Realme, all gudes and gearre ar moveable, and called *Catalla*: Or immoveable, and ar called *feodum, hereditas, terra, fundus, tenementum*. Fee or propertie, in latin, *dominium*, cannot pertaine to ma persons nor ane. *Quia dominium unius rei uno eodemque tempore non potest esse in solidum penes plures.* And therefore, gif two or ma persons happens to be inseit, conjuncture in ony landes, the propertie pertainis to him in quahais aires and successours, the inseitment resolvit. As lor example, The husband and the wife ar inseit in certein landes, the largest livor of them twa, and the aires gotten, or to be gotten betwixt them, quhilke failzieing to his aires. In this case the husband is proprietor, and the wife is conjunct fear, or lilerent. Bot gif it be said (quhilks failzieing to her aires) In that case the wife is proprietor, and the husband is conjunct feare or lilerent.

Feodum, is taken for the fee, wage, or stipend, given to ane servand for his service, as in the Lawes of K. *Mak: c. 4: de feod. offi: domi.* reg: quhilke utherwaies is called *liverio*, ane livery. *vid. Liverio.* *Ruhair anent the L. of secret Council*, and checker, made their ordinances, as follows.

At Edinburgh the third of June, 1597.

FOr-samelike as the Lords of his Majesties secret Council, and checker, according to the special power and commision. given to them be his hiencie, and his eliaites, quhilks convened at *Dundie*, in the month of Maji last by-past; Hes thoct meete and convenient, to set downe the prices of his Majesties signet, privie and great seales, of all infestments, and uthir signatures, quhilks ordinarlie fuld passe throw them in the chalmers fees, quhilks sail be received hereafter, fra his hiencie liesges, in manner following: That is to say; That the signet, according to the auncient custome, salbe the rule to the privie and greite seales, in all infestments, and uthir signatures, quhilks ordinarlie fuld passe throw the hail three: And that the privie seale, full receive na mair, nor the double of the price, set downe hereafter: for the signet, nor the greite seale, mair nor the quadruple of the said signetis price, under the paine of deprivation of the contraveners, fra the office and seale, quhilke he possidits.

Prices set downe to the signet, for letters and uthers writters, quhilks passit throw na uthir seale.

First, for all sorts of summondes of quhat-sum-ever qualitie. *vj*
shillings, *vij* penies.
For letters conteneing, baith inhibition, and attachment. *xj* shilling *vij* d.
For letters of law, borrowes, and uthir criminal letters; how many persones soever be inseit. *vj* shilling *vij* pen.
For ministers letters zeidie raised. *vj* shilling *vij* pen.
For all letters of horning of quhatsumever qualitie, except letters of law-borrowes, and criminal letters. *xxj* shilling *vij* d.
For ane relaxation. *vj* shillings *vij* d.
And gif maa nor ane be inseit, the like price of evrie persone to be relaxed, or compositione for them, at the discretion of the keeper of the signet.

Prices set downe to the signet, for signatours passing the privie and greite seales.

For ane Legitimation. *vj* shillings *vij* pen.
For signatours of infestments of landes, within five marke lande of auld extent. *vj* shilling. *vij* pen.
For ane remission to ane person onelie. *vj* shilling. *vij* pen.
And gif it be to maa nor ane, als many halfe markes, as they ar persones, or compositione therefore, at the discretion of the keeper of the signet.
For ane infestment of ane five marke lande of auld extent. *xij* shil. *iiij* d.
And for fa many naa marke landes, as the signatoure contains proportionallie: Providing, that quhat ever be the extent of the landes,

laudes, the saidin not being stiled ane baronnie, in the inferment the heichelt price for the signet, fall not exceed

For ane or mair baronies of land, contained in the signatur, quibills are nocht unite in ane Earle-dome, nor Lord-schip, for the haile signatur

For halfe ane baronnie, swa stiled in the signatur

For ane Earle-dome, or ane Lord-schip of dignitie, having vote in parliament, including never fa monie baronies.

For ane comprising, quillike exceeds nocht ane thousand marks.

And if the same exceed that sum, to paye proportionally, providing that the heichelt price exceed nocht

For ane bishopricke, abbacie, or priorie, exceeding an thousand pounds of zeirly rent to the possessor

Being within ane thousand poundes

Nothing to be tane for reservations of life-rentes, contained in the signatur. In respect the reservation is na newe benefice to the receiver, except quhair the resigner is a barstard. In the quhill case, respecting his Majesties prejudice be the resignation: quha otherwise might succeed to the landes resigned, be the present possessor deceale, without lauchfull aires: sik reservations fall pay according to the price before set downe for the landes resigned, comprand alwayes, the man and wife to be ane person.

Nothing to be tane hereafter for onietailzies, except the foresaid price, according to the quantitie of the lande resigned, in respect the Fear may alter his tailzie at his pleasure, except quhair the Fear that resigns the lands is barstard. In quhill case, the like price may be tane for every persone contained in the tailzie, as it is set downe for the quantitie of the land resigned.

For infestments containing patronages of benefices never before disposed, nor annexed to thay landes or newe infestments of heritable offices: The land is to paye according to the quantitie and rate, before set downe, and the patronage gift be of ane onelic benefice, the ane halfe of the dueite of the landes. Gift their be mair, to pay the said hail price of the landes for the saides patronages. Quhill price, the keeper of the signet fall not exceed. Sik-like for new and heritable offices.

Prices set downe to his Hienes Privie seale, to be tane hereafter, off gift offices and signatours, quhill passis the said seale almanly.

For escheits of zeemen men, and uthir mean persons	xx shillings
For escheits of landed gentlemen and substantiall burgesses	xxx shil.
For escheits of Baronnes	xl. shillings
For escheits of Earles and Lordes	lij poundes
For their life-rentes, <i>respective</i> dowle price	
For presentations to Vicarages	xx shillings
For presentations to Parsonages	l. shillings
For respetes to zeemen men, and uthir meane persons	xxx shillings
For respetes to landed gentlemen, and substantiall burgesses	xl shil.
For respetes to Baronnes	ij poundes
For respetes to Earles and Lordes	v. poundes
And gift their be mair persons contained in the signatur, to pay per capita, according to their rankes.	

For the wardes and marriages, non-entrefes and relieves of landed men, under Baronnes, included in ane signatur

For the wardes, marriages, non-entrefes, and relieves of Barons

For the like of Earles and Lordes

For the wardes allane of gentlemen

Of Barones

Of Earles and Lordes

For the marriage allane of simple gentlemen

Of Barones

Of Earles and Lordes

For the non-entrefes allane of meane landed men

Of Barones

Of Earles and Lordes

For giftes of prebendaries or chaplanaries

For tutories

For the multitude of denuntiations included in ane signatur of escheitrie, or life-rent, na payment, but for the gift only. In respect they can import but ane gift of escheit almanly.

For presentations to prelaties, legitimations, signatours of infestments of Baronies, and uthir landes, remissions, and sik uthir writes as passis first the signet: The keeper of the privie seale, fall take for them allanerlie, the double of the price, quhill lik ane of them payed to the signet.

In tailzies, reservations, patronages, heritable offices, creations in free Burrowes and shiklike, to take payment, according to the order and proportion of the signet.

About the Chalmers-fee.

It is ordained, That na signatours hereafter, fall pay Chalmers-fee, except resignations, and confirmations, iredeemable almanly: and of sik landes as are neither of his Majesties property, nor temporality annexed, quibills are declared to be free of all sik fees, in time cumming.

Prices set downe to the great seale.

That the keeper of the great seale, exceede not the quadruple of the signet, or double of the privie seale, under the foresaid paine.

That to this effect the keeper of the signet, fall upon the back-side of the prent of the signet, set downe the price quhill he receives for every precept, and for all uthir letters after his name. Likewise the keeper of the privie seale, his price for precepts, and uthir letters after *per signaturam*: that thereby the keeper of the great seale, pretend na occasion of ignorance. Sik-like that the said keeper of the great seale, set down his price in the fore-face of every etag, quhairunto the said seale false appended. And that thereafter they be na drink silver exacted fra the partie, uthir nor he will be contente to give at his pleasure and discretion. And ordains an herald, mailer, or uthir officiar of armes, to passe to the mercat Croce of the said burgh of Edinburgh, and there be open proclamation mak publication, and intimation of the premisses to all and findrie his Hienes lieges, quhairthrow nane pretend ignorance thereof. As alswa to command and charge the keepers of the signet, privie, and great seales, sicers of his Hienes chalmers, and all uthir quhome it effects, to conforme themselves to the will and direction of the saides commissiouners, signified to them in manner foresaid: and on nawies tak upon hand to alter or contravene the same in onie point hereafter, as they and ilk ane of them will answer to his majestie, upon their obedience at their uttermost charge and perrell, and under the paine of deprivation of them fra their offices, certifying them and they falsifie, that they false deprived fra their saides offices, and uthirwaies punished in their persons as escheiters.

Apud Edinburgh quarto Junij, Anno 1597.

The Lords of secret Councell and Checker, following the commission given to them be his Hienes and his Estates, litle convened at Dundie, anent the ordour taking with the exorbitant prices of all sorts of writes and letters, usual among the lieges, and likewise of the seales, registers and chalmers, quhill a greite number of the same monie paid, procuring daylie bath private guidges and publick exclamations against the tolerance and with gang, given to sik shamefull extortion & abuse, higlie to his Majesties dishonour and offence, and to the manifest undoing of the pure ains of this Realme, constrained to have adoe with the saides writes: Have for remeid of that abuse, decreed and ordained in time comming, and quhill a mair particular and felid ordour may be taken therein. That all and quaissoever Clerkes of session, Justice, secret Councell and checker, Clerkes to quaissoever Commislar, Admirall, Schireffs, Stewartes, Bailies of regalitie, and royaltie, Provostes and Bailies of quhat-sum-ever his Hienes burrowes, and of all uthir courtes or Judgements within this Realme, all writers to the signet, privie & great seales, all keepers of quaissoever rolles. Registers and records, all publick notaves, and uthir writers quaissoever, quha fall hereafter register and inroll, lorme, extract, writ, or give out for payment, to ony of his Hienes lieges, ony signatur, contract, obligation, decreet, act or ordinance of ane court or judgement, chartour, falsing, or uthir evident, billes, letters, or uthir writes quaissoever, quha fall hereafter register to the receiver: Sall subscribe with their handes the said writ, and subjoine to their names, the just and ordinar price; quhill they receive fra the partie for their paines. To be a testimony of their discretion, in valuing of their travels taken in the saides writes, and to give further licht to the saids Lords, quhat constant prices they may set upon the like in time to come, under the paine of deprivation from their offices, and punishment of their personnes at his Hienes further pleasure, in case of falsitie. And ordains letters to be directe, To make publication of the premisses to all and findrie his Hienes lieges, quhairthrow nane pretende ignorance thereof.

FERCOSTA, an Italian word: Ane kinde of schippe or litle Boate. In ane priviledge granted to the Burgh of Dundie, for reparatioun and bigging of their Forre and Haven be King James the second, in the zeir of God, an thousand four hundred, fluy aucht zeires, and of his reignty, the twentie raw zeire: Mention is maid of ane *Fercost*, quhill is inferior in birth and quantieto ane schip, because the impolite and taxation laid upon ilke schip is ten shillings, and upon the *Fercost*, twentie pennies, and of everie Crear, bulch, barge, and ballinger, five shilling, and ilke great boat six pennies.

FERDINGMANNUS, ane Dutch word, ane pennil-maister, or Thesaurar. *Stat. gild. c. 5.*

FIDELITIE, maid to superiours, and over-lords. *vid. Homagium.* FINIS, finance, or composition maid with theives. *Statut. 2. Roberti Brufis. Item 9.* In the quhill placet is called *thaceum*, or thit boar. *Fimicaria*, ane composition quhill onie man givies ane court. Sik as the justice airt, the King, *In regis. 28. December*, ane thousand five hundred forty ane zeire, the Thesaurar contrar the burgh of Perth, *Fimic facere cum regis*: to fine with the King: Or to make ane finance, and satisfie him for ony trespass committed againt him or his lawes. *As. reg. Da. cap. 2. lib. 4. cap. 3. s. finit. r. 6. or finit. reddere regis* to pay ane fine or composition to the King for ane crime, sik as thit boar. *Stat. 2. Ro. p. c. item ordnat. 9. Fimic facere cum valendinario de multura*. To agree and compeone with the miller for the multer. *Statut. Wilh. cap. item statuit quod de-ventor. 11.*

FIRMARIUS, ane mail-payer, ane mailer, or mail-nidn. *leg. bure. c. si firmarius 56. quo. attach. c. nullus 26.* *Firma* signifies the dueite signifies the tentent pades to the land-lord, quiddier it be silver-mall, victuall, or uthir dueite. *In statut. gild. c. 48.* In the quhill significacion, it is commonly used in the French lawes.

FORENSIS, from the French word *Foraine*. In the burrow-lawes of this realme, signifies ane an-free-man, quia dwells not within burgh, or out-dwelland man. And therefore is called *free mannes*, quia dwelland aland-ward, hes na priviledge, or immunitie within burgh. Commonlie all strangers are called *Forenses*, or *forreners*; uthirwaies *advena*.

HAIMSUCUM, lib. 4. c. raptus, 9. in fine, quo. attach. c. de cetero: 18. Stat. Will. c. Item. stat. 9. Anc. Dutch word. For *haim* signifies an house or habitation, quhairane dwells, and quhair he has his winning, rytting and lying. As we say, ane man is at haim, or nocht at haim. In the quhilk signification *Cuninghame*, is called the King's house or haim, speciallie quhen the Kinges of this Realme, quia of before did dwell in the Isles; came to the maine land to dwell, and remaine in *Doumdouald*, and other places. *Suchen* in the *Germane* toung, signifies to seke, or search, perfw. ut follow, as quhen ane gives up kindnes to afe other, he sayes, *Harr, harr, Ich mol euch suchen*, swa haim-fuckin, or haim-fucken, is quhen one person violently, without licence, and contrair the Kinges peace, enters within in an mans house, or seiks him at the same, or affalsizes his hous (as is written in the best bukis) quhilk crime is punished, as ravishing of women: quo. attach. c. si quis aliquem. 50. Stat. Will. c. Item. stat. 10. quhilk is esteemed an greave crime contrair the common wellreiknes, and peace of the cuntry, quia *unicuique dominus suis est iustissimum refugium*: Ideoque de domo sua nemo debet extrahi. 1. sed c. si. 21. ff. si quis in ius vocat, quod verum esse in causa civilis, non autem in criminali, notatur in gl. ibidem, quid sit domus. vid. l. 1. ff. de agrosolendi. liber.

H A W B E R T, there are foure maners of halding of landes ourwith Burgh, Sum landes are halden be the Kirk *nomine p're cleensyng*, &c. plaies nothing bot *devota animatio suffragia*, as was used in the tyme of blindes and papistrie: uthere are halden in fey, or few-few of the King, Kirk, Barones, or others, quhilkis payes ane certaine dewtie called *fendfirma*, few-few-few: uthere are halden blench, be payement of ane pennie, an roffe, ane paire of gulle spures, or sum uthere dewtie quhen it is asked, in name of blench, or *nomine albe firme*: uthere landes are halden be service of warde a reliefe, and the aife hieord *blanch minor*, is in the gaarde, that is waite, custodie, and keeping of his superiour, with all his faides landes, untill he be majorand of perfie age. And sliken his marriage beand *Major* or *minor*, and nocht married before the decease of his predecessour, pertains to his superiour, *vid. Farla*. Landes halden in this last forme and maner, are called *fodum de Haubert*, or *Haubert*, or *fodum militare*, de maritag. c. diversa. 7. aff. reg. Da c. statum. suit. 32. Or *fodum Hauberticum*, or *fodum loricanum*. Becauit it is given upon condition, that the vassall possesseur thereof, fall cum to the hoist and armie, with *Tak*, and armes: For *lorica a lora*, signifies ane abzuteiment maid of cordes, and *Haubert*, signifies ane kind of armour, maid of maillezes, or circles like ringes, called an *Haubergum*, conform to the common proverbe, manie maillezes makis an *Haubergum*, in one litle makis an *omel*. Of the maner of tenures in the English la was read *Lidleton*, and in the *Nor-mand* lawe lib. 5. c. 3. cum legg.

HAIMHALDARE, *vindicare. alione reidi repetere*, to repetit & secke restitution of proper gudes and gear, and bring the famin hame againe, quo. attach. c. 4. as lauchfull and *haimhald* cattell. *mod. ten. cur. c. 13.* and *haimhald lunt*, or *haimhald hempis* is that quhilk growis at haim, within this realme, & is opposed to lunt, and hemp quhilk is inbrocht furth of uthere cuntries. *haimhaldatio cattallorum*, is quhen one man seikis restitution to be maid to him of his awin gudes and gear, wrongfully taken fra him, quhairof frequent mention is maid in the auld lawes of this Realme. And he quha seikis the said restitution, fild fware in this maner, ane buike be-and put within the hornes, or upon the fore-head of the beast, that is claim-ed before twa lauchfull winnes, that the fild cattell acclaimed be him did wander away from him, and that the famin was nocht given, fild, or onie maner of way annaied be him to onie kind of person. *vid. Catalia*.

HARA *porcorum. vid. Crestera*.

HERREZELDA, is the best aucht, ow, kow, or uthere beast quhilk ane husband man possesseur of the aucht pair of ane duach of land: (fourne oxen gang) dwelland and decaftand theirpon, hes in his possession, the tyme of his decafte, quhilk aucht and suld be given to his Landif-lord, or master of the said land. lib. 4. c. si quis. 22. aff. reg. Da c. si quis. 41. for *Herr* in Dutch, in latine *herus, dominus*, signifies ane lord, or maister, and *zeild* is called ane gift, tribute, or taxation, as in the auld actis of parliam-ent maid be King James the first, it is written, that ane *zeilde* was gad-dered, for the reliefe of him out of England. And ane uthere *zeilde*, is collected, for resisting the rebelles in the North. Swa *Herrezelda*, is ane gift given be one man to his maister and Lord, quhilk suld be his best aucht 17. October. 1470. Quhilk is conforme to the auld lawes. li. 2. c. *reventur* 35. quhairlik lork man makand his testament, fild recognoefce, and acknowledge his maister with the best thing he swa. It is manifest that the *Herrezelde* is given, be reason of the tenentes decedes to his maister, as ane gift, for acknowledgeing, and honouring of him, and therefore in the civil law is called, *laudemium, a laudando domino*. Item in the auld Saxon, and Dutch language, *Herr*, is ane hoist, armie, or weirmen. Swa (as sum thinkis) *Herrezelda*, signifies that quhilk is given to the Lord, or maister passing to the hoist, or be reason of weisfare. For sli small husband-men having onely foure Oxen-gang of land, and thereby, be reason of their povertie, nocht able to passe to weisfare in proper person, suld help their maister, passand forward theirunto: like as *Herischulda*, is the paine of him quha obeys not the proclamation maid for weisfare, for *schulda* is debittum or debt, and *heribannum* is ane charge or proclamation maid for weisfare. *Ornia lib. 1. de fend*.

HILDA, *terre, Hida terre*, ane pluch of land. *vid. Carricata*.

HOMAGIUM, *dicuntur quando aliquis promittit se esse comitem aliqui-judis domini, & hanc & habitare, nisi voluerit dominum. Et super hoc facit homagium, id est promissionem, in suis suis homo. Vel homagium dicitur fide- litas hominis, pro rebus temporalibus facta domino. Chellan. in consuetud. Burgund. rubric. 2. §. 1. verbo. des fiefs: & in §. 3. m. 3.* It is a band of man-tenet, quhen one person promittis to serve ane uthere, in his fort,

that he fall be friend to all his friends, and foe to all his foes, against all deadlie. *Lib. 2. c. predictis. 60. le. Foret. c. quando 60.* It is therefore cal- led *hominium*, and suld be maid be the vassall being *minor*, or *major*, to his over-lorde. *Lib. 2. d. Cap. 60.* And the samin being maid generally, with-out exception of any man, is called *homagium cum ligemia factum. vid. Ligemia*, homage differs from fidelite, first be reason of the per-sones makers thereof, for weirmen makis ane homage, bot onlie fidelite, lib. 2. c. predictis. 60. Becauit homage contents service specially in weisfare, to the quhilk weirmen are nocht subject. And likewise con-ferat bishops, makis onlie fidelite for their landes, and baronies, *lib. 2. c. fieri. 61.* In this forme, I fall be kill and trew, to zow my liege Lord, and schir N. King of Scotland, and fall nocht leare zour skath, nor fecit, but I fall let it at my power, and warne zow thereof, zour Councell con- cill, and heill, that ze schaw me: The best counsell that I can to give zow, when ze charge me in *verbo Dei*, and as help me God, and the halie Evan- gelie. The second difference is be reason of the forme and maner, for be that makis (salie), knellis nocht on his knais, Bot he that makis homage knellis down: utherevales the forme of homage maid be baronies to the King, and the forme of fidelite maid be them to the King, are nocht far different, for the forme of homage maid be them is this: I be come zour

Forme of fidelite.

Forme of homage.

man my liege King in land, lib, life and law, withalliche honour, homage, fealite and lawtie, against all that live and die. Zour counsell councell, that ze schaw me: The best counsell schawand, quha ze charge me: zour skath and dishonour now to hear or fee, bot I fall let it at all my gudlie power, and warne zow thereof. Swa helpe me God. The forme of fidelite maid be the baronet to the King is this, I fall be kill and trew, to zow my liege lord, Sir N. King of Scotland. I fall never leare zour skath, nor hear it, but I fall let it at my power, and warne zow thereof. Zour counsell schawing to me, I fall counsell: the best counsell I can, I fall give zow, quhen ze charge me thereinwith, fa help me God. *Fini autem Homagii de terra tenentis si liberis tantummodo & servitibus de videlicet as- signatis in decanariis, & aliis rebus. Pro solo vero domino, non solum scri- homagium exceptio domino principi, lib. 2. c. funt. 66. 1. ha hic locus corrup- tus & diffidit legi debet.* Concerning the expolition of the quhilk it is to wit, that all homage is maid to the over-lord and maister, quairfor sum are maist chiefe and principall, ilk as the King, to quom withoute onie exception *suprema fides, que nullum exceptum non potius per optimo debetur*. Uther over-lords are inferior and subsentent, to quom their vassalles are bound and oblied, and suld make their homage. And swa there is twa kinde of homage, ane *entiu legi*, and *autem legium. vid. Legemia*. Bith the ane and the uthere may be maid pro *terra tenentis, manie res dicitur*: Becauit ane free holder of landes, tenements, and annuall-rentes, maie make homage to his immediat superiour for his landes or tenements, exceptand the King and his elder over-lord, quhilk is *Ho- magium non legium, lib. 2. c. fieri. 61. leg. fieri. c. quando 60.* Or he may make homage to his over-lord *simpliciter*, without exception of ony per- son or uthere over-lord, quhilk is *homagium legium. Pro solo domino*, an homage can be maid, bot onlie *domino Principi*, quhilk is *Homagium legi- um*: Becauit it is upon condition, and covenant that he to quhonic it is maid, false maister, Lorde and maiintener ane llerrie to the maker there- of. And he quha makis the famin, fall acknowledge him and name uthere, to be his Lord and maister for his maintenance, protection and defence, quhairanet he makis exception of ane person, and swa this kinde of ho- magie, is maid to the King ane llerrie, *pro solo ipsius domino, quom solum & nullum alium omnes debent agnosce- re pro solo domino. hic locus ad- modum diffidit me dno. nullumque librum elo judicium.*

For quia as- signatis ha- things ha- magie salie maie.

Homagium legi & non legium.

HUESIUM, *Hoysium*, ane French word. *Oyez*, in latine audite, ane hoyes, orerie used in proclamations, quhairby ane officer of armes, or messenger does convene the people, and forwarms them to hear him, *de ma- ritag. c. sciendum 17. de judic. c. 57.* It is called *alloy*, an ou-hoy, or *crit; leg. foret. c. si quis 91.* And ane thieris fild be taken with the blast of ane horn with clamour, or hues, and preferred to the King's Baillie. And gif thereafter he flies away, he maie be slaine leiffully, & hangd up in the next gallows. *lib. 4. c. si quis latrone. 33.* Quhilk in ane pairie is conforme to the Acte of Parliam. Ja. 6. p. c. 21. And in the lawes of England, *ann. 4. Edward. 1.* he quha follows nor the hue, raised for apprehending of malefactours, false accused therefor.

HUSBANDLAND, contenes commonlie 6. akers of sli and syth land: That is of sli land as may be tilled with ane plench, or may be maw- ed with ane syth. For as sum auld wirten testifies, the Earle of March for the tyme, caused his fervand *Simon, or Sir Salmond*, to divide the hial land in the Meri into husband landes. ilk husband land contening 6. akers, quhair plench and syth may gang. Quhair Earle of March this was, I am not certain, bot I find that ane called *Simon Salmond* is foretold with nocht certain, bot I find that ane called *Simon, Mar, and Carrioth*, Lord of *Alexander Duke of Albanie*, Earle of *March, Mar, and Carrioth*, Lord of *Amelande*, and of *Nan*, brother to King James the third, 8. July 1483. Bot the Lords of Councell esteemis the *zeilde* males, fereins, and dewties. And of ane husband land, to five markes, in *Registra*, 1. Decemb. 1545. And ane uthere husband land lyand beside *Dumbar*, they esteeme it to 14. bolles bear, and 3. bolles quhite. in *Registra*, 14. Feb. 1544. And ane uthere hus- band land is 3. pounce. Swa I finde ane certaine rule preserved anent the quantite and valour of ane husband land.

For salmond, of Alexander Earle of March, &c.

INFANGTHEFFE, lib. 1. c. 3. ane Dutch word, quhairof I finde divers Interpretations, for in the auld lawes of the *Prisones* maid be King Ed. 1. *infangtheffe* is ane liberty or power pertaining to him quha is infet in theirwith, to cognosce upon thier, committed be his awin man, that within his awin dominion, sklans like as in findry auld bukis, conteneand the lawis of this realme. *Infangtheffe dicitur laro capus de hominibus*

ſuis proprijs, ſaiſtus de latrocinio: & outſigbie is an fori thief quha cumſ fra an uther mans land, or juſticiſſio, & is taken & apprehended within the lands pertain to him quha is infeſt with the like liberty. In ſundry uther buiks it is written, that inſigbie is an liberty, to let & decide upon theft, committed within the juſtification of him, quha is infeſt therewith, be his awin man, or ony uther man quhatſtever, taken therewith, within his awin juſtification. And Out-ſig-bie, is power or liberie to reduce, replege, and bring-home to his awin court, all theyes being his awin men, and committa thief within his awin boundes, quha a fugitive and taken within ane uther mannis juſtification, with the ſange, that is, hand have-and and back-beard, *Lib. 4. c. 1. Si quis 11. Quoniam attach-e nullus 22.* Quhik ſang in the civil law, is called *ſurtum manifeſtum*. But ſundry uthers ar in the contrair opinion, affirming that it is not leaſum to ony man have and liberie of out-ſig-bie, to replege or reduce his awin man, taken without his awin liberie for theft, to his awin court, & there to do juſtice upon him; Becauſe all thieves ſuld under the law, and be judged be him, within quhaſ juſtification the thief is committed: in ſik forme & maner, as is ſtatute aenſt ſlaughte, & punition thereof. *Ia. 1. p. 2. c. 89.* Ananſeth the interpretours of the civil law, I find the like controverſie in this mater. *For. Bart. in l. Sidom. 48. Nu. aff. d. furis. Quocumq; (inquit) in loco reperire ſur cumve ſurtivo, iſtopoteſt puniri.* Telui *ſurtum faciens Florentie, ſi reperitur in alia juſtificatione, veluti Mediolani, cum ſurto, poteſt de Mediolanenſibus puniri.* Quhaſ opinion ſundry Doctors followis, as writs *Chelſieſan in conſuetud. Burgund. Rubr. Verbo ſimile latrecin. Nu. 15.* Albeit ſindrie uthers ar in the contrair opinion; alleagand, that the thief ſuld be henuſhed in the place quhair he commits the theft, *ut in additione ad Bartol. in d. 1. 48.* Conforme to the quhilk, is ſtatute be the Law of this realme, that ane thief of ſtolen woodde, taken with the ſang in an uther Lords lands ſuld be arreſted with the wood, & ſhall ſuffer the law in his court, fra quhom the woodde was ſtolen. *Ia. 1. p. 2. c. 34.* Mai-over, ane thief is ordained to be puniſhed in the place quhair the theft was committed, becauſe the crime may be beſt tryed there, *Stat. 2. Rob. Re. c. 4.*

INFENSARE curiam. That is, quhen the judge informis the ſuters in ſik things quhairv they ar ignorant. *Quoni. attach. c. ubi ad aliqua.* To Like as the civil law. *Tudex poteſt ſupplere ea quod omissis in iure deſun.* ITER, *From Intrare. h. e. Iter facere.* As *Iter canonicarum.* The Chalmere lane aive, quhair of ane gud forme is written and extant in the buiks, containe the ſaid lawes of this realme. *Iter iuſtitiarum,* the juſtice aive, quia *Iuſtitianus debet vitinare per regnum,* as it is written in the Engliſh lawes: For the ſake make couſe throw the realme, for miniſtration of juſtice, and vide in competent and eaſe number, to elſchew greivance, and hurting of the people. *Ia. 2. p. 6. c. 21.*

The juſtice aive ſuld be halden twice in the zeir. For King David ſtatute & ordained, that the juſtice & his deputies, ſuld hold two head courts zeirlic. *Aff. Reg. Da. cap. ſtatut dominus. 18. Quoniam attach. c. ſtatut 77.* And the King juſtice, the Lordes of the regalities, and alſo the Kings Bailles in his regalies, ſuld hold their juſtices aives twice in the zeir. *Iam. 2. parlia. 3. cap. 5.* Univerſelle in all partes of this Realme, anis on the graſſe, and anis on the cornes. *Iam. 2. par. 13. cap. 94. Iam. 4. par. 3. c. 29.* And over all the Schires of the Realme, in the Moneths of Aprill, and October. *Ia. 6. p. 11. c. 81.* Baith in the in-land, and alſwa in the lles, South and North. *Iam. 4. par. 6. c. 59.* Becauſe the Iles and inhabitants thereof, ſuld be ruled be the Lawes of this realme. *Ia. 4. p. 6. c. 79.*

Juſtices aives ſuld be halden, for increaſe of juſtice and tranquillie of the realme, for ſlanching of combes, ſlaughters, rietes, thieties, extorſions, and oppreſſion of the Kings lieges. And to the effect juſtice may be univerſelle, throw the hiall realme miniſtred, for punition of the ſaid crimes, ſik authoritie ſuld paſſe with the juſtice, throw all the realme, to the juſtice aives, that treſpaſſours, ſik as nien-fayers, rieviers, thieves, and committers of uther enormities in diſobeying, and lictlyng of the Kings lawes, may be puniſhed without favours. *Iam. 4. par. 3. c. 29. Iam. 4. par. 13. cap. 90.*

The juſtice aive, or court being proclaimed at the Kings command, to be halden ſik ane day as he pleaſis, in the head burgh of the Schire: The juſtice ſuld cauſe ditty to be taken up be his clerkes diligencie and faithfullie. For the ditty is the principall and chief ſubſtantiall poynt of the juſtice aive; and the juſtice ſuld follow the ordour thereof.

Ditty may be taken up, upon all crimes pertain to the juſtice, and his juſtification, as is manifeſt be the actes of parliament. Read the word Ditty in the table of the ſaides actes, and alſ upon the crime of leſe maietie, or treaſon: As the death of the King, ſedition within the Realme; betraying of the Kings hoſt or armie; Breaking of the Kings proteccion, fraudfull hiding and concealing of ane buird or treſure; wilful fire, robbery, raviſhing of weemen, murder, ſlaughter, theft, foreſtalling, all kinde of ſallied in doing of juſtice; in money, aſſiſe weichtes, meabures, writs; And generally, al uther like crimes, quhilk be the law, ar puniſhed be death, or cutting of ane member. *Lib. 1. cap. 2. Leg. Malcolm. Mak. cap. 3. Aff. Reg. Dav. c. nullus 17. de iudic. c. Placitorum.* 8. Mai-over, the juſtice generally, may ſer particular juſtice Conntes upon ony maner of crimes, quhen neede is, for puniſhment of particular faultes that occurs; ſik as recent ſlaughter, mutilation, raviſhing of weemen. Quhilk hainous and caprall crimes, may be fiſt criminally perſewed before him. And as for the depredations, ejectiones, ſpizules, the famin being fiſt civile diſcuſſed before the civil judge ordinari, Thereafter may be criminally perſewed before the juſtice and his deputies, at particular diettes, ſer and appointed therefor, or be way of ditty in the juſtice aive. *Ia. 5. p. 4. c. 33.*

Ditty may be taken up two maner of waies, privadie and publicklye: For the juſtice and his deputies may privilie take up ditty, be privie inquiſition of malefactours, and their receptrers, be the aith of three gud, honeſt, & faithfull men, & of the principall man; ſik as the Chalmere

laire or officiar within ilk village or town. *Stat. Alex. c. 2.* And mai-over, all Lordes and heades-men of all partes of this realme, ſuld give up ditty upon notour treſpaſſours, without exception of ony perſone, to bece taken and juſtified without remiſſion. *I. 3. p. 13. c. 94.* And ſulde mak trew relation there-ant to the Chancellar or juſtice, quhen they ſalbe re-quired. *Ia. 3. p. 14. c. 98.* And gif they be conviſt be ane aſſiſe in the contrair, they ſal be aſſiſe the time their court, in all time cumming. *Li. 4. c. offi. 20. ſtat. Wilh. c. 1. p. 31.* See condie the juſtice ſuld dire & publicklye the brieve of ditty to the Schireffe and his deputies, for taking up of ditty, quhair of the tencour followis.

Wilhelmus & c. Juſtitarius Domini noſtri regis generaliter conſtitutus, Vicecomitis & Ballivi ſuis de. E. ſalutem. Quia indiſtincta Regia, Deo dice, decimo die menſis. N. proxima futuri, cum continuatione die-ram. apud. F. Inſra vicecomitatum veſtrum levare intendimus, vobis pre-cipimus & mandamus, quatenus ſummonitis, ſer ſummoniti ſaciatis, le-gitimè coram teſtibus legalibus, de qualibet baronia, duodecim vel quin-decim homines, ad hoc opus magis ſufficientes. Et de qualibet vicaria, ſeu villa quatuor vel ſex homines. Et de quolibet burgo, duodecim, vel ſex decim burgeſes, ad hoc opus magis ſufficientes, ſecundum quantitate lo-corum, & numerum perſonarum, in iſdem exiſten, ſua cum ſervitio, ſa-bor, molendinario, braſtorio, & ſellatario, cuiuſque baronie, ville, ſeu vicarie tenendurie. Quod compertum coram clericis noſtris, pluribus aut uno, di-ctis die & loco, cum continuatione dierum, ad ſarſam reddendum indiſtincta regia. Et faciendum ad ſubduendum, id quod in hac parte, juri or-do requirit. Et ſuis vicecomes, & ballivi veſtri, ibidem, coram cle-ricis noſtris, dictis die & loco, cum continuatione dierum. Haben. vobis cum ſummonitionibus veſtre teſtimonia, & hoc breve. Proinde etiam pro expenſis doſtorum clericorum, quos vobis in primis compuit, de exiſ-tentibus juſtitiarie reddendis, ſaciatis plenius allocari. Et hoc nullatenus e-mittatis ſub omni pena, quae competere poterit in hac parte. Datum ſub ſigillo officii noſtri juſtitiarie. Quhilk brieve, the Schireffe ſuld reporte at the day appoynted, in the place, quhair the ditty ſuld be taken up, to the juſtice Clerke, and two witnes at the leaſt with him, ſort to verifie the execution of the brieve, to be lauchfullie done, conform to the command of the juſtice. Cõforme to the precept & command abone written; the juſtice Clerke ane, or maa, convenis the day, and in the place appoynted, and there remainis ſulleined upon the Schireffs ex-penſes (quhilk is allowed to him in his comptes, of the iſſues & proſites of the juſtice aive) and takis up ditty be the relation, and depoſition of the perſons ſummoned, for the giving up thereof. Quhilk ditty they ſuld keip quiet, and ſuld na waies reveale the famin to ony perſon, nor tranſlate it utherwaies then it was given to them, nor change names, ar for ane uther: Nor put out ony luth of the rolles, bot lauchfullie and trew-lic ſuld report and deliver the famin to the juſtice, and his deputies. *Ia. 2. par. 6. cap. 28.* Ditty ſuld be given up be verue of the Kings com-miſſion; direct to Earles, Lordes, Barrones, Knights, and ſpecial Lan-ded Gentle-men: And be fourde of the Councell of everie Burgh, quha ſall mak & give up ditty, be their awin knowledge, or be ane ſworne in-queſt, or ſworne particular men: Upon all perſones ſuſpect capla-ble of the crimes and faultes, pertain to the juſtification of the juſtice and his deputies. *Iam. 6. parlia. 11. cap. 81.* Quhilk ſuld be like-wiſe keiped quiet, and reported, as ſaid is, to the juſtice. And ditty be-ing taken up, upon ony crime againſt ony perſones: Neither judge, bot the juſtice and his deputies, may mell therewith. Likas the War-daine on the Bordoures, in his wardaile couerte, may nocht intromet with ony thing that pertainis to the ditty of the juſtice aive. *Iam. 2. par. 11. cap. 42.*

The ditty taken up, in maner foreſaid, The juſtice Clerke, at com-mand of the juſtice, makis ane catalogue, containe the names of the perſones indited; And upon quhom ditty is given up, quhilk is called ane portuous. Togidder with ane uther Catalogue, quhilk containis the particular ditty, given and taken up, upon tranſgreſſours and ma-lefactours, called the *traifes*: Baith the ane, and the uther, is delivered be the juſtice Clerke, to the crowner: To the effect, that all the perſones quhaſ names ar containe in it, may be attached, and arreſtied be him to compeir in the juſtice aive, to anſwere to ſik crimes as ſalbe im-put unto them. *Ia. 1. p. 13. c. 139. Ia. 3. p. 14. c. 99.*

The crowner, in making his arreſtments ſuld paſſe to the habitation and dwelling place of the perſones, given to him in portuous, and thereafter make proclamation at their Paroch Kirkes, upon ſeſſual daies, and take ſervice of them, ſik as he will ſtand for to the King. And gif the perſones ſwa areſtied, be nocht ſtreinzicable; The Crow-ner ſall areſt their gudes, and put them in ſure keiping, to the Kings uſe: quhilk the ſaid ſervice be founde: Or elſe take their perſons, and put them in the Kings Caſtell, gif ony bee within the Schire. And gif there be na Caſtell, hee ſulde deliver them to the Schireffe to bece keiped. *Ia. 3. p. 3. c. 5.*

And mai-over, becauſe ſindrie perſones indited, uſis to fle and abſent themſelves; ſwa that the Crowner can nocht apprehend them per-ſonally, to areſt them. In that caſe, it is ſufficient that the Crowner com to the dwelling place of the ſaides perſones, and make them warning, and charge to compeir in the juſtice aive nixt following, to anſwere to ſik acculations of crimes, as ſalbe im-put unto them. And thereafter upon the nixt Sabbath day following the ſaid charge, the Crowner ſhall make open and publick intimation of his warning, charge, and premo-nition, maid to the ſaides perſones, be their names, in their Paroch Kirkes. Quhilk charges, premonitions, and intimationes, ſhall ſtand to them for ſufficient arreſtments, the famin being lauchfullie proven, as effects of the Law. *Iam. 5. p. 4. c. 33.*

And mai-over, gif he cannot attach ony man perſonally, be reaſon of his abſence; he ſuld areſt all his gudes moveable, and un-moveable,

Furſum ma-niſeſtum.

The trewe of Ditty.

The forme of the juſtice aive, or court.

Juſtice aive ſuld be halden twice in the zeire.

For whaſ cauſe juſtice courts ſuld be halden.

Ditty, and ſer quhaſ crimes it may be taken up.

The portuous.

Traifeſ.

Arreſt-ments, arreſtments and forme thereof.

Arreſting of fugitives.

Ditty may be taken up privadie or publicklye.

moveable, to remaine under sure pledges, and to be such command to the King: In case he be nocht answerable to the law, before the justice, *Leg. Malc. Mak. cap. 1.*

The Crowner shall arrest at all times, alweil before the crye of the aire, as after the famin, all them quha are given to him in pounous, be the justice Clerke, and none others. *James I. Parliament 13. cap. 139.* Bot all arrestments, suld be maid before the time of the beginning of the justice aire and feare of justice, and na waies after the famin. *Ja. 3. par. 7. ca. 58.* All perones charged to compeir, in the justice aire, suld be attached and summoned to be the auld law of this Realme, upon the space of fourtie daies at the least. *Ass. Reg. Da. c. ad summationem. 19.* And alseit na man suld be attached or arrested, except dny be given upon him. *Stat. Alex. c. 2.* Nevertheless, in attachementes, or arrestmentis of any person indited, na mention suld be maid of the cause or crime, for the quhilk he suld be indited; bot the same suld be concealed be the clerke, and na waies revealed be him. *Stat. Wilb. c. statuti etiam 6. Leg. Forest. c. si aliquis 52. quoniam attach. c. si aliquis 49. Ass. Reg. Da. c. 6.*

Arresting of
albedies
person.

All the indwellers within the towne or village, suld concur and assist the crowner, in attachment or arresting any malefactor to compeir in the justice aire, to underly the law. *Stat. Alex. c. 2.* And like-like, quhen the crowner receivis his pounous, containand the name of any person indited, quha wil not obey him, or quhom he dare not, nor is of power to arrest; he sall passe to the Lord of the Baronnie, quhairin that person dwells: Otherwise gif the dwells not within ane Baronnie, he sall passe to the Schireffe of the Schire, and require them to be borgh and soverie, to enter the said person to the justice aire; quhilk gif the Baronne or Schireffe refusis; the Crowner sall require them to send their officers, and sufficient number with them, to forisfick and supplic him, in making of his arrestment, taking and keeping of the said disobedient person, quhilk he brocht to the Schireffe, to be kept to him, untill the time of the Justice aire. *Jan. 3. p. 14. c. 99.* Mai-over the crowner sall bring all perones arrested be him, quha hes not, or may not find borrowes to the Schireffe of the Schire, quha sall receive him in suretie, and furance, upon the Kingis expences; and quhair it failles, on their awin gudes, quhilk the next justice aire, and there present them to the justice. *Ja. 3. p. 14. c. 102.*

The crowner
expens.

The Crowner, or makers of the attachementes and arrestments, suld not inromet, or carie awaie any gudes or geare, pertaining to the perones attached: Bot the Lord, or officer of the towne, sall fustene them reasonable upon the expences of the said person, be the space of one day, and ane night. *Stat. Alex. c. 2.* And gif the said person cannot be personally apprehended: The crowner may remaine in his dwelling-house one day and ane night, and suld be furnished with twa servantes, and uthir twa as witnesses, and his clerke suld have twa shillings, and sa may nocht take any maiir of the gudes and geare, pertaining to the said person attached, albeit he be absent. *Leg. Malc. Mak. c. 1.*

Probation of
arrestmentis.

Attachementes and arrestmentis maid be Crowners and serjantes, may be proven be them and wines. *14. 3. p. 7. c. 52.* That is, be the aith of the Crowner, & ane wines, conforme to the auld consuewde. *1. 5. p. 4. cap. 33.*

The crowner
fit.

The crowner sall have for his fee, for ilk man amerced or componand, ane colpindach, or threitie pennies. For him that is elenged be ane assise, the crowner sall have na thing. For him man fled or condemned, the crowner sall have all the dancotted horse nor schood. *Leg. Malc. c. 1.* Quhilk is to be understand, of dancotted horse, depute to warke, and not to the saddle; that was never schood, nor used to schoone. *1. 3. p. 14. cap. 113.* The crowner suld have all the cornes lying in binges and mowes, caften and broken. All the in-fight, utensile, and domicile, within the inner part of the house: That is, within the cruk hingand upon the fire. And all and findrie scheip within twentie: And all the swine and Gaies within treie. *Leg. Malc. c. 1.* Attachementes and arrestmentis being maid, or directed to be maid; or in the time of the making thereof: The justice generally, directis ane charge, called *præceptum itineris Iustitiarie*, to the Schireffe and his deputies, in manner and forme following. *Wilhelmus Iustitiarius domini regis generaliter constituit, Vicecomiti & Ballivis suis de E. salutem. Quia ordinamus iter Iustitiarie domini nostri regis, Deo duce, tenen. de tota ballia vestra, apud E. Decimo die mensis. N. proximo futuri, cum continuacione dierum. Vobis precipimus & mandamus, quatenus summonetis, seu summoneri faciat, legitimè & coram rebus legibus, omnes Episcopos, Abbates, Priores, Comites, Barones, & ceteros liberos tenentes, totius ballie vestre, qui scilicet debent. Et etiam omnes illos, qui nihil mis suas debent presentari, qui de domino nostro regegent in capite. Quod compareant coram nobis seu deputatis nostris, pluribus aut uno, dictis die & loco, cum continuacione dierum, ad perscrutandum, subduendum, & determinandum, id quod in hac parte, juris ordo postulat. Premonetis etiam, omnes iudicatos, tam de novo, quam de veteri, & suos plegios, qui nondum coram nobis compareant, vel iudicium subierint, ad etiam illos, qui prosequi habent, vel de eundem in dicto iudicio, secundum formam juris. Quod compareant coram nobis, seu deputatis nostris, pluribus, aut uno, dictis die & loco, cum dicta continuacione dierum, ad perscrutandum & subduendum, id quod in hac parte juris ordo requirit. Et sitis vos Vicecomites, & Ballivi vestri, ibidem, dictis die & loco, cum dicta continuacione dierum habere vobiscum summationis, ad premonitionis vestre re-fuminationis, & hoc breve. Provideatis in super pro expensis nostris, bene & competenter. Quas vobis, in vestris primis computis, de exhibitis Iustitiarie reddendis, vobis facientis plenius allocari. Et hoc multatenus o-mittatis, sub omni pena, que competit in hac parte. Datum sub sigillo nostri officii Iustitiarie.*

Of persons
quin suld
compeir in
the justice aire.

Præceptum
itineris Iustitiarie.

Præceptum
itineris Iustitiarie.

Præceptum
itineris Iustitiarie.

Præceptum
itineris Iustitiarie.

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itineris Iustitiarie.

Præceptum
itineris Iustitiarie.

Præceptum
itineris Iustitiarie.

sell of landes and heritage: To certifie and informe the justice and his deputies, in his question and doubtis, quhilk incidentis aris, as emergent, and of before could nocht be fore-seene, nor known. *Ass. Reg. Da. c. stat. 18. quoniam attach. c. stat. 77.* Sik as Bishops, Abbots, Priors, Earls, Barones, and uthir freetennens, being summoned and warned to that effect, *quoniam attach. c. ad summationem 78. 1. 4. c. Stat. 19.* and they being lawfully warned and not compeired, incurris, the paine of the in-law of the court. *1. 4. c. statum. c. 19.* And may be punished as favourers of the trespassors, and airt and part with them. *14. 3. p. 14. c. 29.* And uthir and all wher the Kingis justice, fuld cum to the justice aire, and to all the uthir courtis, in sober and quiet maner; and suld not bring with them, man perones, then as dailie in their household and families. And being cum to their limes and ludging, suld laye their armour and weaponis from them, and ulewa weapon, bot their knife. *14. 3. p. 14. c. 83.* Mai-over, all Lordes, Spiritual and Temporal, Barones and others, cummand to the justice aire, fuld na waies maintrine, fortifie, supplie, defend, nor be Advocates, nor stand at the Bar, with maner traitouris, men-layers, thieves, rieviers, nor at uthir trespassours, nor perones pertaining to themselves, or uthirs: Salland, it false kaskum to them in fawber waies, to stande with their kin, and friendes in defense of them, in their honest adions. *14. 3. p. 14. c. 98.* Quhen the justice aire is to be halden upon the Bordours: The Wairdaines, within their Wairdaines, and their deputies, with the free-halders of the Schireff-dome, being warned thereto be the Schireffe, be open proclamation, fuld convoy the justice and his deputies, to the place appointed for halding of the Court; And accompanie them, in doing their residence, and untill they be out of the boundes of their Schireff-dome, and received be the next Schireffe. *Ja. 6. p. 11. c. 81.*

Perones
as
lashed.

In the justice aire, fuld compeir all perones attached, and arrested, conforme to the dittay given & taken up upon them; quhairif, some were arrested of before, to have compeired in the justice Court preceding, already ended, and expired, and compeired none in the famin: quha is names ar given to the Crowner, to be of new attached, and arrested, to the aire following, as of before: Uthers are of new indited, upon quhom na poynt of dittay was taken up, in any time by-gane, quha is names ar comprehended in ane Catalogue, called pounous. All the fore-said perones indited, baith of auld and of new, suld be attached and arrested be the Crowner, to compeir and underly the law, the time of the justice aire, as is manifest be the precept foresaid, direct be the justice generally, to the Schireffe.

Inhabitantes
of annexed
landes.

All perones arrested, that may be apprehended, the time of the aire, in the Tolburh, or in the town, quhair the justice is, false taken and delivered to the justice, to be justified for their crimes and trespasses. Swa that the arrestment be maid before the time of the beginning of the justice aire, and feare of justice. *Jan. 3. par. 7. cap. 57.* And quhair landes lyand in findrie Schireffdomes, ar annexed and united in ane Baronnie: The inhabitantes thereof, fall answer in the justice Court, quhair the landes lyes, and the Lord, or proprietor of the landes annexed, givis preference or service, in the court of the Schireff-dome, within the quhilk the baronnie lyes, to the quhilk the landes ar annexed. *Ja. 4. par. 6. c. 93.* For in this case, respect and consideration is had to the natural situation of the landes, and to the jurisdiction, within the quhilk they lye: rather nor to the imagin, and civil forme of lying, of the landes be annexation.

Stewardries
& Bailiories.

Atour, all inhabitantes of stewardries and bailiories, fall cum to the head burgh of the Schireff-domes, quhairin they lye: And within the quhilk head burgh, the Kingis justice aires are halden. *Ja. 6. par. 11. c. 81.*

The judge.

The judge in the Kingis justice aire, is the Kingis justice generally, or the Kingis bailie, in his regales, havand lawfull power and commissi-on granted to them. *Ja. 2. p. 3. c. 9.* For the King, or the justice generally, may make ancht deputies, quha withane depute of the Thesaurer, and ane uthir of the justice Clerke, suld pass severallie throw the aucht quarters of the realme, and hald justice Courtis. *1. 6. p. 11. c. 81.*

The justice
expens.

The justice generally, fuld have for his sustentation, like day of the aire, five pence. Like as the justice Clerke fuld receive for ilk man elenged, beane assise, and drawn forth of the rolles, four pennies. And for ilk man amerced, or componand, ij. s. *Leg. Malc. Mak. c. 2.* For ilk Attorney and commissi-on, twa shillings. For ilk man quha producis ane remission, twa shillings. For ilk man that cummis in the justice wiff, twa shillings. For ilk man convict and fled, twa shillings. For ilk letter of winneise, sex shillings, aucht pennies.

The Schireffe,
The crowner.

The Schireffe fuld be present, as he quha is warned be the justice precept, to answer to all the pounyes thereof: And touching the execution of his office, togidder with the Crowner, quha fuld answer for his attachementes and arrestmentis, and verification thereof: And the Schireffe, with the Crowner, fuld tholl ane assise, the last day of the aire, anent the using and execution of their offices, to quhome justice fuld be ministrat, as they fall be founde innocent, or culpable. *Jan. 3. par. 14. cap. 103.*

The forme of
the courtis.

The day of compeirance being cum, to the quhilk the justice aire is cryed and proclaimed: The justice and his deputies, fuld compeir with all uthir perones, charged and commanded to concur and assist with them. At the quhilk time, the fures fuld be first called, with their Lordes. For albeit the Suters compeir, nevertheless, their Lordes and maiiters ar obliged likewise to compeir, and give preface to the justice in his aire: They being lawfully summoned, and charged to that effect, be open proclamation, and be the justice precept abone writen.

Commissi-
oners.

2. The Commissi-on and power given to the justice, fuld be produced and red: And gif the Commissi-on be given and granted to man perones, none are con-junctive: They fuld be all present; uthirwaies it is na lawfull court. Bot gif they be continie conjunctive and severall-

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Assessors
and consel-
lers.

Quhilk precept and command, is conforme to the Lawes of this realme: Because all free-halders, haldand landis in chiefe of the King, within the Schireff-dome, quhair the justice aires are halden, fuld compeir and be present all excuse falsid, except the fame be of sickness, the Kingis service, or in-

lie: It is sufficient, that any one of them be present. And maiſt-ov-er, the juſtice may nocht make and conſtitute deputies and ſubſtitutes under him, except he have ſpecial power in his commiſſion, to do the ſamin. *Lib. 4. c. 3. ſumus. 27.* Thirdly the judge ſhall begin and lenſe the court, conforme to the common ordour and conſuetude uſed and obſerved. *La. 6. par. 11. c. 81.* Quhilk ſuld be done at eleven houres before noone. *Ja. 6. p. 11. c. 86.* Fourthlie, the court beand affirmed, the dampſer ſuld be called and cauſed to be ſworne, that he ſhall leallie and trewlie, uſe and exerce his office. Fifthlie, the ſuites ſuld be called. *La. 6. p. 11. c. 81. 2it* againe as be-fore ilk man, twiſe with their lords and maiſters, and the abents deemed to have failized, and therefore ſuld be unlauwed, and gif bairn the ſuiter and his Maiſter be abſent, ilk one of them betheſelves ſuld be americiar.

The affiſe.

Sextlie, the affiſours being ſummoned beane precept direct be the juſtice to that effect, ſuld be called, ilk perſone under the paine of fourtie puns, and the juſtice may cheife affiſe one or mair, as he pleaſis, of the beſt and maiſt worthie of the countie, before quhom the hail accuſation, reaſoning, writs, witneſſe, and utter-probation, and inſtruction quhat-fur-ever of the crime, ſhal be reaſoned and deduced in their preſence, and alſo in the preſence of the partie accuſed in face of judgement. *La. 6. p. 1. c. 90. 91.* And it is to wit, that he quha givis up dritay upon ane other, ſuld not paſſe upon his affiſe. *La. 1. p. 3. c. 50.*

The perſons attached.

7. The juſtice ſuld procede in his court, and put the offenders: gif any be already in priſon, to the knowledge of the affiſe; and miniſter juſtice upon them, as they ſhalbe found innocent or culpable. *La. 6. p. 11. cap. 81.*

Pledges for court of his theris.

8. He ſhall call thereafter the pledges, and cautioners of perſones attached, quha laund foverie before the juſtice any time preceeding, at any particular day, or court, to compeir the third day of the aire, or ſooner, upon ſiſtene daies warning. *La. 6. p. 11. c. 81.*

9. This being done, the clerke ſhall viſit and conſider the hail rolles, and journell, and call all them quha ar writen from the aires preceeding. Upon quhais heades and names is abſent, *prima dies, ſecunda dies, tertia dies:* Be the quhilk he underſtandis, *ira* quhat aire or court they were abſent. And that they may be therefore americiar, ilk one of them be themſelve, be reaſon of their abſence. And gif the ſaidis perſones, nocht compeir and before, now compeiris & ar preſent: The clerke ſhall liuk the auld diitties and rolles, and accuſe them, conforme thereto, in the beſt maner he may gudlie. And gif there be na particular poynt of dritay, or accuſation; he ſhall lay common dritay to their charge.

10. Thereafter the juſtice ſhall call the perſones ſwite in-drit and arreſted; And gif they or onie other of the arreſted perſones forſeidis, compeir; they ſuld be preſented to the court, and to the Schireffe, quha ſuld anſwer for them, untill juſtice be done upon them.

Excuse for non-compeirance.

11. The quha ar attached, and compeiris not, may na-waies be accuſed for their nocht compeirance, bot be the Kings ſervice; quhilk ſuld be verifieid be the Kings letter, produced in court: Or be reaſon of ſickneſſe. Quhilk be the auld law, was tryed be ane affiſe: quhiddie it was trew, or feintid: Albeit the partie was abſent. *Stat. 2. Rob. Br. c. 5.* Bot now it ſuld be proven and verifieid be the Miniſter of the Paroch, within the quhilk the perſon excuſed dwells: And be two witnes perſonallie compeirand in judgement. *1. 1. p. 9. c. 14.* And concerning perſones abſent, it is generally ordained, that everie barrone and free-holder, ſhall anſwer in the juſtice aire, for his awin men: dwelland upon his awin proper landes, tackes, ſteadings, cowmes, and baronies, and ſhalbe halde to enter them; or els anſwer to the King, for their unlaues. *1. 5. p. 3. c. 6.* Quhat is the unlaue in the juſtice aire. *vid. Americiation.* Bot for the better underſtanding of the lawes, concerning fugitives and abſenters: It is to wit, that be the auld lawes of this realme, gif the partie defenden being lauchfullie warned, compeired not, bot ſend ane excuſe, or excuſe; the ſamin being reaſonable, was received and admitted to the judge, three ſindrie daies or courtis: And gif he compeired afterwarde, and verifieid his his effiſonizies to be lauchfull, he was dritreinzid, and poynded therfore. Bot gif he neither came, nor ſend ane excuſe: The partie perſewer compeired at lauchfull day and time of court, and offered him reddie to perſew, quhilk he did be the ſpace of three daies. And the third court beand by-paſt, the defender was ſummoned to compeir the fourth court: The quhilk ſuld be peremptory; becauſe ſentence definitive was given a- gainſt him, conforme to the claim and petition, gif he compeired nocht. *Tab. 1. c. ſummonitus. 9.* The like ſorme and ordour of proceſſe was obſerved in juſtice courtis. For mentionis maid of the firſt aire. *La. 3. p. 13. c. 94.* And of the ſecond aire. *1. 5. p. 4. c. 32.* And of the fourth court. *1. 3. p. 14. c. 101.* And gif any perſon indicted, and lauchfullie attached, compeired not, the ſaid three courtis, his pledge or law borch was called and americi- at for the firſt, ſecond, and third court, and at ilk time after ilk one of the ſaidis courtis, the ſaid pledge was poynded and dritreinzid. And the diſ- cuſſe or poynd was letten to borch, and maid free under caution; that the ſaid perſon indicted, ſuld compeir in the next aire following, to under- lie the law. And gif he was abſent at the fourth court, the peremptory doome was given againſt him; That ſik ane man was in ane americiand, and at the Kings houn, and his landes and all his gudes effect to the King, except he come within fourtie daies, and did bidde the law: And there- after the court being ended, the ſaid perſon was denuncied rebell, and put to the hoome openlie at the merat croce of the head burgh of the Schire. Quhilk forme of proceſſe was ſa lang and prolux, that in many zeires, parties hurt and grieved, gar na juſtice: And treſpaſſours and crimes paſſed unpuniſhed: quhilk was the occaſion to many perſones to commit crimes, truſting na haſtie puniſon nor correccion to follow. Therefore King James the Fifth, ſtaute and ordained, that the proces of juſtice aire, and juſtice courtis, ſuld be peremptory at the ſecond aire or court, ſwa that fugitives not compeirand at the ſecond aire

The fourth court.

or court, ſuld be denuncied the Kings rebelles, and put to his home, and all their gudes his effect. *Imm. 5. Parl. 4. Cap. 32.*
12. Hereafter the Lordes of regalitie may deſire their men to be remit- ted to their awin juſtice courtie, and replege them, ſchawand their com- miſſions, power, and payan and therefore, and leivand ane caution behind them, called *cultrach*, quha ſhalbe acted and obliſhed, in the juſtice Court, that juſtice ſhalbe done and miniſtrid, in the court of the regalitie, to the partie complainand upon the perſon repleged.
13. The juſtice or his Clerkes, ſhall demand and ſpeare at the Bailies of Burrowes, gif they be ready to preſent ilk Burghes within their Burgh, in- drited to the Kings juſtice aire: Quhilkis perſones ſhall all emer perſonal- lie before the juſtice, under the paine of ane new-law and americiand of court: quhais names the ſaidis bailies ſhall put in writ, and deliver the ſam- in to the juſtice, or his clerkes. And gif they will borrow or replege their ſaidis neighbours, they ſhall ſchaw their Commiſſion, & pay therefor, & thereafter gif they draw or oblige theſelves, their Commiſſion, & burgh in pledge: That they perſones quhom they replege, and quhais names they give in writ, ſhalbe forth-cummand, and anſwerable to the laws, and chal- lenge of the juſtice. At the quhilk time, he and his deputies ſhall aſſiſe to them ane certain day, to underlie the law, either in that aire, or there- after quhen he ſhall think ſpeedfull. And at the ſamin time, it is leaſum to the Kings juſtice, ſitand in the principall burgh of the royaltie, to give ane aſſiſe to all the ſaidis burghes, repleged of their awin neighbours, that beſt knowis the veritie, dwelland in the ſame burgh with them. And gif there be nocht ane ſufficient number of the ſaid con-burghes: It ſhalbe leiſum to choiſe ane aſſiſe of the burghes of the ſaid head burgh, quhair the juſtice and his deputies ſitis, as he ſhall think expedient. *La. 4. p. 1. c. 1.*
14. Gif the partie accuſed compeirand, allegis to his remiſſion or reſpect; he ſhall produce the ſamin in court, and ſhall finde ſicker borowes to aſſiſh and content the partie complainand, within fourtie daies fol- lowing: Quhair-upon ane act is maid in court, quhairby he and his cau- tioner, ar obliſhed to aſſiſh and ſatisfie the partie, within the ſpace fore- ſaid; Quhilk is called the act of Adjournall. And gif he refuſis to finde caution, he ſhall remain in the Kings priſon, quhill the ſaid fourtie daies be runne, and then his remiſſion ſhalbe expulſed, and of na value. *La. 2. pa. 14. c. 75.* And in this caſe, quhen any man takis him to his remiſſion, reſpect, or compoſition, in the juſtice aire, or juſtice court, and ſindis foverie to aſſiſh the parties: It is leiſum to the partie to call the ſaid foverie before the Lordes of Court, conforme to the act of Adjournall, maid there- anent. *La. 5. p. 3. c. 7.* As gif any man becumis foverie for ane other, a- nent ſpualite committed be him; and for reſtitution or ſatis. ſaſon to be maid be him therfore. He as foverie may be called and convened for the gudes ſpualizid. For the violent prices thereof, for the damage, ſkath, and intereſt ſuſteined be the perſewer, throw the committing of the ſaid ſpualite. *10. Martij. 1500. William Keith, contrair the Earle of Caithneſſe.* And the ſaid foverie being condemned, hes gud action a- gainſt the principal parties, for his reliefe, be ane ſimple charge, upon ſex daies warning, without perceptour ſummoned, or ordour of table, *11. Julij. 1545.*
15. Gif the perſon attached compeiris in the Courte; and beand ac- cused, hes na relevant exception, or reaſonable deſenſe; of neceſſitie he ſuld paſſe to the knowledge of ane aſſiſe, conforme to the Lawes of the Realme. At the quhilk time, the hail affiſours ſuld be called, and the ab- ſentis americiat. *La. 6. p. 11. c. 76.* And the partie accuſed, ſuld be heard to propoſe all and ſindrie, his lauchfull defenses, againſt the hail affiſours or ony of them, to repell them, as he may beſt of the law, and flay them to paſſe upon his aſſiſe. At this time the perſon compeirand and accuſed, cummis in the will of the juſtice, or he is clogged be ane aſſiſe; or he is ſiled and convict. Gif he ſubmitis himſelve, and cummis in will; It is leiſum to the juſtice, to draw him lurch of the rolles, and to declare his will, and to charge him to pay ane compoſition, or ſik ane ſumme of ſilver, as he pleaſis to modifye, alker the qualitie of the crime and perſon, for up-taking and in-bringing quharof, the juſtice aire being ended, the juſtice directis his precept, called, *Preceptum extractis itineris juſtitia- rie*, in this ſorme:
Wilhelmus juſtitarius generalis, Vicecomiti & Ballivo ſuis de E. ſultra- tem. Quia in itinere juſtitiarie Domini noſtri regis, per nos ult. mo. ſent. apud F. decimo die mensis. N. Anno Domini &c. Diversi fuerunt americiati, & pro suis delictis convicti, & in nostra voluntate poſſiti. Quare vobis precipimus & mandamus, quatenus de infra ſcriptis perſonis ſub- ſcriptis ſummas levare faciatis, & pro eisdem ſummas ſormas juris di- ſtringatis. Et primo de N. ſumma &c. De quibulquidem ſummis ſolvatis pro expenſis noſtris in dicto itinere ſummas. N. Reſtimus etiam dictarum ſummarum ſolvatis offeraritis Domini noſtri Regis: Vel ſibi nobis assignabatur infra tempus legitimum, hoc eſt infra quadraginta dies primo dicti dicti itineris proxime & immediate ſequens. Et hoc nullo modo omittatis.
Quhen any perſon is clogged be ane aſſiſe, the juſtice directis his Telli- moniell, called *Littera reſimoniatis de homine mundaſto per aſſiſam*, in manner following.
Wilhelmus juſtitarius generalis, univerſis & ſingulis ad quorum noti- tiam preſentes littere pervenerint, ſalu. Novitis quod comparius coram nobis iurare juſtitiarie Domini noſtri regis, teni. apud F. decimo die mensis. N. Anno Domini &c. I. de B. inditatus. & per rotulos Regios calumnatus, de arte & parte talis furis, vel itaſtupine, vel in- cendij &c. Quamquidem calumniam dictam, I. in facie judicij penitus de- negavit. Et ſuper hoc ad recognitionem aſſiſe utriusq; ſe ſubmiſit. Quo- quidem aſſiſa hinc inde diligenter conſulta, Et plenius aviſata, dictum. I. a dictis calumniis ſibi impoſitis, quitum declaravit, penitus & innummum. Et hoc omnibus quorum intereſt, vel intereſſe poterit, notum facimus per

The ſecond court.

Replegiatio, be reaſon of regalitie.

Replegiatio of burrowes.

Remiſſionis or reſpectus.

Act of ad. journall.

Perſones condemnand in will.

The precept of extractis.

Perſones charged.

per presentes. In cuius rei testimonium sigillum officij nostri appendi curavi-
mus.

All thay persons quha cummis in will, and drawn furth of the rolles, and also they quha are elenged be ane assise, can na way in any time there-
after be called or accused for that crime, for the quhilk they cum in will;
for anis quit and elenged, ay quit and elenged. Zn nevertheles, gif any per-
son be accused criminalle of life & lim, at the instance of ane other pri-
vate man allanerlie, and is elenged and maid quite: the Kingis Justice & his
deputes, be reason of their office, may theratier tak inquisition agens the
said crime; & in the Kingis name accuse the committer thereof, conforme
to the Law. Notwithstanding that of before, he was elenged thereof be
ane assise. *Lib. 4. c. 5. querela. 58.* Because the action or porsure of ane privy
partie, prejudis not the King in his richt or rentes, competent to him,
be reason of his royal power. And theretore the Thesaurar, and the Kings
Advocate, may porsue all malefactours: Albeit the parties desist, or pri-
vately agree amongst themselves. *la. 6. par. 11. c. 76.*

Persones fidei et convicti. Quhen trespassours and malefactours are convict, as breakers of the sta-
tutes, and acts containand diray; they aucht and suld be punished accord-
ing to justice, and conforme to the tenour and paines contained in the acts
boken and contravened be them. *la. 4. par. 4. 45.* And gif the paine con-
tained in the act be pecuniar, they suld pay the same. And gif be capital,
they suld underly and suffer the same, except the King give them remis-
sion, and speciall grace there-ane. As for example, landed men, lauch-
fullie and ordourlie convict of common thiefe, receipt of thiefe, rothe,
or rike, incurre the paine of treason, and therefore suld be punished be the
tineill of life, and confiscation of landes and gudes. *la. 6. p. 11. c. 50.* Al-
waies the Crowner may not intromet with any gudes or gearre pertein-
ing to any trespassour, convict and condemned to the death, as his awin
hand, until the Scheriffe or his deputes, cower, or fend with him, and vi-
sual all the hail gudes; and deliver to the pawner fa-meikle, as he suld
have be reason, and as pertainis to his office, and bring the remanent to
our Sovereine Lord, and his Thesaurar. *la. 3. par. 14. c. 102.*

The end of the writ. The justice aile beand ended, the justice fall deliver the extract thereof,
subscribed be him to the Thesaurar, quha suld cause take up the foumes
contained thereinall, and make compt thereof in the next Checker, in the
quhilk compt fall allowe the expensis and charges of the iustice, & his
deputes and Clerkes, as the same fall be modified be the Lordes, Audi-
tours of the Checker. *la. 6. p. 11. c. 81.*

L

LAST Offgudes, how meikle it contains. *vid.* Serpichin.

LET Lands to borgh, *dimittere terras ad pleg.* *vid.* plegins *vide* Reeng.

LEX *Apparetur lib. 4. cap. 4. de iudic. c. 24.* Leg. *Forest. cap. Item in pla-*
cto. 16. signifies the law concerning singular battell. And *lib. 4. cap. 1.*
it signifies ane inquisition, maid, or taken be ane inquest or assise. And
in the Law of *Normandie. li. 9. c. 10.* It is called *Lex apparitans*. And *lib. 8. c. 3.*
All quarrelles of possessioun or moveables, quhilkis are called *Chaut-*
tell, or of landes and immovable gudes, suld be decided be
common and simple quarrelles, conforme to ordour of lawe, or be lawes
Apparitantes; quhilkis ar determinat, ether be singular battell, or be ane
inquest of the cuntry, uthewise called, *Lex recognoscant*. It is like-
waies called, *Lex paritabilis*, *a parium pugna*, *vel concertatione*, from the com-
bat of peccers and Campiounis, or *lex duellum*, quhilk law is ungodlie, and
not to be used among Chritianis. *Causa lib. 4. de feud.*

LIBERTATIO, an fee given to ane servand, or officiar, quhilk is
called ane liverie. *Leg. Malcolm. Mackenneth. c. 4.* Feodum, or fee, is com-
monlie of silver and money, and ane liverie is of meate or deirbes. Bot
this distinction or difference, is nodit perpetual.

LIBERUM Tenementum, is commonlie, and proprie called, frank
tenement, or life-rent. In Latine, *usus fructus*, conform to the dailie practi-
que of this Realme. And neverthele, *Librum tenementum*, signifies
the propertie, fee or heritage. *Donatio liberi tenementi, & concessio heredi-*
tatis, is baith ane. *Lib. 2. c. post. 21.* Tenementum Regium, is called the
Kingis heretage. *Lib. 2. c. dictu. 74.* In the quhilk significatioun, Minor
dictur esse in tenementum. *lib. 3. c. generalia. 24. c. Remanere 26. Et placitum*
de rebus & liberis tenementis per breve domini Regis de resto debet terminari.
Lib. 1. c. 6. And King Alexander gave and disposed to Duncan Forbeys, *te-*
nementum de Forbeys. That is, the landes and heretage of Forbeys; quhilk
Charter is zit extant, *vid.* Tenementum.

LIGENTIA, *Lib. 2. c. fieri. 61.* From the Italian word *Lige*, ane
league, band or obligation: as *homoligens*, ane man, quha is obligat and
bound fra the quhilk cummis, *Alodium*, *in hiris* *endorum* *quid* *possessio* *si-*
ne *legde*: *Cuius possessio per annuam et leodes fere ligens.* And *ligentia*, is the
mutuall band or obligation, betwix the maister and the servand. *Lib. 2. c.*
plurib. 14. lib. 4. c. Si quis super. 56. Vid. Affidatio. Item, the mutuall band
and obligation, betwix the King and his subjects, quhairy we ar cal-
led his lieges, because we are bound and obligat to obey and serve him.
And he is called our liege King, because he suld maineain, and defend us.
And the doctors of the law writis: *Quid in imperator dicitur dominus ratio mu-*
di, eodem modo quo rex regit bene a rege. C. de qua. prescript. Quhilk
suld be understand, concerning the defence and maintenance, and not a-
nent the propertie. *Quia reges non sunt domini privatorum possessionum.* *Glof.*
in l. Barbarius de officio. Pater. Homagium ligium. *vel* *com ligentia* *salu-*
tem, is quhen the vassall, absolutlie makis homagie to his superiour, agens
all, and quhat-fum-ever persons, without exception of onie man.
quhilk suld be done to na uthir, bot to the King allanerlie. *Homagium*
non ligium, vel fere ligentia, is that quhilk the vassall makis to his Over-
Lord, excepting and reserving the fidelitie, quhilk he aucht to the King,
or his elder Over-lord, or maister. *Lib. 2. c. fieri. 61. Chetivianus in Consue-*
tu. Burgund. 2. ubi. 3. §. 3. Verb. & homage. Nio. 10. cum. seq. Quhilk vassall
is called *vassallus non homoligus*. Likas the uthir is *vassallus homoligus*, in
quhais aith na pesson is excepted. *Causa lib. 2. de feud.*

MACHAMUM, *Mechamum*, from the auld French worde
Mehaigne, quhilk we call, Manzie, hurt, mutilation, dismemberment,
or the losse or finell of ony member of ane mannis bodie: Or the breaking
of ane banes or quhen ane mannis harn-pan, or ony part thereof, is cut-
ted away, or dang in. *Li. 4. c. 4. Res cum machamio dicitur res minus sana.*
Lib. 3. c. ex causa. 8. Be the auld Law of this realme, he quha is mainzied,
hes ane iust cause to excuse himselfe fra singular battell, and zit he will be
compelled to purge, elenge, and defend himselfe. *Per ignem & aquam.*
4. c. 1. cap. Si quis pro latrocinio 15. Quoniam atach. c. dequis 58. Lib. 4. c.
affisa 20. Stat. Alex. c. quinquage 31. Quhairis the word pertainis not
to ony Barronne; For na subject may compell ane uthir to purge himselfe
be fire or water. *Stat. Alex. c. preterea 32.* This kinde of purgation was
ane maist scharp and extreme kind of purgation and triall: Like as we dai-
lie use in common proverbs; quhen we say be way of menacing, & boa-
sting, that we fall gar ony person pas *per ignem & aquam*; That is, to suf-
fer and underly that kinde of triall that is maist severe and extreme. It
is called, *iudicium Dei*, the judgement of God, as knowin to him allanerlie.

Iter. Camer. c. cum hoc. 25. And was in great use amongst the Longobardes,
as is expounded *Homagium de feud. c. 44.* In the auld Saxon counis, and
zit in durt, it is called *Ordell*, *ordallum*, from, or quhairis they use as *prova-*
toris particula, and *Del*, quhilk signifies ane part or portion: quhilk
word we use in the same significatioun; and swa *Ordell* signifies innocens;
quha hes na part, or is not participant of the crime, quhairis he is ac-
cused. Purgation be the fire, is quhen ony man with baif feete, passis thro
the fire, without ony harme or hurt, or quhen ony man dois carry and
bear in his bare hand host burnand iron, without ony hurt of his hand,
quhilk is called *ferri candentis iudicium*. In the quhilk case, he was de-
clared to be *ferri*, or na waies participant of the crime. Uthewise, gif his
fute, or hand was hurt be the fire, or hotter iron: he was condemned, as
participant and fowle of the crime. And siklike, *Purgatio per aquam*, is
quhen ony man suspect or accused of ane crime, was calen in heate or
cald water. And gif he passid to the bottome, without ony hurt of his bo-
die, he was decerned *Ordell* *benignum*. For gif he did not lido the ground,
bot did swimme above, be the windm as fowle of the crime; as is
written in the auld laws of the Britones, *Teris Ordallum*. And be *Canonicis*
2. de feud. Purgatio vulgariis, is declared be the Canon Law, *c. dilecti*
cxvi. de purgatione vulgariis. c. ex nuntiar. 3. de purga. canonica. And like-
waies be the laws of this realme it is forbidden ane assise. *off. Reg. De c.*
Stat. exan. 30. In fue nisi pro possion lege aquam. *Stat. Alex. c. Statuti Do-*
minus 6. And be the law of God it is commanded, that nane suld suffer
their founne or daughter to go thro the fire. *Deut. 18. 10.*

MANELETA, Ane kinde of evil and pestilent herbe, quhilk growes
amongst the cornes, called *Guld. de iudic. c. 7.* The law of *maneleto*, or of
the Guld, was first institut be King Kenneth, quha ordained that the
quha throw his fault or negligence, suffenis fawnde landes to be fled
with noyism herbes: For the first lall, fall pay ane Oxe; for the second lall,
ten Oxen; and for the third lall, fall be removed fra the possion
and laboring of the land. *Heffor Bostin. Lib. 10.* And gif ane mailer, or
tennent, flis the land with guld, & will not elenge the same, he, may
be punished as ane seducer, quha brings, or convovis ane armie within
his maisters land, to wrack and destruyr. *Leg. Forest. c. Si natus 28.*
de iudic. c. 60. And gif they ayn native man, or bondman *uauis* *mans* *ius*
guld within thir landes; For ilk stock or plant therof, he suld pay ane
Mutton, as ane unlaw. *Leg. Forest. c. 28. de iudic. c. 27.* The quhilk lawe,
and constitutioun is kept and observed, within certaine partes of this
Realme; quhere the tennent sufferand the guld to grow among his cornes,
pays ane wedder or sheipe, to his maister.

MANERIUM, landes labourd with hand wark, *quasi manerium*,
a manu. Ane manines, or domaine landes; Or *terra dominales*: Because
they are labourd and inhabited be the Lord, and proprietar of the
same, gif there betwa manines, pertaine to ony man that is deceased,
the principal manines suld not be divided; bot suld remaine with hisseir
and succellour, without dividin; togidher with the principal manine.
And full satisfactioun suld be maid to his wife, or relict therof, furth of
the second manines, or uthewise. *Lib. 2. cap. Dos autem. 19. de iudic. cap.*
112.

MANSUS, *Manens*, ane habitation or dwelling place, speciallie
quhair husband-men, labourers of the ground dwellis a-lanward; to the
effect they may labour their land maire commodiously. *l. Si pater. Nu.*
9. c. de cond. inferis. Molinus in Still. c. v. part. 3. c. 83. Bot Bartol. in
l. Si na. 10. de iur. & argent. legat. affirmis. An *Manse* to be als me-
ikle land, as may be gudlie tilled be twa oxen in the zeir. *Causa lib. 1.*
de feud. writtis, that *mansus*, is sa-meikle land, quhairy ane man may suf-
ficientlie honestlie himselfe, and his familie, and pay the dewtie to his Mai-
ster, quhilkis called *Heredum*. And in the practise of this realme, it is
rather called *Glebe*; That is, ane certaine portion of arable land. In La-
tine *Terra culta*. Or *terra veluti navoi venditi cum gleba* *he. terra, qui na-*
ivo *ascriptis* *vocatur.* *Lib. 2. c. Pluribus. 14.* And the four ackers of land,
quhilk is granted to the Ministers of the Evangell, within this Lande,
is called ane glebe, the quhilk suld be free fra paynent of ony reindes.
l. 6. p. c. 62. And Carolus Magnus, to the effect, that the Ministers of the
word of God, suld not penish be hunger or povierie, gavet ilk Kirk ane
manse. For the quhilk they suld paye na dewtie or service. *Causa lib. 1.*
de feud.

MANUS Mortuus, *dimittere terras ad manum mortuam*, hoc est, ad
multum diem fore nunc vestitum, que mori non iur. Quhilk uthewise
is called *Mortificare terras*: That is, to give and dispone landes,
to

Judicium Dei

Ordallum.

Purgatio per ignem.

Purgatio per aquam.

Purgatio vulgariis.

Purgatio vulgariis.

Purgatio vulgariis.

Purgatio vulgariis.

Purgatio vulgariis.

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Purgatio vulgariis.

Purgatio vulgariis.

And be the Law of this Realme, the baimes descend of the mother first, hes na richt of succession: Quhillk in the awin place and degree. Is competent to the baime borne of the Farther first; quhillk is manifest. *De iudicib. c. hereditum. 113. c. Item Nota. 13. Vbi expresse, Matertera dicitur esse Amia. vid. Avunculus.*

MELLETHUM, Melletum. lib. 1. c. 2. Anc French word, Melle, diffinition, strife, debate, as we faye, that ane hes melled or tuiized with ane uther. And in the acts of Parliament, and practique of this realme, *Chaud-mella* is ane fault or trespass. quhillk is committed be ane hoare suddaine, and nocht of fere purpose, or *precongrata malitia*. *Iam. 1. 11. Mar. c. 51. And in Libro M. Willielmi Skene fratris mei, Commissarii Sancti Andree. Fol. 121.* It is written, that Flycht-vy is liberte to hald courts, and take up the un-lawe *pro mellethi*. Because Flycht, is called flyting; In French, melle, quhillk fume times is conjoynt with hand-fayting. And in summe buikes *Placitum de mellethi*, is called the Mure, or play of beating or striking. *Lib. 1. c. 2.*

MENETUM, *Leg. Forest. c. 2.* Anc flock horne. In the quhillk place, it is wrangouslie written *Cornare minium*, *pro Cornare metum*, to blaw ane flock horne, quhillk communie is made of Timmer, wood, or tree, with circles and cords of the same, quhillk is set up in the Hie-landes and lies of this realme: quhairfor I have seene the like in the Cuntrie of *Helvetia*, in the zeir of God, ane thousand, five hundredth, sextiaucht, amongst the *Zuiters*.

MEREMUM, *mercurium*, The timmer of ane house. *Lib. 4. c. Si quis 55.* In the English Lawes, *Carta de Foresta*. It is called *mercurium*. And ane charter given be *Jacobus Senescalli Scotie* (King James the first, beforhis Faithers decease.) To *Thomas Brothier*, of the landes of *Sacerland*, beside *Parley*, now pertaining heretofore to *Matheue Steward of Barfche*, contains potestatem incidendi *mercurium*; That is, licence and power to cunte fa meikle greene woodde in the Kings Forre of Raife, as fild be necessar to the said *Thomas*, to big houses to his awne use.

MESE, Of Herring, contains five hundredth, for the common use of numeration, and telling of Herring, be reason of their great multitude, is used be thousandes; And therefore ane Mese, comprehends five hundredth, quhillk is the halfe of ane thousand. From the Greek word *Meson*, In Latine *medium*.

MESSUAGIUM, *Lib. 2. c. Doctorem. 19. c. Si quis plures 30. cum fegq.* Anc principall dwelling place, or house within ane Baronnie, quhillk in the lawes of England, is called *Manour*, ane hall, place, or court, lodge, or Manour house. *Albeit Valentine Leigh*, his buik of surveying of lands affirms *messuagium* to be the tenement or lands arable, And the dwelling house or place, or Courtehall thereof, to be called *Sit*, from the Latine *Situs*: quhillk we call the feate, or on-fette. And it is not leasum to give the principall messuage, to the wife within burgh, in life rent. *Leg. Burg. 6. Nullus. 107.*

MILITES, *Leg. Malc. Mak. c. 2.* And generallie in the auld lawes of this realme, ar called fere-halders, haldand their landes of barons in chief, quha hes na power to hald courts of life and lin: bot onely of injuries, wrang, and unlaw. Bot *militare servitium*, K. niches service, is that manner of holding of lands, quhillk is called, service of ward and relieve. *Et miles opponitur Soccomannus*, and he quha halds his landes, *Per militare servitium*, *lib. 2. c. Si quis 30.*

MISERICORDIA, Ane mercement, amercement or unlaw. *Leg. Forest. c. 5. de iudic. c. 40. Misericordia domini regis*, or the Kings mercement in purpulture. *Lib. 2. c. p. dicitur. 75. vide Forisfactum. vide Amercementum.*

MOTE, Mure, play, action, quarrell. Quhen King *Malcolme* the Second, gave all his landes to the Barrones of this realme; he retined to himselfe *montem placis de Scota*. The mure hill of *Scote*: quhair he might hald his courtes, and do justice to his subjects, in deciding their pleyes, and controversies. *Leg. Malc. Mak. in prin.* Mure in the Lawes of this realme is called *placitum*. And like as in the civil law, actions ar divided in civil and criminall: *Swa placitum, aliud est civile, aliud criminale*. Pleyes ar civil or criminall: Civil ar called actions of injuries, wrang, and unlaw. *Leg. Malc. Mak. c. 2.* And concerns pecuniail paines, or lands and heretage. Criminal pleyes, touches life or lim, or capitall paines, called *pæna sanguinis*. *Lib. 1. c. 2. c. 3.*

MORT-GAGE, mortuum vadum, dicitur pignus, cuius fructus, vel redditus percipitur in nullo se acquiritur. It is ane French word, signifies ane deede vedd, sik as ane certane summe of silver, given upon landes in wed-fet, and under reversion; quhillk is called ane deede vedd; Because be the auld law of this realme, the profit thereof: that is, the annual of the silver, is reckoned as ane part of the flock and principall summe. And therefore the said flock is dead, without any profit, as ane barren and dead tree, quhillk producis na fruit. *Lib. 3. c. 4. c. 6.* Contrair the common forme of alienation of landes under reversion, dailie used within this realme, called *pactum de retro-vendendo*, quhair be the annuell, is zeirly payed, untill the redemption of the landes. At the quhillk time, the principall summe fild be likewise compaite payed. And swa bath the annuell, and the flock being payed, the profits are not reckoned in the flock, bot ilk ane of them ar severallie reckoned, and severally payed, fa-meikle for the profit, and fa-meikle for the principall summe, *vide Vadum*.

MULIERATUM *Filius*, is ane lauchfull sonne, gotten with ane lauchfull wife. *Lib. 2. c. Si autem 22. Ex legitima muliere seu uxore, quia mulieris appellatione uxore continetur.* *Li. Mulieris. 13. c. ubi gl. de verb. signif.*

MURTHURUM, *Lib. 1. c. 2. lib. 4. c. 7.* Quhairfor fume is called, privat, that is mannis lauchter, quhairfor the author is unknown: Quhairfor the inquisition pertains to the crown; As quhen ane person is found flaine, or drowned, in any place or water. Utheris publick committed be fore-thocht-fellonie, *quia non debet murtherum ad iudicari ubi infortunum intervenit: sed locum habet murtherum, in interdictis per*

feloniam: And swa murther is committed be fore-thocht-fellonie, and not be suddaine, *Chaud-mella, or infortunum*: That is, be chance or fortune. *Leg. Malc. Mak. cap. 2.* And in the lawes of England, *Arto 13. Edward. 2. cap. 1.* Murder is quhen any man be ane preposed malice, lyes in waite to slay ane ither man. And according to his malicious intent, slays him. *Molucius in fil. Cur. Parl. part. 1. cap. 13.* Conforte to the law of *Normandie* *Lib. 2. cap. 1.* Affirms, that murder is differenc from simple slaughter. Because murder is committed wittinglie, and willingly, be ane quia of fet purpose lyes quietly in waite for that effect. And slaughter is committed without any fore-thocht-fellonie, upon ane haillie suddaine, quhillk in Latine is *Rixa*; And in French, *Chaud-mella*. In the quhillk place he writtis, that three crimes pertain to the hie justice; willful fire, ravishing of weemen, & murder. Bot be the law of this Realme, foure crimes ar called the foure pointes of the Crowne, will-full-fire, ravishing of weemen, murder, and robbery or rick: Because the jurisdiction, or cogation thereof, pertainis allanerlie to the King, and to na subject Spirituall, nor Temporall, except the famin be speciallie granted to him be the King. *Lib. 1. c. 2. leg. Malc. Mak. c. 4. lib. 4. cap. Die lune. 13. aff. rest. Da. c. 1.*

N

NAMARE, *Namus capere*, to take ane poynd, or ane distreffe. It is ane auld Saxon word: For *Namen*, in Latine *Pignori vel pignus asserere*. And *Namatio*, signifies the taking of ane poynd. *Leg. Britium, verb. Pignori*. In the law of *Normandie*, *Nami commutatio* signifies any gudes or gear movable, or un-movable, taken for execution of ane decreet. *Pignora capta, et bona capia pignori: ut in L. Divio Tit. 1. §. de re iudicat.* Be the laws of this realme, na poynd fild be taken, bot for ane confessed or proven debt. And the famin fild be publicklich schawin, and maid manifest to all passengers be the way, and to all parties following the famin. *Lib. 4. cap. Si quis namus 30. cum fegq.* Na man may poynde within ane uther mannis boundes or jurisdiction, bot for debt andurch to him, except the Kings Bailie be present. The poynd or distreffe, fild be conforme to the quantitie and value of the debt. Na person may be poynded, bot the debtour, or his foverie or pledge. The poynd fild remaine within the famin Baronnie, quhair it is taken, in ane place pertaining to him, quha takis the famin, or at the least, in the next adjacent baronnie, within the famin Schireffdom, and not for Fortiores or Castelles. *Stat. 2. Rob. 3. cap. Item ordinatio. 8. Carta de natis vitiis*; that is, of deformeit, be the auld Law, pertainis to the King allanerlie. *De Mariage. cap. Scendum 17.*

NATIVE, Borne faves or servandes. *vide Bondageum.*

NONE-ENTRES, Is quhen ane vassall, well and laifed in the fee and propertie of the landes decassit, leavand behinde him ane aire, quha beane of lauchfull age, may enter to the landes, be taking of saifing thereof, and zit enters nocht. In the quhillk case, the landes ar in the bandes and power of the immediate superiour, be reason of none-entrefe. *Propter negligentiam heredis, ius suum non consequitur.* *Stat. Rob. 3. Cap. No. 14. 21.* Mair-over, there is two kinds of None-entres: The ane simple, nocht followand after ane warde, in the quhillk, the superiour of the Landes, untill they be declared be decreete of ane ordinar judge, to be in None-entrefe, fild have allanerlie the retoured mail thereof, conforme to the new ent. And after the declarator, the superiour may remove the tennentes, or occupy the landes as he pleasis, induring the time of the None-entrefe. The uther kind of None-entrefe, is that quhillk followis after ane warde: As quhen landes ar halden be service of warde and relieve; and the aire is *Minor*, and may nocht enter: The famin landes pertainis to the superiour, be reason of warde, and nocht of None-entrefe. For quhair there is warde, there is na None-entrefe. Be reason the warde, falong as it indures, stops the none-entrefe. Bot quhen the warde expires, togidder with the twa termes of the relieve; The None-entrefe begins, gif the aire beand of perfite age, enters nocht to the landes, and obeisins saifing thereof. The quhillk None-entrefe, requiris na declarator, bot is of the like nature, with the warde preciddand. And induring the time thereof, the zeirly mailles and dewties of the landes, as they give be tack and alidation, pertainis to the superiour; or he may remove the tennentes and possellours theredra, and occupy the famin as he please, like as he might do, in the time of the warde. Mair-over, this kinde of None-entrefe, beand given and disposed be the King, or uther superiour, to the appeare and aire himselfe, or to any uther person, is sufficient and valuable to the donator, for all zeires and termes precidding the gift and disposition, and three termes after the perfite age of the aire allanerlie. And endis and ceasis after the ischue & out-running of the said three termes. And gif the aire enters nocht within the said space: It is leasum to the King, or uther superiour, to dispose of new, the said none-entrefe, to quhom he pleasis, to be used be him, unto the entrie of the lauchfull aire; as was decreed and ordained, be the Lordes, and Auditors of the Checker, in the Moneth of Julij. 1596. And conforme thereto decided be the Lordes of the Session 9. Julij. 1597. The Laird of *Cayprington*, contrair the Laird of *Hesslehead*: quhillk is not disconforme to the Lawes of the feses, quhair be the aire of the vassall, not desirand inviture, or possellion fra his superiour, within zeir and daye, after the decease of the vassall his predecessour, times and forefalsis his few, and the famin pertainis to his superiour. §. 1. *Et ibi. Gl. quo temp. miles invellitur. petere debent. lib. 1. de iud.*

NOVA Diffinina, recent spuilzie or ejection. *vide Diffinina.*

O

OCHIERN, *Ogetharius*, Is ane name of dignitie, and of ane free-halder. *Stat. Alex. c. recordatio. 26.* and appertis to be of equal honor, and

and preheminence with the son or daughter of ane *Thane*, quha bath the like *Marchera*, viz. rwa Kids, or twelve pennies. lib.4.c. sciendum 63. And likewise the Cro of ane *Oye* of ane *Thane*, & of an *Obern*is four Kye. lib.4.c. statuti. 64. And theun-lawe quhilk the King may take fra ane *Thane*, is fex Kye, and from ane *Obern*, fiftene fcheip, or fex shillings. *Ass. reg. Da. c. recordatio. 17.*

ORA, anc auld saxon worde, and signifies metall, fike as brasse or golde: And milrover, in auld times it was ane piece of cunized silver or golde. For *res ore aurea*, are the price of ane Cowe. lib.4.c. sciendum 63. From this comes the word commonly used, *rae*, as led *Ure*: and in the Garviach within the Schireff-dome of *Aberdeen*, there is ane hill called *Dounyndore*, *monticulus metalli*: and the fcheip there captured, has their teich colourled with zellowe colour, quhilk is ane taken of abundance of metall.

ORIGELLUM, *quasi aurigellum*, is ane Habergon, maid of maillezes quhairof the edges are of maillezes of zellow colour, resembling the colour of golde or brasse. *Stat. 2. Rob. B. c. ordinatum 27.* quhair it is called *Habergellum. vid. Hanbert.*

OUT-FANG-THIEF, *vid. Infang-thief.*

P

PANNAGIUM *Porcorum*, ane French worde, signifies the deutie quhilk is given to the King, for the pastorage of Swine in his Forreifes. *Leg. forest. c. 6. 8.* As it is manifest in the lawes of England, in the charour of Forreifes, quhair *Pannage*, is called ane certaine summe of silver, quhilk the awner of ane Parke, or of some great wood, quhair-in there is great store and abundance of Mastie, Aik, Betche, or uther trees, ustake to call of his tenants or uthers, for their swine, that fall feed there, betwixt *Michael-mes* and *Maritime-mes*. Item *Pannagium*, signifies ane paite of the Kingis demaine, or propertie, given to his second, or uther younger sonne, or coufine, quhairof *Chopin*is wities, *de domato regis Francie*. But hereof no mention is maid in the lawes of this Realme.

PARTICATA, *vel pericuta terra*. From the French word *perche*, meikle used in the English lawes, ane ruid of land. *leg. burg. c. 1. c. particata. 130. stat. Wilh. c. particata. 13. quon. attach. c. de brevis 31.* It is of verity, that three beare cornes without talleis, fet togidder in length, makis ane inch. Of the quhilk cornes, ane fild be taken off the mid rig an off the side of the rig, and an off the furrow. Twelve inches makis ane lute of measure: Three fute and ane inch, makis ane Elne: Six elnes lang, makis ane Fall: quhilk is the common lineall measure and mette. And fexe elnes lang, and fex elnes broad, makis ane squire or superfiціаль fall, of measured land. And it is to be understand, that ane rod, ane rap, ane lineal fall of measure, are all ane, and signifies ane thing, for like ane the contrinis fex elnes in length, albeit ane rod is ane stasse, or gade of tymmer, quhairwith land is measured, in latine *perica*. Ane rapis maid of towie, fike as hempt, or uther stufie, and faneieck lande, as in measuring fallies under the rod, or rap, in length is called ane fall of measure, or ane lineal fall, because it is the measure of the line, and length allanerly. Likas the superfiціаль fal is the measure, bath of the length, & the bredth quia *linea est mensura solius longitudinis, superficies vero est mensura longitudinis & latitudinis*. Item, ten fallies in length, and foure in bredth, makis ane ruid: four ruid makis ane aiker. And fwa ane discreet and true man, may measure ilk aiker of land, lang or schort, with rod or rap, be the measure of the fall. Swa that he keepe juft count, and gude remembrance, that the endes of the rod, or rap, be richly and caven laide, without fraude or guyle. But it is necessary, that the measurers of land, called landmires, in latin, *agrimensores*, observe and keep, ane juft relation, betwixt the length & the breadth of the measure, quhilk they use in measuring of lands, quhairanent I findena mention in the lawes & register of this realme, albeit ane ordinance thereanent be maid be King *Edward* the first, King of England, the 33. zeir of his reigne: and because the knowledge of this mater is very necessary, in measuring of lands, dayly used in this realme. I thought gud to propound certain questions, to *John Naper*, fear of *Merchilflow*, ane gentleman of singular judgement and learning, specially in Mathematicke sciences. The tenour quhairof, and his answers maide therof followis.

First, be quhat rule fall we understande the length and bredth of the fall? It is answered: There is twa sortes of fallies, the ane lineall the uther superfiціаль: the lineall fall, is ane met-wand, rod, or rap, of fex elnes lang, quhairbe, length and bredth, are feverly met. Ane superfiціаль fall of lande, is faneieck boundis of landes, as quairty contrinis ane lineall fall of bredth, and ane lineall fall of length, quhairof followis, that be the lineall fall, lande is measured, and be the superfiціаль fall, lande is recked. Nowe quhairtis inquired be quhat rule the length and bredth of ane fall fall be understand. I answer, That quhen-soever the elnes of bredth being multiplied be the elnes of length do produce 36. elnes: the number product, is ane superfiціаль fall: and the faide bredth and length, are the juft bredth and length that makis ane fall. Swa 36. elnes lang, of ane elne broad, are ane fall of land. Item, aucht elnes lang, twa elnes broad, are the like: alwa, twelve elnes lang, of three elnes broad. Or nine elnes lang of foure elnes broad, are ane fall. Lastly, fex elnes alwa, that is to say, fex elnes lang, and fex elnes broad, makis ane fall. To this fall the lirtle ruid, or maid of warke, or of buirdes, or of malfon, or skait warke, is equal, quhilk is maist properly the ruid, as after followis.

Secondly, how many kinds of ruides are in use? Answer, Twa, quhairof the ane is proper, the uther improper. The ruid properly is ane superfiціаль fall, and contrinis threitie fex squair elnes: Ane squair elne, being the boundes of ane elne in bredth, and ane elne in length, squarely included. The uther vulgar and improper ruid of land, contrinis foure of their former ruides, or superfiціаль fallis, and is the quarter of

ane aiker of lande, because foure of this ruides makis ane aiker, as faide is.

Thirdly, be quhat rule may the juft measure of ane aiker in length and bredth be understand? It is answered, Multiply be Arithmetick multiplication, the number of the fallies that are in the length of the land, be the number of fallis that are in the bredth thereof: Everie aucht-score fallis of the number produced, and refusing of the faid multiplication, is ane aiker: and therefore aucht-score fallis of length, and ane fall of bredth, makis ane aiker: and foure-score fallis of length, and twa fallis of bredth, makis ane aiker. Item, foure fallis of length, and foure fallis in bredth, makis ane aiker. Alwa twentie fallis in length, and aucht fallis in bredth, makis ane aiker. Lastly, ten fallis in bredth, and sextene fallis in length makis ane aiker.

Fourthly, being there is ane kinde, of measuring of land be Rod, and rap: quhat is the forme thereof? And githere be any maa formes, how are they called? and quhat is the forme and manner of the famin? It is answered, There be knawin ro expert Mathematiciens, mony and divers wayes to mette land, all agreeand togidder in ane, bot of the vulgar peere there is bot ane forme of metting used and understand, to wit, be rod and rap, that is to say, be ane rod or gade of fex elnes lang: Or be ane string or coard, offex elnes lang, stented betwixt rwa staves. The coarde being ane schalt length abone the pykes, or ether endes of the staves. The faid rod or rap, or cither of them, is called ane fall: to wit, the lineall fall forefaid. With these fallies, like quare piece of lande, is met over the middis, quhar fallies and elnes it hes of length, and thereafter is met croce-over the middis, quhar fallies and elnes it hes of bredth. Thereafter the fallis and elnes of the length on the ane pairt, and the fallies and elnes of the bredth, on the uther pairt, are multiplied togidder, and the producte schawis the number of the aikers, ruides, elnes, quhilk the faid piece of land contrinis. As for example, fike the piece of land be 31. fall, three elnis of length, and 10. fallis 2. elnis of bredth: multiply 31. fallis 3. elnis, or 31½ fallis to 10. fallis 2. elnis: Or be 10½ fallis; The product will amount to 332½ fallis: Or 532. fallis. 6. elnis: quhairof every aucht-score fallies, ar ane aiker. Swa 332. fallis 6. elnis, are three aikers and ane quarter, 12. fallis, & 6. elnis of met land.

PATRIA, *Assisa, vel recognitio per assisam*, Ane Assise or inequest of cuntre men, quhilk is called *recognitio patrie*. lib. 3. c. cum autem. 6. vid. *Bona patria*.

PEDELLUS, *Leg. burg. c. citatio. 109.* The ferjard or beddle of the burgh, quha fald exerceit funniones: make attachementes, or take poindes, quon. *attach. nullus 57.* quhairof they have na power, without their awin juftification. *Ass. reg. Da. c. nullus 13.* Dicitur autem pedellus a *pedohoc est baculo*, because all fike ferjardes fald use ane wand, stait, halbert. la. 1. p. 6. c. 99.

PEDE-*pulveris*, ane French word: *ped pulvereus*, dustie-fute, or an vagabond, specialie ane merchand, or cremar, quha hes na certaine dwell-ling place, quhairthe dust may be dich fra his feet, or schone, *de daviel. c. 1. quis 9.* *leg. burg. c. fuburgensis. 141. de judic. c. 47.* To quhom Justice fald be summairly ministred, within three flowings, and ebbings of the fea. Ane pedder, is called ane merchand, or cremar, quha beirs ane pack, or cremar upon his bak, quha are called beirars of the puddle be the *Scotfemen* in the realme of *Polonia*. quhairof I saw ane great multitude in the towne of *Cracovia*. anno Dom. 1569.

PENSION, ane dewtie, fike as ane annuel-rent, for that quhilk in the act of Parliament. Ia. 2. p. 11. c. 41. Is called the pension of *Cadour*: In the Checker rolles is maid the annuel-rent of *Cadour*. And fike in the famin place mention is maid of the penio of the ferme meil of *Kirk patrik*, quhilk contrinis five chaldier of aill-meil, quhilk the Abbot, and convent of *Paylaj* payis zeirlie furth of the kirk of *Kirk-patrik* to the K., as ane part of his annexed propertie, as is manifest in the Schireff rolles of the Checker of K. Ia. 3. 1487. In libris *fendorum*, Soldata is an zeirly fute gift & donation, induring the lifetime of the giver, & is fwa called a *solido*, quia *plurimum in solidorum donacione confistit*. §. 1. quis dicitur *marchio*. lib. 1. de feud.

PLACITUM, From the French word, *Plaidar*, pley, contention, strife, or debate. *Placiare* signifies *litigare & causas agere*. *Molinus in fil. su. prem. cur. par. Part. 1. c. 6. part. 2. c. 3. Et D. Smith lib. 2. c. 10.* Of the common law of England. *Id. Mot. Placita coronae*, pleyes, or criminall actiones pertaining to the Kingis Crowne and juftification allanerly, or to his justice generally, quhilkis ar foure in number, robbery, or rief: ravishing or deforcing of weemen murder, and willful fire, fike as burning of houfes willfullie, and maliciouslie, *vid. Murmur*. Quhairof, or of any one of them, gyt ony happens to be convict, all his gudes pertains to the King allanerly, in the famin manner, as is statute of the gudes of traitours. *Leg. Mal. cap. 3.*

PLEGIUM, ane pledge, borgh, or cautioner, *dimittere terras ad plegium*, To let landes to borgh, is quhen ony controversie, being for the possession of landes, the famin after inquisition, and tryall taken thereanent given and committed to the last lauchfull possessor of the famin landes, under borgh and caution, that he fall restore the famin to him, quha fall be found to have richt thereto. Ia. 2. p. 14. c. 62. Or quhen twa perfones contendis be way of dedee and amers, for the possession of any landes, The superiour thereof, may recognize, or take to himselfe, the possession of the lands, unntill it be tryed, quha was last lauchfull possessor thereof. And then let the lands to him to borgh, and under caution, as faid is. *Stat. Ro. 3. c. 1. Not. 21. Item, the 12. No. 1500.* Certaine crows grow upon debarable landes, betwixt the *L. Ruben*, and the Laird of *Copemalindie*, be decret of the lordes, are lettin to borgh to the faid laird, he findand caution that the famin fald furth command to them, quha recoveris the famin be law, without prejudice of the richt of onie of the parties thairanent in time cumming. And likas the over-lord, or judge for the causes forefaid,

Length and bredth of ane aiker.

The manner of measuring of land, be rod or rap.

Pedder.

Pension of Cadour, Pension of Kirkpatrick.

Soldata.

Pleyes of the Crown.

Tenementum
ad plegium.

forefild, lettis landes to borch, to the poſſeſſour thecof, the tenement or poſſeſſour, *petit terras demitti ad plegium*, deſices the lands to be letten to him to borch, or under caution. *Stat. Rob. 3. c. 4.*

PORTEOUS, portuis. *Ja. 1. p. 13. c. 139. Ia. 3. p. 14. c. 99. Ia. 5. p. 3. c. 5. aporando*, quihik ſignifies to carie, or beire: in French *portes vous*, and ſignifies an catalogue, containing the names of the perſones indicted to the juſtice aie, quihik is given and delivered to the juſtice Cleeke, to the Crowner, to be attached, and arreſted be him, to compeire, and anſwere, to ſik accuſationes and crimes, as falſe impure unto them, and the porteous contains the names of them quha ar of new indicted, and the names of them quha were indicted of auld and of before, and compeired not: And quhen onie juſtice aie is cited, or proclaimed, command is given be the juſtice to warne all perſones, allſwilk indicted of auld, as of new, to compeire in the ſaid aie, to underlie the law. The Crowner receivis the porteous as ſaid is, and caries the ſamin with him, untill the attachements and arreſtments be maid, conforme thereto, and reports the ſamin againe to the juſtice court: That theidie he may be controlled in execution of his office, ſa far as concerns the making of attachements and arreſtments or probation thercof.

POST-NATUS filius, an ſecond ſonne, narreſt to the firſt begotten, conforme to the French word, *lepus aſſit lib. 2. c. ſtergo. 23. c. preterea. 25. c. maritus 32. d. aſſit*, is the firſt borne ſonne, and therefore *le pui aſſit* is poſt primo-genium, the ſecond ſonne.

PRISÆ, ane French word *prifus*, in latine *captiones*, ſik as ane poynd, diſtires, or moveable gudes, taken for execution of ane decreit: for be the lawes of France, *prifa ſum rerum mobilium: ſaſina vero immobilium, quia bona immobilia non capiuntur, ſed ſaiſiuntur*. *Rebuiſus in conſtitut. Reg. in ſede litter. ubi. art. 5. gl. 2. & de præconſtitutionibus. art. 1. gl. 2.* Quhairanet I find ane ordinance maid de modo capiendi priſas, be King David 2. 18. Februar 1369. the 40. zeire of his reigne. *Priſa ſeu captiones domini regis, perſolventur & capiuntur, ſecundum conſuetudines antiquitus approbatas, & de terris illis de quibus priſa regis, & ſervitia debent ſumi, & quod in iis faciendis non fiet taxatio juxta numerum devaſarum, ſed ſecundum verum valorem bonorum.*

PROPORCITAS, *proportio*, aſſiſſe, the proport, report, declaration, or deliverance of ane aſſiſſe. *Stat. Alexand. c. ſtatut dominus, 5. quon. attach. c. qui appellat. 53. aſſiſſa. reg. d. c. 9. c. ſtatui 30. c. ſtatui dominus 38.* Utherwiſe, it is called, *veredictum aſſiſſe*, the veddict or ſwith-ſaying of ane aſſiſſe. Becauſe the aſſiſſours are ſworne to declare the trueth and veritie, and therefore are called *Juratores*. Like as the aſſiſſe is called *Jurata*, or *Jurata patrie, ſive vicinitas*, *lib. 2. c. dicitur 74.* And in the Engliſh lawes, ane *Jurie*.

Veredictum.

Juratores,
Jurata,
Jurie.

Three kinds
of purpreſſure.

PURPRESTURE, *Purpreſſio*, ane French word, for ane wrangous uſurpation, taking, or occupation of ane other mans landes, quhaſcof there is three kindes, *Lib. 2. c. dicitur 74. de judiciis. c. purpreſſura, c. 138.* The firſtis, quhen any man occupies unjuſtly any pairt of the Kingis domaine, and proper landes. Or quhen onie ſtoppis, or cloſis up the Kingis common way, paſſage or ſtreete: Or returns or diversis rinnand waters fra thir ſicht courſe: Or within the Kingis towne and burgh, occupies the Kingis caſtle, or common gait, biggand upon one pairt thereof: Or removet and onie thing there fra: Or converting one pairt thereof to his awin uſe. And generally, quhen onie wrangous occupation is maid to the hurt and ſkand of the Kingis tenement, the Kingis treſſure, or common way: Or of the Kingis Burgh. The quihik kinde of *Purpreſſure* ſuld be decided before the Kingis juſtice and his deputies, be ane condigne aſſiſſe. And he quha is convict thereof, ſalbe in the Kingis mercie, and puniſhed conforme to his will in his bodie, and in all his landis quihik he holds of him: and mai-over ſall reſtore that quihik he injuſtly bigged and occupied.

The ſecond kinde is, quhen onie vaſſall occupies, and uſurps any lands againſt his over-lord, wher then the King Quihik contravertie may be decided be the over-lord in his awin court, and gif the vaſſall is convict to have done wrang, he tynis perperuall all the landis quihik he holds of that ſuperiour. The quihik juſtification and power of holding of courtes of *Purpreſſio*, perteinis to ane Barcon, and to others, quha are abone him in power and dignity, ſik as Earls and Lords. For na vaſſall, ſubject, nor uthir tenent under ane Barcon, his power to hold ſik courts. *Ja. 3. p. to. c. 79.* The third kind of *purpreſſure*, is againſt onie uthir except the King and the ſuperiour: As betuixt nichtbor and nichtbor, ſubject and ſubject: quhen ane wrangoulte occupies the lande perteinand to ane uthir, or troubles him in his meichis, and marches: quihik moleſtation perteinis to the Schieff, to be tried before him, be ane brieve, *de nova diſſaſina, or de rationabilibus diviſis*. Be the law of Eng-land. *an. 4. Edward. 1. de bigamis c. 4. gif onie uſurpis, and occupies within the Kingis liberty, or onie uthir place, contrair the King: Inconſistent without proces or ordour of law, the King tuk the land in his awin hand, and thereafter it was leſum to onie perſon, havand entrest to compleine thereanent. The like forme is permitted be the lawes of this realme, anent the Kingis cuſtomes. *Ja. 1. p. c. 8.* And his annexed propertie. *Ja. 2. p. 1. c. 4.**

PUTAGIUM, ane French word, huiſedrome or fornication, *lib. 2. c. in cullodiis. 50. c. ult. 53.* Quhair it is maſt, thar ane air femall, being within ward, and ofles aige, and committing fornication, tynis and fore-faults her pairt of the heritage, and the ſamin accreſſis, and perteinis to the reſt of the co-heirs, or comporcioners, gif onie be. And gif theire be ane heretick allanery, quha commits the ſaid fault, all and hail her heritage, perteinis to the ſuperiour: But gif ane heretrix of landis, heſe barnes lauchfully gotten in marriage: and after the deceaſe of her husband, in the time of her viduitie, commits fornication: neither ſhe nor her barnes, tynis the heritage. *Quia putagium maris non admitt hereditatem.* The huiſedrome committed be the mother, dois nocht diſheriſh the lauchfull bairnes.

QUARENTENA viduarum, in the ſtatutes *Rob. 3. c. de viduis. 22.* from the French *la quareſme des veſtes*, ſignifies the privilege of fourtie daies, gramed to widowes, after the deceaſe of their husbands, conforme to the Lawes of England, *anno. 20. Henr. 3. c. 1.* Quhair it is ſtatute anent widowes, quha after the death of their husbands may nocht have the dower, without pley: That quha-ever deſcends them of their ſaid dowers, of the landis quhairin their husbands died yeſt and faiſed, and it ſhall happen the ſaid widowes to recover the ſamin ther-after be pley or proces: They quha trouble and moleſted them, being convict of ſik wrangous deſcendment, ſall zeld and pay the damages and ſtain, to the ſamin widowes. That is to ſay, the valour of the hail dower belonging to them, from the time of the death of their husbands, unto the day that the ſaides widowes, obtineis decreit in judgment. And the ſaid deſcenders nevertheless ſalbe amerced, as the Kingis pleaſure. In the quihik place it is plaine, that *Quarentena viduarum*, contains the ſpace of fourtie daies: during the quihik ſpace, ane widowe may tary and remaine in the chiefe dwelling place of her husband, untill her dower be aſſigned to her, and in the meane time ſuld be ſuſtained upon the profits of the heritage. As it is likewiſe written in *magna carta, anno. 9. Henr. 3. c. 7.* quihik is conform to the lawes of France, ſo writis *Iuan. Papon* in his *arricles. lib. 15. tit. des dots. c. 7. & lib. 10. tit. ſubſtitutiones. c. 30. per authenticam preterea, c. uide vir & uxor, and in the Burrow lawes of this Realme, the ſecond, or third wife of onie Burges, after the deceaſe of hir husband, may nocht remaine in the hous pertein- ing to his aie gotten of ane uthir wife, bot onelie fourtie dayes. *leg. burg. c. ſi burgensis dot. 25.**

QUHATECUS, ane kinde or forme of bread, quihik wee call ane page, or phage, from the grecke word *phago, comedo* to eat.

R.

RACHETUM ane French word, *Rachapi*, ane ranſon; in ſum buikes it is called *Rechatum, tranſpoſſitis literis. Stat. 1. Rob. Br. c. 1. Stat. 2. Rob. Br. c. 7.* quhair it is called thiet-bote: and in ſum auld buikes *Rachatum* is called thiet-bote or redemption taken for thievis, robbers, or uthir malefactours.

RAPTUS, rape, ravifhing or deſorcing of weemen, quihik is ane of the four poyms or pleyes perteinand to the Kings Crown, & to nae uthers. *vid. placitum, vid. murthram.* Ravifhing is ane crime, quhairfor ane woman accuſis ane man alledged ſhe is oppreſſed, or deſiled be him, againſt the Kinges peace. *lib. 4. c. raptus 9.* The quihik complaint ſulde be maid the ſame day, and night, in the quihik the crime is committed, *quia laſſi diei hoc crimen preſcribitur. Quo. attach. Cap. De caſtro. 48. Statu. Wilb. c. Item. Statu. 9.* In the lawes of England *Wylm. 11. c. 34.* Rape is quhair ane man ravifhis, or takis ane other mans wife, widow, or maiden, violentlie, and heſe a doe with her againſt her will. And albei the afterward conſent, zit it is felonie, quihik is confirmed be *Cheff. in conſuetud. Burgund. Rubric. 1. verb. Es droitz d'icellui. Nu. 43.*

REIF, or robberie, ſik lawies ane of the four poyms of the Crown. *lib. 4. c. dit lunc. 13. leg. Male. Mack. c. 4. affrey. Da. c. 1.* Robberie is quhen ane man lyes by the Kings hie way, palling to mercat Townes, in woodes, ditches, or onie uthir treit place, quhair people cummis furny by, and robbis, & ſpualizes them, albei he take away bot the valour of ane pennie, or leſſe, it is felonie: for the mala-peakes of the deed, breaking of the Kinges peace, and the dangen in the quihik ane man is of his life, cauſtis the offence to be the greater, then gif the gear ſwa robbed or ſpualized had bin thiet-coſtly ſtollen, as it is written in the lawes of England, *an. 23. Hen. 3. c. 1.* In the law of *Normandii. 3. c. 1.* Robbery is the taking of uthir mens gear be force and violence: And the committers thereof in latine are called *raptores*, in French *voleurs*, or *Robuteurs*, & is different from theif quihik is committed quietlie, and privily, without violence. Mai-over reſide is ane greater crime the thiet, becauſe reſide is committed baith in the gudes, and in the perſon of the poſſeſſour thereof, and thieſis of the gudes and gear allanerie, *Cheff. in conſuetud. Burgund. rub. 1. §. 5.* Be the law of this Realme, the complaint of reſide or robberie ſuld be maid be him quha is robbed, and damniſhed within the like time, as is aforeſaid, of the ravifhing of weemen, *quo. attach. c. de caſtro. 48. lib. 4. c. raptus. 9.*

RECOGNITION of the landis is commonly uſed in the law, and practice of this realme. *Statu. ſecundum dictum apertiri domino: ſic terra dicuntur cadere in commiſſum: ſicut ſi in hoc caſu ob culpam vaſſalli, & in Emphyteuſi, or ſewle landes, ob non ſolutum canonem ſeu penſionem. lib. 3. c. ex loco. 11.* For the vaſſall tynes landes halden be him be ſervice of warde, be caſon of his awin fault, as falſe hereafter expound: and the proprietor of ſewle landes, may tyn and fore-fault the ſamin for non-payment of the zeilty duty. *Cognoscere* is to know and underſtand, *recognoscere* is to know again, or at the 2. time to underſtand. For generally, all ſuperiours, of quhom landis ar halden in chief, firſt hes bin proprietors of the ſamin landis: quihik landis being annaſſed, and ſuld be them heritably, to be halden of themſelves and their aires, ceafis to be propertie to them: and becoms tenendrie immediately halding of them and their aires. And gif it happens the vaſſall, or poſſeſſour, to quhom the landes are ſauld, to commit ane fault or crime, quhairby he tynis and fore-faultis the landes: the ſuperiour hes enwreſt and regyſſe to the propertie of the landes, and may recognoſce the ſamin: and as it were the ſecond time vindicate to himſelfe the propertie thereof. Swa the ſamin landes, quihik were firſt propertie to him, and thereafter tenendrie, be reaſon of the alienation, nowe becoms againe propertie, and returns to their fiſt nature and condition, *Turcacreſcenti, ſeu potius conſolidatione proprietatis cum ſuperioritate, ob culpam vaſſalli.* Recognition properly in the

Difference be-
tweene reſide
and thieſe.

practique of this realme, is when any vassall, or free tennent, hold- and his landes be service of warde and relieve, fells and annales all and hails his landes with their pertencis, or the maist part thereof, without licence, consent, or confirmation of his over-lord. In the quibill caise, all and hails his landes, aswell nocht annalled, as annalled, and halden as said is, may be recognoffed and possession thereof pertainis to him to be beiraked, or displosed be him, at his pleasure; quhairfo divers and fundie practiques are extant in the Register in the daies of King James the Fourth, of gud memorie. The superior understanding the landes to be wrangellous annalled, as said is: is incontinent thereafter may use the recognition thereof, and conforme to the auld praik of this law, may take raising of the famin, conforme to the auld praik of this law: Because the famin alienation is done to his dishonour and contemptre be his vassall, quha suld do reverence, and service to him, & therefor without his consent fuld nocht doe one thing to dissolve the league and band, quhairis beirake them. Moreover the vassall, may nocht make the said alienation, because thereby, he may becom puit, and unable to do to his superior ilk service, as he fuld do of the law. *Cuic lib. 1. De feud.* And nocht withstanding that the forsaidis na swa thes the propriete of the saides landes, untill zeire and daie be out-run: Swa that he doe diligence within fourtie daies after the said recognition, and taking of the raising, to crave and aske fra his superior the saides landes to him to borge, that is to repledge them, findand pledge and caution, that he fall be reddie to do to his superior anent the saides landes, all that equitie and law require. *Stat. Rob. 3. c. 2.* This kinde of recognition is conforme to the laws of the fewes, *quia feudum amittitur, si fidelis libellario nomine, amplius medietate in feudum dedit, ut pro viginti plus medietate obligaverit.* *S. 1. quib. mod. feudum amittitur, & S. 1. de alienatione feud. Et in iure Canonico. c. 2. & ibi. gl. extr. de feud. Forro libellarius contrarius dicitur, venditio, quae fit scriptura interveniente, certo pretio, & certa pensio constituta, in annos singulos, ut post feudis scribit cuic in d. S. 1. Recognition of landes is sum times generallie takene the superior may recognoffe, and reitene all the landes halden of him untill they be recovered fra him be the entrefle of the rightous aie, and that be reason of none-entres.*

2 After that the aie he has recovered the landes, furth of the handes of his superior: Nevertheless the superior may recognoffe, and reitene the famin, untill securitie be maid to him for payment of the relieve.

3 Gif the vassall is fugitive for hauchter, or the maist part thereof, the superior may recognoffe the land halden of himselfe, as lang as the felon or manslayer happens to live. Conforme to the law the horn pertains to the immediat superior, except he be rebell for treason, in the quibill caise; his life-rent, & all his landes, gudes and gear moveable, & immoveable, pertainis to the King allanerlie, *quia pena eorum eidem applicari ad-versus quem committitur culpa.* 4 Gif the vassall annalles his landes, or the maist part thereof, without licence, consent, or confirmation of his Over-lord: The Overlord may recognoffe the same, as said is. Bot in this caise he is obliged to let the landes to borge, to his vassall, askand, and craving the famin within the lauchfull space of fourtie daies, after the recognition; and saiking tane untill it be tryed be the judge. 5 Ordinar, quhairder the cause of recognition be lauchfull or nocht, quibill being founde lauchfull, the judge fuld counsell the King, and decern any o-ther superior, to hald his handes fra the landes, and let them to borge to his vassall. And gif the cause be found just and reasonable: The judge fuld decerne the propriete, and possession of all and hails the landes, to pertaine and remain with the superior. 6 Quhen two or mair parties contendis be way of dede and armes, for the possession of landes, the superior thereof may recognoffe and sequestrate the famin, untill it be tryed, quibill of them is lauchfull possessor; and thereafter let the landes to borge to him, quha is found to have beiricht of the possession.

6 The superior may recognoffe and reitene landes halden of him in chief, for service aucht to him, furth of the famin landes. Bot be the praik of this realme: The service aucht to be proven and liquidat, and thereafter the landes may be lauchfullie comprised.

7 Landes halden in few-ferm, payand ane certain zeirlic dewtie, *Nomine feudi ferme*, may be recognoffed be the superior, for none payment of the few dewtie, & that rwa manner of waies. The first, *ex provisione legis, & natura contractus*. For the few-fermer not payand his few-ferm, for his ingratitude and un-thankfulness, this and fore-faldis his few-ferm, be the disposition of the Law, quibill as said is was not in praik of use within this Realme.

The secondeis, *ex provisione hominum, et conditionibus contractus inferis*, quibill is called ane clause irritant, as quhen ane clause and provision is contained in the instrument, that it twa or mair termes run in ane of non payment of the few-ferm dewtie: then and in that caise, the instrument of few-ferme to be irritant, null and of none avall, quibill, is conforme to the dailey praik of this realme, *quia pacta convensa legem contrahentibus prescribunt.* *vid. l. 1. et Tit. c. de iure employen.* Always, be the act of Parliament maid be *la. 6. p. 15. c. 246.* Alienations of lands maid in few-ferm, are null for none payment of the few-dewties, be the space of two zeires, albeit na paction or provision be maid thereanet in the instrument.

RECORDUM, *Recordatio lib. 1. c. contingit. 31.* quhair anent i fande difficultie. Always recordi summationis, signifies the rehear, report, or restitution of the execution of the fundmondes, briefe, or other precept. *la. 1. p. 9. c. 112.* quibill execution is now called *indofation*. Because commonly it is written in *doise*, and upon the backe of the fundmondes,

leg. Foreff. c. 25 and be the praik and daylie consuetude of this Realme zir observed, the execution of all briefes before inferior judges, and of all criminal fundmondes before the three Estates in Parliament, are verified in judgement, be the record of the executor thereof, and rwa witness at the least. And in auld times the ferjandes, or mairis, maid therecord of the fundmondes, be word, or be writ, as they pleased: and verified the famin as said is. And untill the famin were done, the defender could nocht be compelled to make ane answer. *lib. 1. c. cum autem. 8. de indic. c. 50.* And King David the second. 18. Febr. 1369, and of his reigne the fourtie zeire, statute and ordained anent the record of ferjandes, or mairis, that the fundmondes and record thereof, fuld put in writ gif it please the ferjand or mair, and he fall reade the famin gif he can, in plaine court. Otherwis, he may make the record be word: in the best form he may, and gif he failies, he may be helped and supplied be interrogatories of the judge, concerning all and fundie clauses or articles, necessarie used in the record of ane fundmondes, quhair record the ferjand or mair fall prieve sufficientlie be lauchfull witness. And the said record being swa maid, the famin fall be received as lauchfull, and the contrair partie fall nocht be heard, to object against the same, or to propound any exception against the lauchfulness thereof: And it fall be laisum to the schireffe, his depute, ferjand, mair of sic, or one utherde perving in the office of ane ferjand or mair, be the authoritie of the King, or of one utherde having power to make rehearfall of the fundmondes of the record or indofation thereof, swa that they be qualified, and abill to doe the famin. *la. 1. p. 9. c. 112.*

ITEM, *recordum curie*, signifies the report, rehearfall, or minute of that quibill is done in court or the interloquutor of the court. *lib. 1. c. contingit. 31. Quo. attenc. c. nullus fclator. 20.* In the Normand law. *li. 9. c. 31. vid. Sclator vid. Yarda.* quibill in auld times was nocht written in bukis, bot sett outtoider in paper. Like as the Kinges rolles are zit written in parchment in the Checker. Therefore they are called the rolment of court. As the Kinges rolles or *roulis*, and the Clarke of Regular clerics *rotulorum*, in latine propellie *volumina*, *quia involvuntur, & in se quasi rotentur.* And it is roit that actions and pleyes, are either directlie and from the beginning perfused in age court: or they cum fra an inferior court, to ane superior per translatione. *lib. 3. c. preterea. 16.* as quhen ane pley or cause, is advocat from ane inferior judge, to ane superior: quibis advocations are permitted and laisum to be maid to the Kinges court allanerlie, be the auld law of this Realme, sik as the justice court, or schire court: and now be the praik used, and observed, to Lords of Session, and College of Justice. And swa because he quha alleged that wrang was done to him in the inferior court, raised therecord, or interloquutor pronounced against him, and fundmonde the judge to compeire before the Kingis Justice, or schireff, to heare and see him decerned to have done wrang. Therefore *sola curia domini regis, dicitur habere recordum.* *h. e. Potestatem cognoscendi de recordis & interloquutoris, quia transferuntur ab inferiori curia ad superiorem.* Albeit ilk lauchfull court, sik as ane baron court, hes their awin records, in all sik actions as are intended and decided before them, and nocht Advocate to ane superior judge.

REGRATERIS. *leg. burg. c. regatarij. 70.* Quha byis one merchandise or uther thing, and takis unlesumlie greater price for the famin afterward, is exponed be *la. 2. p. 6. c. 23. 24.* *la. 6. p. 1. c. 148.* In the civil law, regraters are called *dardanarij* quia *emunt, et possunt postea plaris vendere.* *anonam. 6. de var. & extra ord. crim. A quodam Dardano, qui anonam flagellabat.* *Alciat. lib. 4. de verborum significatione.* And swa regraters are so called be reason of the augmentation and hiching of the prices. Fore-stallars are propertie they quha pre-occupies and byes merchandes before it come to the mercat, or to the stall, or place quhair it fuld be sold, or the time of day statute and ordained therio. *la. 5. p. 4. c. 20.* And mair-over it is statute that na man dwelland within burgh, or without the burgh, *leg. burg. c. nullus s. 7.* And likewise na person fuld bye fish, fesh, victuall, or one uther thing before mercat day, or the ringing of the bell in the heipell. *Stat. gild. c. 20.* And moreover forstallers are challenged, and accused because they sell their gudes, and payis nocht the Kinges custome: that they sell their gudes privatly upon their awin fluire, that they are fore-bears of quheir, beare, aies, catel, & are copers and sellers thereof, tumand the famin in merchandise. *leg. burg. c. de modo calumnia and forstallatorum. 154.*

RELEVUUM are French word, from the latine *relevare*, quibill is to relieve, or to take up that quibill is fallen, for it is given be the tennent or vassall being of perite age, after the expiring of the warde to his over-lord, of quhome he haldes his landes be knight service, that is be warde and relieve, and be payment thereof he relievis, and as it were raisis up againe his landes, after that they were fallen downe in his superior handes, be reason of ward. *lib. 2. c. dicitur autem. 72. leg. Foreff. c. si Comes 73. de iudic. 65.* And the profittees of the landes of the zeire forsaide, after the end of the ward, quibill fuld be given in name of relieve, are understande to be the retoured mailis of the saides landes, conforme to the new extent thereof. And therefore gif there be bot ondie waide, and the aie enter before ane terme run thereafter, the King or uther superior fuld have na relieve, quia *haredi ad etate perveniente, et sibi et hereditatis restituti, quibus evit a rectoris ratione custodie.* *lib. 2. c. tandem 70.* Be the auld law and consuetude of this Realme, the superior mailis nocht be compelled after the ward, to restore the landes to his vassall, untill he had been first satisfied for the relieve: because he had libertye to reitene the landes, untill the said satisfaction were maid. *Stat. Rob. 3. c. nota quod ille 21.* Or else it was laisum to him as he pleased, to poynd the ground therefore quia *dominus potest distringere tenentes suos* pro suo

The cause of recognition.

Libellarius contrarius.

Sindrie formes of recognition.

Rolment of Court.

Dardanarii.

Forestallari.

Clause irritant.

Indofation.

De verborum significacione.

pro suo relevio, & servitio de fundo suo, sibi debito. li. 2. c. 2. Sum quidam. 73. But now be the common practice, the non-payment of the relieve, is a lauchful excofution to the superiour, anent the receiving of his vassall. But he will be compelled be precepts of the Chancellerie, to receive his tenente, or else he tynis the superiourtie, induring his life-time. And it is leasum to him to paynde the count for payment of the relieve. *Quia relevium est debitum reale, & adheret fundo.* The beginning, and the first institution of the warde and relieve, was in the time of Malcolme the seconde, called Malcolme-Mac-Kenneth, quha gave all and hall the landes of this realme to the inhabitants therof, and reserved nothing to him selfe in proprie; but onlie his royal power and the Mute hill of Scone, quhairhe fild hald Court, and receive homage, and fealtie of his vassalles. In recompensation quhairfo, all the Barrennes gave unto him the warde, and relieve of the aire of ilk baronrie, for his pincelle sustentation. In the English Lawes, read in *Magna Carta. Anno. 9. Hen. 3. cap. 2.* And the statute of wardes and relieves, maid be King Edward the first. 18. zeir of his reigne.

REPLEGIARE, To replege, that is, quhen any man - be vertue of his awin jurisdiction, bringis back againe, or erduccio to his awin court his awin man, fra any other mannis court, and leavis ane plege, or cautioner behinde him, for administration of justice. *vid. Chetich.* It is not leasum to any man to replege fra any other court any person, but his awin liege man - or halding land offisial, or remainand in his service, as ane of his familie or consanguinitie. *Stat. Alex. c. Anno 4. Statut. 2. Rob. Br. cap. 11. ff. reg. Da. c. Statut. 37.*

RESENTISA, Lib. 1. c. 1. *Esioniorum. 10.* Ane seiknesse and infirmite, quhairby onie man is heavilie vexed. *Effionio de Resentisa, idem valet quod excofutio, de malo lecti. Bedde evil.* Cum quis morbo ita affligitur, ut sit lecto affixus. In French, *Mal de lit.* 1. Rob. Br. c. 5. In the Law of Normancie, *Lib. 9. c. 10. Effionzie,* or excofution of Mal resant, is quhen any person lyand bed-fast in his awin house, or any other place, is heavilie vexed with seiknesse, that he may not travell without danger of his life. In jure civili morbus Sonticus dicitur, qui cunq;que rei agenda, impedimento est, veluti febris. Et legitimam excofutionem ac dilationem prebet. L. Quæstio. Mo. ff. de re Judic. Aulus Gellius. Lib. 20. cap. 1. Appellat Morbum Sonticum, quonlibet morbum vehementiorem, vim graviter nocendi habentem.

RESPONDE, Or the buike of *Responde.* Ia. 6. par. 11. c. 73. It is maid and written be the directour of the Chancellerie. For quhen he directis preceptes to the Schireffe, to give faling of any landes retoured befor him to the Chancellerie: He makis anememoriall of the dait of ilk precept, and dewtie of the landis; and commandis the Schireffe, to take securitie for the faling, during the time of feild warde, and non-entres, and of the relieve auchtand to the King, gif the landis be halden be service of ward and relieve. Or of the doubling of the few-ferme, or of the blench ferme, according to the halding of the landes. Quhillik buike zeirlike is presented to the Checker: And like Schireffe, and other judges, givers of falinges upon preceptes, direct furth of the Kingis Chancellerie, are charged there-with in their comptes, compelled to make answer be thereto, and payment of all summes contained therein: for the quhill tale, it is called *Responde.* quhillik is the first worde of like article of the foist buike. Further in the end of the saidis preceptes, it is said, *presentibus poß proximum terminum minime valueris.* And therefore, gif the obtainer of the precept furth of the Chancellerie, lye our and take nocht faling upon the famin, quhill ane terme and maie be by-run after the dait therof, he sulde come againe to the Chancellerie, and raise ane new precept, quhairin is augmented the by-run mailles of the landis, sen the dait of the first precept, and ane newe memoriall or *Responde,* is maid therof.

RETOUR, quhom be it is maid, and quhy it is fa called. *vid. breve de morte antecessoris.*

REGRES, from *Regrediendo,* like as
REVERSION, *revertendo:* For like as the buyer of landes, letis them retorne to the seller therof, be the reversion given unto him. Even swa be the regresse of the superiour of landes wed-fet, be his vassall, after the redemption therof, suffers the first fellor of the famin to come back againe to his awin place, anent the halding of the land, as he did before the said alienation. Swa reversion and regresse are different, for reversion is given be him quha buyis the lande, *Cum patto de retro-vendendo,* to the annaler therof. In French it is called, *ius rechaptes* or *rechapts.* And a regresse is given be the superiour of landes, to the annaler therof, quhairby he promissis to receive againe him, or his heirs to be his vassalles, as they were before: quhen it fall happen any of them to redeem the saids landes. 27. November 1367. *Gregory Haliburton,* contrare the Laird of *Hynton.* And gif any man annales landes under reversion, to be halden of him and his heirs, ane regresse is not necessary: For they being afterward redeemed, he quha first annalled them, recovers the property therof, without any new faling and the same retourns to him, & is consolaid, with the superiourtie quhill he referred to him and his heirs, the time of the alienation. But gif ane man annales landes to ane uth-er, under reversion to be halden of the superiour, and the byar there-by of obteine infesment, and faling halden of him: The annaler there-by is denuded of the propertie, and allwa is na langer vassall to his former superiour, and can na wayes recover his former estat, but be redemption of the landes, conforme to the reversion granted be him quha bought them. And allwa bee ane regresse, givento him be the superiour: In the quhillik case it is necessary to him, quha first annalled the landes, and there-after redeemed them to take newe falinges. To the effecte, the propertie quhillik was firste annalled, may retorne to the seller. And that he may halde the famin landes in chiefe of his superiour, and his heirs, as he did before the alienation. And

it is generally to be observed, that quhair ane regresse is required, ane new faling is necessary. In auld times, the reversion was contained in the chartour, as is manifest be divers chartours, zit extant in the regestir, given in the time of King David the seconde: conteneand the tenour of the reversion after the claute. *Tenent. & habent.* and uthers auld chartours in the forme after following.

OMNIUM hoc scriptum visuris vel auditis. I. dominus de A. Salutem in domino. Noverris me concessisse, impignorasse, & ad immobile vadium dimisisse, & hoc prefatum scriptum meo confirmasse, nobili viro. V. de F. Omnes terras meae de A. cum pertinentiis, in baronia de C. infra vicemcomitatum de B. pro viginti Marcis ipsius monete Scotice, mihi per predictum V. tempore concessimus presentibus, ad quod meum volde necessarium, grante mutui, & in usus meos conversis. tenent. & habent. prefato V. hereditas suis & assignatis ad me hereditas suis & assignatis in feodo & hereditas cum omnibus commoditatibus, libertatibus, & assamentis ac iustis pertinentiis quibuscumque, ad libere, & quiete, plenarie, & honorifice, bene, & in pace: fructus ego vel predicefiores mei prefatas terras cum pertinentiis, libertas aut quibus tenni, aut possedi, teneant, aut possederunt, aliquo tempore preterito. Et semper quousque ego predictus V. heredes mei, vel mei assignati viginti marcas prefate monete, & predicto V. heredes suis vel suis assignatis, in uno die inter soluturum & occasum ejusdem, apud Abirdene in Ecclesia parochiali ejusdem, super magnum altare, simul & semel, persolvero, vel persolvere int finis prefate finitibus, fructus vel quibuscumque, alius commoditatis seu emolumentis medio tempore per predictum V. heredes suos vel assignatos, percipere vel percipendi, levatis vel levandis, indictis summa viginti marcarum, aut eius solutorem, nullatenus compundis. Quia deo, consensu, & assignati prefato V. hereditas suis & assignati, omnes prefatas finitas, fructus, & alias commoditates quascumque, & emolumenta de dictis terris cum pertinentiis, provenient, toto tempore, quo predicti viginti Marce (ut premititur) non fuerint persolvi: ex mea libera donatione, & pura voluntate, pro suis consensu, assensu, & gratitudinibus, multipliciter mihi facio & impensis. In quibus quidem terris cum pertinentiis, prefato V. tradidi fassum, & possessionem corporalem sibi, hereditas suis, & assignatis, juxta tenorem prefatorum scripti remanuerunt. Ego vero predictus I. heredes mei & assignati, totas terras predictas de A. cum pertinentiis, prefato V. hereditas suis & assignatis, juxta viam, tenorem & effectum, prefatis scriptis: In omnibus & per omnia, contra omnes mortales & avarantibus, acquietabimus, & defendemus. In cuius rei testimonium huic prefatis scriptis meo, sigillum meum apposui, & propter maiorem rei evidentiam, sigillum Andree Giffard, tunc aldermanni de Abirdene, presentibus apertis vocaverunt. Apud Abirdene 23. Augusti Anno Domini 1419. Testibus Laurentio de Abernethie, Domino de Rosethay, Domino Wilhelm de Landoris vicario de Abirdendour, cum multis aliis ad premissa specialiter vocatis. But now the Chartour is given be the seller of the landis, and the reversion be the buyer thereof, severally, sealed and subscribed be them, and the buyer keeps the chartour, and the annaler keeps the reversion. Quhillik forme appears to have the beginning in the dayes of King James the third, quha in his acts of parliament. p. 5. 20. November, cap. 27. callis the buying and selling of landes, be chattour and faling, and taking againe of reversion, ane new invention, and for the maie securitatis, ordainis all reversionis to be registrate, *vid. Sterlings. vid. Padum.*

S

SCACCARIUM, the Checker, in French *Eschequier,* the place quhair the Kingis rentes and patrimonie, allwell propertie, as casualities, is inbrocht, compted and received, and the profits of all landes fallen in the Kingis handes be reason of warde. *Lib. 2. cap. Si vero dominus. 46.* Some callis it the soveraigne and supreme court, in the quhillik all causes & actions are decided in the second instance, specialie in the cuntrie of Normancie: For it is written in the lawe of Normancie. *Lib. 15. c. 1. in fin.* That Philippus pulcher, did institute two parliamentes in Paris, and twa Checkers in Rouen. Paulus Amilius writes, Scaccarium to be as it were, Statutarium, quod homines ibi in jure stantur, vel quod sit Statutaria & perennis curia, cum cetera curie essent inditrova, nec loco, nec tempore statet. As writes Budaeus in Annotationibus in Paudetia. Be reason as said is the Checker was ane certaine stable counte, and nocht deambulatoire, or runnand fra time to time, or fra ane place to ane uth-er: As the Session of this Realme was before King James the Fifth. *Qui instituit Statutarium curiam, cum antea esset inditrova:* Be reason it did sit furth in the zeire, quhair and quhen it pleased the King. Others thinkis that Scaccarium is so called, *ad similitudine ludi Scaccorum:* that is, the playe of the Chess: becaufe many persones convenisn in the Checker to playe their causes, contrare uthers, as gif they were fechtand in ane arrayed bartell, quhillik is the forme and ordour of the fild playe. *Jus Normand. Lib. 15. cap. 1. in fine.* Utheralleadgis, that it cummis fra ane auld Saxon worde, *Scata,* as writis D. Thomas Smith: quhillik signifies treasure, taxation, or imposte, quhairfo, and of uthers casualities, compt, and reckoning is maid in the Checker. Quhillik compte (like as all uth-er comptes) is maid in ilk force and forme, that *tabula accepti,* that is, the charge, and *tabula expensi,* that is the discharge, are equal, and *fit æquæ,* becaufe the compt is given furth na mair, nor he has received: and allwa he given als meikle furth as he has received. Quhillik is called *pariare rationes,* and this compt is called *Parior* or *l. ult. §. idem questus de condit. indeb. l. penult. §. conditoris de jure immunitat.* Or elsthe charge and discharge are inequal, in ilk manner, that the compt is received mair nor he has expended, and fa at the fyne of the compt, he is found retound awand certain summs up-taken be him, and not given furth, quhillik is *reliquare rationes,* and this compt is called *reliquator,* and is oblied *reliqua inferre* to pay the rest auchtand be him, *l. creditor 102. §. Valerius de solat. bus.*

H

Esionio de Resentisa.

Morbus Sonticus.

Reachtep.

Landes annallid to be halden of the annaler and his heirs.

Landes annallid to be halden of the superiour.

Ane forme of chartour conteneand ane Reversion.

Scata.

Pariare rationes, Parior.

Reliquare rationes.

SACKERBORG, or rather *Sickerborgh*, *securus plegius*, an *sicker*,
sure, sufficient cautioner. *quæ attach. in prin. l. a. 2. p. 14. c. 7. s.* is an manner of
 borgh, or caution, quilibet an findes to ane uther, and speciallie in actions,
 or pleyes, for quhen onie man hes action to ane uther for theft or daugh-
 tier, quhairfo he offers to accusse him iudicially, it beuiffes the perswair,
 to knit and obliish him, in the hands of ane officiar, or before ane iudge
 competent : and find *sure* caution, and *sicker borgh*, that he fall persw
 in forme of *Liw. Mod. ten. cur. c. 44. l. 4. c. 1. Stat. Alex. c. 9. f. quib*
conquestus, to. In the civil law, the accusor in criminall causes cogites *inscribere*
nomen *L. 3. ff. de accusat.* And conforme to the practick and law of this
 Realme, the perswair quhan he raises the letters, findes caution, to report
 the farrin againe, dewlie execute and indorsat. And also to perswair at
 ane certaine daie, conforme to the tenour of the letters. And moreover
 quhen he accusses ane uther criminally, before the iustice and his deputies,
 he fuld sweare the ditay to be true, quhairupon he accisits the defender,
 bot the Kings advocat, accusand criminally, ony of the Kings lieges, is
 na waies obliished to swair in this case.

Sacha.
Garba.

Schiré.

Deputes and
 Clarke,

*The Soli-
res see.*

13. cap. 60. All Schreffes fall have good and sufficient deputies, for bailies, for whom they fall answer. And gif any persone be infecte with sik office in aulde time, and is un-able, or un-apt to use and exerce the same in his awn proper persone: he fall present to the King, ane sufficient depuie, to exerce the said office in his place, for whom he fall be answerable, as is extatute be King *D. 2. 6. Novemb. 13. 57.* quhilk is confirmed be *1. Jam. 1. p. 1. c. 6.* And generallic it is trow, that ilk Schreff, and other ordinar judge, fall bealden to answer for their deputies, as themselves. *Jam. 3. p. 5. c. 26.* And therefore all Schreffes, and judges, for their awn better securitie, sulde make their deputies ane or mair, guide and wise substantiall men, or beik fame, knawledge, understanding, and experience, and least suspect within the Schreff-dome, and sulde cause them be sworn the time of their admiffion, that they fall leilfully and truly use their office: and gif they continue them fra ane to ane uther: they fall cause them be zeirly sworn, for admiffiration of justice, at the head court after *Michealmes. 1. p. 6. c. 73.*

Schireff de-
putes and
their quali-
ties.

S
1 Schireffes
Clerkes.

Deputes and
Clerkes.

hi- Schireffs
courte.

colpindan, or threene hundred and threene. Oversight court.
It is lefulm and oecessar to the Schierrf and his deputies, to halde Schierrfe courts, for execution of his office. Quhillcs courtisik Schierrfe be the auld law of this realme, is obliht to halde after the face of ilk tourtie daies. *lib. a. cap. Statum. 19. Aff. reg. Da. e. ad summoones. 19.* And now all Schierrfes, Stewarres, and Bailies fuld halde three head courts in the zeire, be themselves in proper persone. Except they have iust and lauchfull excus of feiknes, or of the Kingis service. And all barrones and free-halders, quha aw fuit and preface in the fuides courts, fall compeir personallie. And the absentes fuld be ameriact, and all they quha aw but fuit allanerlie, fall send their fuittoones, honest and qualified men, able to decide one action or cause. And all they quha comitis to the Courte, fill remaine untill the famin be ended. And fall paffe upon inquestes and affises, and assit the Schierrfe doing their office, and service, conforme to their infeifments. *Ja. 5. p. 6. c. 71.* The Schierrfe in his conrite fall keipe and observe ilk forme and order of proces, as is used before the Lordes of Councell, and Session. And he fuld be his Court peremp-torie upon fifteen dayes, and all preceps direct be him to summond & warne the parties, fuld be execute upon fiftene dayes. *Iam. 1. par. 9. cap. 130. Iam. 5. par. 6. cap. 72.* And gif the indwellers within the Schierrf-dome and royaltie thereof, compeirs nocht in sufficient number, or sendis nocht their attornayes, to paffe upon ferving of In-quells or re-tones, swa that thereby the Schierrf-court is weake, and nocht weil stufed. The Schierrfe may warn the gentlemen of the regalitie, to compeir and enforce his Court, but prejudice of their regalitie. *Iam. 1. par. 9. cap. 130.* Item, all Barrones, Knights, free-halders, and Stewarres of Bis-choppes, of Abbotes, and of Earles, fuld be present at the Schierrf-court, upon the paine of the Kingis up-lawe. *Lib. a. statum. 19. Aff. reg. Da. e. ad summoones. 19.* All the fuidis persones and others, quha comes to the courte, fuides come in sober and quiet manner, with als monie per-sones, as they daylie fuissein in house-halde and familie: and beand come to their ludging, they fuides ware on weapoues, but their knife,

*Saufgeryng
recept of the
Chancery.*

fuld be direct to the Schirreffe, and other judges ordinar, with the claufe, *Capiendo fecuritatem.* Jam. 6. p. 12. c. 124. And all faifings paſſing upon lik precepts fuld be given be them, their deputies and Clerkes. Mar. p. 6. c. 34. Quhairin they ſuld write the day and zeir of the giving of ilk faifings, and bring the ſamin, togidder with all uther faifings, given be private Notaris zeirly, to the checker. Ja. 4. p. 6. c. 89. Map. 6. c. 47. l. 6. p. 11. c. 63.

*Ejectiones
and ſpuilzie.*

Sik-like aſtiones of ejection and ſpuilzie, pertainis to the Schirreffe, and his juſtification. And therefore, gif any man is wrangoully ejected furth of his land, or violently ſpuilzie of his guds and gear: The Schirreffe ſuld take cognition there-ane. And the ejection or ſpuilzie beand proven, ſhall caſt him quha is ejected or ſpuilzie, to be reſtored to his awin landes, guds and gear, with the proſeſs thereof, and damage and ſkail ſuffered be the partie. *Aſſ. Reg. Da. c. ſtat. 31.* Spedallie gif the perſones quha ar ejected and ſpuilzie be religious men, clerks, widows, aged perſones, or ſik uthers, quha be the law, ar excuſed fra ſingular battell. *Aſſ. Reg. Da. c. ſtat. 38. Stat. Alex. c. 5. ſtat. Ro. Br. 3. c. 6.*

Ejectiones.

And in ejectiones, quhen any man is ejected furth of his landes, fee, or heretage, The Schirreffe at command of the Lordes of Seſſion, ſhall furth with gar reſtore the ground, without prejudice of any partie, and recognoſce the landes in the Kings handes, untill they be lowed be the King. And in the mean time, inquisition is taken be the Schirreffe, quha was lauchfull poſſeſſour of the landes: And the ſamin beand retoured to the King, the landes ar letten to boghite to the ſaid perſon. *l. 2. p. 14. c. 62.* And generallie, the Schirreffe ſuld arreſt, and put in the Kings ward, all maſterfull and wrangous occupiers or uther menis landes, and ſhall caufe the ground to be maid voyde of them and their guds. Ja. 2. p. 14. c. 78.

Spuilzie.

Concerning ſpuilzie, the Schirreffe ſuld compell ſpuilziers, and their receivers (the ſpuilzie being proven) to reſtore their gudes ſpuilzie, and charge them to anſwer therefore, as law will. And in caſe they diſobey, he ſuld denunce them rebelles, and put them to the Kings horne. Quhairin, gif he be negligent or partiall, he ſhalbe puniſhed as the principall ſpuilzier. Jam. 2. parlia. 5. cap. 10. The like reſtitution ſuld be maid be the Lordes of regalities, quhill gif they doe not; the Schirreffe ſuld caufe the ſamin be done within the regalitie. Jam. 2. p. 5. c. 11. Laſt of all, aſtiones of recent ſpuilzie, may be perſewed before the Lordes, or the Schirreffe, within xv. daies nixt after the committing of the ſpuilzie. Jam. 4. p. 6. c. 65.

*Execution of
decreets.*

Execution not onely of decreets of ejection and ſpuilzie, as ſaid is, bot alſo of all uther decreets pertainis to the Schirreffe, be reaſon of his office and juſtification. For ane decreet beand given againſt any man, letters are direct to the Schirreffe of the Schire, ſteward, or Bailles to burgh, or to land, charging them to put the ſaid decreet to execution: quhill ſuld be done be ilk ane of them, within their awin juſtification, and ſuld receive for their office and fee xij. d. for ilk li. recovered or contained in the decreet, to be taken of him, againſt quhom the decreet is given. And gif the Schirreffe or uther official failzies to doe the ſame, he ſal fine his office for iij. zeirs, gif he be heretale; and perpetually, gif he ſis in li. rent, or for ane certainie time; & ſal pay the principal ſume recovered, to the partie, with the coſts and expenſes ſuſtained be him. *l. 4. p. 3. c. 30. l. 4. p. 6. c. 67.* Likewaiſe all ſentences and decreets given be the Lordes of the ſeſſion ſuld be execute be the Schirreffe of the Schire, or his deputies, quhair the party dwellis, againſt quhom the decreet is given, Or els be Herauldes, purſevantes, or Maifers: And for execution thereof, nane ſhall take mai nor is prefcribed be the act of Parliament foreſaid; except be liberalitie of the partie, under the paine of deprivation of their office. Ja. 5. p. 5. c. 58.

Poynding.

For the better and maid reddie execution of decreets: It is leaſum to the Schirreffe, to poynd the guds and gear pertaining to the debtour, be the brievie of dittres: quhill brievie pertainis to the Schirreffe's juſtification. *lib. 1. c. Pleuitum. 7.* Quha ſuld caufe execute the forme of poynding, & taking of dittres. *Quantum attach. c. de brevis. 31.* Bot the Schirreffe or uther judge may not poynd any man, or take ane dittres, bot within his awin juſtification allanerly. And gif he dois in the contrair, it is plainie riſe or ſpuilzie. *lib. 1. c. 13.* And it is not leaſum to the Schirreffe, or any uther judge, within his awin juſtification, to poynd oxen, horſe, or uther guds pertaining to the pleuch, or that labouris the ground, the time of the labouring thereof, gif they be uther ſtreinzeable guds, quhill may be poynded. And gif any man will take ane poynd within the Schirreffe's lorn, he ſall cum to the Schirreffe or his deputies, and deſire him to concurre and aſſiſt with him therein. And thereafter the Schirreffe, or his deputies, ſhall paſſe with him to the houſe of the debtour, fra quhom the poynd ſuld be taken. And gif the debtour confeſſis the debt, and prievs payment thereof to bee maid be him, or be uthers in his name: Na poynd ſuld be taken. And gif any is taken, the ſamin ſuld be delivered againe, utherswaiſe, gif he grants the debt, and proovis it not payed: The Schirreffe ſuld take the poynd, and the poynd ſhall not be taken fra him, except it be maniſt, that the debt is aucht to the creditor; becauſe na dittres or poynd ſuld be taken bot for debt conteſted or proven. *li. 4. c. Si quis nemo. 30.* And gif the debtour has na moveable guds, or hes not ſumkeil within the Schire, as is equivalent to the debt recovered againſt him. And gif it happens that he have ſome moveable guds within ane uther Schirreffe's lorn, The Schirreffe of ſuche uther Schire, within the quhill the ſaids moveable guds lyeis, ſhall caufe the ſame to be poynded & compried, & the creditor to be payed. And failzieng of moveable guds, the Schirreffe ſal caufe the lands & immoveable guds pertaining to the debtour, to be compried conforme to the act of Parliament, and caufe the ſamin to be ſauld and annallid, to the availle of the debt and the creditour. Ja. 2. p. 5. c. 36.

Diverſe and ſindrie criminal aſtiones pertainis and belongs to the Schirreffe, and his juſtification, quhair of ſome ar capitally wheres ar pecuniary, as after follows: And firſt generallie the Schirreffe may follow and perſew all treſpaſſours, in the Kings name, and cauſeis: Maikes and ſerjantes arreſt them; Albeit na partie perſew compely or aſſiſt. *l. 1. p. 13. c. 139.* Like as the ſchaur, and advocat, may perſew ſlauchter, and uther crimes, albeit the parties keipe cleire, or uther waiſes privadly. *l. 1. p. 13. c. 139.* And ſwa quhen any complaint is maid, be any perſon to the juſtice General, or to the Schirreffe, or to any uther official of law within burgh, or without the ſamin; The Schirreffe, or uther judge, ſhall ſummond both the parties: And gif the deede be done be Chaidmelle, the partie ſhall perſew, as effeſſis of the law. Bot gif it be done be fore-thought-fellonie, the committer thereof, ſhal be accuſed of the breaking of the Kings peace: He ſhall ſatiffie the partie, and be imprifoned in the Kings priſon. Becauſe his life and gudes ar in the Kings will. *l. 1. p. 3. c. 51.* And gif any treſpaſſor be fugitive for any crime, the Schirreffe ſuld perſew and follow him: And ilk Gentle-man, not followand the ſchowite, or out-horne, ſal pay law. And ilk zeaman xx. s. to the King. *l. 1. p. 6. c. 9. 8.*

The Schirreffe, Crowner, or Provost within Burgh, ſuld caufe burie him quha is murdered. *Leg. Maj. Make. 1.*

The Schirreffe ſuld puniſh Witches, Sorcerers, Necromancers, and them quha ſeckis helpe, reſponſe, or conſultation of them, unto the death, alſowill he abuter, as the ſeeker of the reſponſe, or conſultation. Mar. p. 6. c. 78.

The Schirreffe, and uther ordinar judges, ſuld ſearch, take, and apprehend, all them quha not being lauchfullie admitted, dois miniſter the Sacramentes, ſayis Meſſe, or hearis the ſamin, to be brocht to the King to be puniſhed conforme to the Law. *l. 1. p. 6. c. 1. c. 5.*

The Schirreffe ſuld take frait inquisition, of them quha kirkis falſe, or forbidden cuinze, and ſuld caufe them to be brought to the King, to be puniſhed to the death. *l. 3. p. 3. c. 18.*

The Schirreffe beand certified of ſlauchter, committed within his Schirreſdome, and royaltie thereof, he ſhall incontinent raiſe and follow the ſlayer, with found of horne, and convocation of the Kings lieges. And gif he beis apprehended with reid hand, juſtice ſhall be done within that Sunne. And gif he be taken and apprehended without reid hand, Hee ſalbe pur in priſon, and law ſalbe done upon him, within 40. daies. And gif he eſcapis, or flies furth of the Schirreſdome, the Schirreffe ſhall certifie the nixt Schirreffe thereof, quha ſal perſew and follow the ſlayer in manner foreſaid. And conſequencie, ilk Schirreffe ſal certifie uther, until the treſpaſſor be put furth of the Realm, or els brocht to juſtice: The like certification ſuld be maid be the Schirreffe, to the Lord of regalitie, quha ſuld perſew the malefactours, as the Schirreffe ſuld do. *l. 1. p. 6. c. 89. Jam. 3. par. 5. c. 3. Jam. 4. par. 1. c. 28.* Quhen the committer of ſlauchter, cummis to the Girth: The Schirreffe ſuld advertiſe the Maifter of the Girth, and caufe the ſlayer bee put to the knowledge of ane Aſſiſe, quhider the ſlauchter committed be him, was done upon ſuddaunt, or be fore-thought-fellonie. And gif it be found ſuddaunt, he ſalbe retoured to the libertie of the Girth, and Santuarie. And gif it be founde fore-thought-fellonie, he ſalbe puniſhed to the death. *l. 3. p. 3. c. 35. Ja. 5. p. 4. c. 22.*

The Schirreffe ſuld not onely puniſh committers of ſlauchter, as ſaid is; bot alſo ſuld after his power, itay, and top the committing thereof. And therefore, quhen any man has doubt of his life, either be ony dedde, menacing, or violent preſumption; and verifies the ſamin be his aith, or uther probation, And for that cauſe, aſkis law-fortewrite be given to him be the Schirreffe, that he ſalbe harmeles and ſkairles of him, of quhom he dreads the bodielie harme. The Schirreffe ſuld grant his petition; & gif he reſuſis the ſame, he ſal pay 40. pound to the King, & aſlyth the partie. *l. 1. p. 9. c. 129. l. 2. p. 6. c. 13. l. 2. p. 14. c. 83.* And gif the law-borrowes happens to be broken, the paine thereof, ſuld be payed to the Schirreffe, for the quhill he ſalbe comptable in the Checker. *l. 3. p. 1. c. 5.*

It is leaſum to the Schirreffe and his deputies, to peſſew ony perſone for Theif. theif, Albeit na partie concurre and informe him there-ane. *Quantum attach. c. ubi aliquis. 25.* As likewaiſe, he is judge competent to theif and ſlauchter, quhen any perſon compairis and inſiſtis with him, in the perſute. Bot gif the ſaids crimes be followed be way of dittay: the juſtice general is judge thereof. *lib. 1. c. 2.* And quhen any thief is condemned before the Schirreffe, and execute for theif: Al the moveable guds, quhill perſeine to him, ſuld juſtifie pertaine to the Schirreffe. *lib. 2. c. Forſisſaliam. 55. de ladic. c. Preterea. 148.* Bot gif any man findis in any town, his awin ſilver ſtollen fra him; It is not leaſum to him to introuche there-with: Bot he ſuld put and leave the ſamin, in the keeping and cuſtodie of honeſt men of the towne, and ſall declare the ſamin to the Schirreffe, quha ſall compell the Provost or ruler of the town, and three men with him, to mak faith, that he knawis na thing of that theif; And thereafter the complainer, proovand the ſilver to be his awin, ſuld receive the ſamin to be uſed be him, as his awin proper gear. *lib. 4. c. Si quis. 21. ſtat. Alex. c. Aſſiſa. 20.* All thieves ſuld be puniſhed to the death. And it is not leaſum to the Schirreffe, to ſell any theif, or to fine with him for theif, done, or to be done, under the paine of life and guds. *l. 1. p. 13. c. 135.*

All Sorners, taken and apprehended, ſuld be delivered to the Schirreffe, that juſtice might be done upon them, as thieves and rieviers. *l. 2. p. 11. cap. 45. l. 3. p. 10. c. 27.* The Schirreffe ſuld arreſt and challenge, all ſorners, quha lyeis and ſojournis upon the Kings lieges, and compell them to aſſyſt the King, and the partie complaining. And gif na partie complains, he ſhall inquire at the head court, anent ſik treſpaſſours. And as he ony findis, ſuld puniſh them. *l. 1. p. 1. c. 7.* And mairower, the Schirreffe and all uther officers, alſowill to burgh, as to land, ſall puniſh ſorners, over-lyers, maſterfull Beggars, ſuilles, bairdes, vagabondes, put them in warde, and baniſh them the Clutrie. Jam. 2. parlia. 6. Cap. 26. And

*Criminal
cauſes pertain-
ing to the
Schirreffe.*

*Murder,
Witchcraft.*

Meſſe.

Falſe cuinze.

Slauchter.

*Law-bor-
rowes.*

Sorners.

De verborum significatione.

And all oppreſſours, ſtrang vagaboundes, beggars wandring about the realme, upon pretence that they are Schieppoben, or banished for flau-ter, or urther odious crimes; And diſſimular thieves, and abusers, cald *Agyptians*. Ia. 6. p. 12. c. 124.

Sick-like the Schieffuld arrest all idle-men, and put them in sure firmance, untill it be knowin, quahair they live, and take caution of them: that the inhabitants of the cuntre, ſhal be harmeleſſe and skaitheleſſe of them: And that they fall get maſters, or paſſo to craft within fourte daies; quahair gil they failzie; the Schieffuld inſpire them, untill they be puniſhed at the Kingis will. Ia. 1. p. 2. c. 66. *Mair-over*, the Schieffuld compell idle-men, to paſſe and labour for wages within Schippes, maid and prepared for filbing, of great and ſmall fiſh, under the paine of banishment furth of the Schieffedome; quahair gil the Schieffuld failzie. he ſhall pay twentie pound to the King, in the Cheeker zeirliche. Ia. 4. p. 4. c. 49.

All they quha ar ſuffered to beg a landwart, ſuld have ane certain takin given to them be the Schiefful. Ia. 1. p. 1. c. 25. Under the paine of burning on the checke, and banishment off the cuntre of the beggars: and of ane unlaw of fiſſie ſhillings to the King, to be payed be the Schiefful, in caſe he failzie in keeping of the premies. Ia. 1. p. 2. c. 42. And *mair-over*, the Schiefful, Provett, and Bailies within Burrowes of royaltie and regalarie, ſhall pay ane mark for ilk beggar that beis found begg- and except he be cruiked, feck, or weake. Ia. 4. p. 6. c. 70.

And *mair-over*, the Schiefful ſuld ſuffer na beggar to beg within outh Parochin, but onlie them quha ar borne within the ſamin. For ilk beggar ſhall be ſuited within his awin Parochin, and ſuld have the make thereof. Lam. 5. parlia. 4. cap. 21. And for puniſhment of ſtrange idle beggars, all Schieffes and urther judges ſuld make priſones, ſtockes, and icons within Burghes, throw-faire-townes, and at all Paroch Kirkes. Ia. 6. p. 12. c. 147. And ſuld puniſh beggars, conforme to the act maid be King James the Sext. Ia. 6. p. 6. c. 74.

To the iurisdiction of the Schiefful, pertainis to cognofce and decide anent ſtrife, ſpuzies, ſtraikes, wounds, and breaking of the Kings peace. Lib. 1. c. 2. And the Schiefful ſuld take inſpection anent the breaking of the Kings protection, and compell the breakers thereof to pay ten pounds to the King, and and affiſh the partie. Ia. 1. p. 11. c. 134.

The Schiefful ſuld deſtroy vechelles, crelles, and urther ingines, quhilk ſtoppis ſmoltes to paſſe to the ſea. Ia. 2. p. 14. c. 87. l. 3. c. 37. He ſuld caſe the meaſure and quantitie of the cruves and zaiſtre to be kept in waters, quhair the ſea flows and ebbs: To the effect the fiſh of the fiſh, may aſſend and defend, and ſuld likewise give up ditty to the juſtice, in his aire, upon flayers of Salmond in forbidden time. *Iſt. Alex. cap. hec eſt Aſſia*. 27. *Leg. Burg. c. hec eſt Aſſia* 13. *Stat. Rob. 2. Br. cap. Item ordinatum*. 12. The Schiefful ſuld deſtroy, caſt downe, and hald downe all cruves within his bounds, under the paine of xx. pound to be payed to the King. Ia. 4. p. 2. c. 15. Mar. p. 8. c. 68. For the quhilk cauſe, ſpeciall commiſſion is granted to him. Ia. 6. p. 6. c. 89. Ia. 6. p. 7. c. 113. He ſuld execute the actis maid anent herring and quhite-fiſh, and uptake the eſcheit of the contrayners thereof, and make compt in the Cheeker. Ia. 6. p. 6. c. 86.

The Schieffes ſuld hunt and ſlay the Woolfe, and her Quhicles, three times in the zeir, and all the indwellers of the Schire, ſuld liſe with him, under the paine of ane Wedder. Ia. 2. p. 14. c. 88.

The Schiefful ſuld cauſe bow-markes to be maid for Archerie, in ilk paroch, under the paine of fourtie ſhillings, to be uptaken be him to the Kingis uſe. Ia. 4. p. 5. c. 32.

The Schiefful ſuld puniſh all them quha ſmutter at Deare, Rae, or urther wilde beaſtes, or wilde fowles, with Culvergins, Piſſolettes, or Gunnes. Ma. p. 4. c. 9. Nocht onlie the Schiefful, but all judges Ordinar ſuld accuſe at particular dietes, all them quha ſmutter with Culvergins, Croce-bow, at Dae, Rae, Hart, Hinde, Cunning, Dowe, Heron, or fowle of rief. Ia. 6. p. 1. c. 16. p. 7. c. 123.

The Schiefful, and all urther officiares, baith to burgh and to land, at ilk Court, ſall inquire quhat perſones byis viſſual, and haldis it to ane dearth; And declare their names to the King, that they may be puniſhed as ockerers, and the viſſual eſcheit. Lam. 2. p. 6. c. 23.

Mair-over, the Schiefful ſuld eſcheit all gudes quhilkis ar forſtalled, coſt, or arked be forſtallers, and in-bring the twa parte thereof to the Kingis uſe; And the third part to himſelf. Ia. 5. p. 4. c. 20.

And ſik-like the Schiefful ſuld puniſh, be confinement of all their moveable gudes, all them quha tranſportis Nole, Scheipe, or urther Cattell luth of the realme. Ia. 6. p. 12. c. 124. Ia. 6. p. 12. c. 149.

The Schiefful ſuld puniſh deſtroyers of planting of woodes, Forreſtes, orchardes, broome, breakers of Dow-cattis, cunninggaires, parkes, ſtanks, zairdes, flayers of Haires, makers of Mure-burne in for-bidden time, and urther deſtroyers of haneing and policie. Ia. 6. p. 6. c. 84. And likewise, ſuld in-bring to the Kingis uſe, the paines of ſthem quha plantis nocht woodes, makis nocht hedges and hainings. Ia. 6. p. 4. c. 9.

The nlaw of fourtie ſhillings, ſuld be taken up be the Schiefful, ſa players at the ſute-ball, in-caſe the Lord of the land, pretermitt to do the ſamin Ia. 1. p. 1. c. 17.

When any landes fallis, be reſon of warde in the Kingis handes, or of any urther ſuperiour; Or quhen to Burgh or rolands, landis ar given on juſtice, or liſe-rent: The Schiefful or the Bailies, ſhal cauſe the wardatir ſhilde caution not to deſtroy the bigginers, or urther policie: And that he ſhall leave the ſamin, alſud as he ſand them; And that he ſhall fulſtine the aire, not havand ſufficient bleche, or fewe-feyne landes. Ia. 4. p. 3. c. 24. And gif the Schiefful, or urther judge be negligent, in requiring cauſe, being required thereto, be the heretour, or his friendes; He ſhall reſound and pay to the heretour of the landes, at his perſeitage, all damages and ſkath ſuited furth of his negligence. Ia. 5. p. 4. c. 14.

The Schiefful ſuld tak: inquisition of them quha wearis Claitch of

gold, ſilver, velvet, or ſilkes, contrair the actis of parliament, and ſend them to the King, to be puniſhed. Ia. 3. p. 6. c. 45. Ia. 6. p. 7. c. 113.

All they quha uſis exceſſe or ſuperfluite in banquettes, contrair the tenour of the act of Parliament, ſuld be puniſhed be the Schiefful, and urther judges, within the Royaltie and regalarie. Ia. 6. p. 7. c. 118. And ſiklike, the Schiefful ſuld fend to the Theſaurar, the names of all perſones quha breakis and contravenis the act of Parliament, maid anent the ordering of ilk mannis houſe, and quantitie of meat and diſhes, preferred to ilk man of all eſtates, that they may be accuſed and puniſhed therefore. Mar. par. 5. c. 26. The Provett and Bailies within Burgh, ſuld cauſe Hoſtellares take reaſonable price for ane mannis dinner and ſupper, af- ſecond to the prices of viſſuals. And ſuld alſo fer downe reaſonable prices upon ilk mannis work, and ſuld deliver the ſamin to the Schiefful, that he may cauſe the ſamin price be kept to Landwart. Mar. p. 5. c. 22.

Mair-over, the Schiefful ſuld puniſh the Baronne, quha examinis, not prices nocht the work-man-ſhip of ilk craft, within his Barromie, with the paine and unlaw of ten poundes. Ia. 3. p. 7. c. 102.

The Schiefful ſuld fend or bring all Notars, quha ar Temporal men, within the boundes of his office, and preſent them to the Lordes of Conneill, to be examined be them, quidder or nocht they be worthe or qualified for the office of the Notarie. Mar. p. 5. c. 24. And the Schiefful with ſik perſones, as the King pleaſis to adjoyne to him, ſuld call all Notars before him and examine them. Ia. 5. p. 6. c. 76.

The Schiefful ſuld up-take and inbring all taxationes, and mak compt Taxation, and payment thereof. Ia. 4. p. 2. c. 9.

The Schiefful, with the Baronne, or Lord of the lande, ſuld ſee and provide, that ilk man be armed according to his eſtate and rent: And ſall cauſe weapon-flawings to be maid zeirliche, after the Octaves of Paſche. Stat. Ro. 2. Br. c. Ordinum. 27. Or at the laſt four times in the zeir. Ia. 1. p. 2. c. 44. Ia. 3. p. c. 31. Or upon Thursday in the W hiftunday oulk Ia. 4. p. 6. c. 75. Or twice in the zeir throw all the realme, in the Months of Junij and October, or ony urther day, as ſall pleaſe the Schiefful, ſteu- ard, or Bailie. Ia. 5. p. 6. c. 85.

The Schiefful ſuld execute the act of Parliament, anent the keeping or threshing out of viſſuals, and cauſe the ſamin to be kept and obeyed under the paine of fineſſ of his office, in-during the Kingis will. Ian. 2. par. 9. cap. 37.

The Schiefful and Chalmereine, ſall cauſe all mettes and meaſures to be kept, uſed and obſerved, conforme to the tenour of the actis of Parliament, as they will anſwer to our Sovereine Lord. Ia. 3. p. 4. c. 22.

The Schiefful and his deputies ſuld eſcheit and inſetromet with all horſe pertaining to Earles, Lordes, Barrones, and urtheris, halden at harde meate, langer nor the time preferred in the act of Parliament. Of the quhilk eſcheit, the ane half pertainis to the King, and the urther half to the Schiefful. Ia. 6. p. 11. c. 56.

The Schiefful at command and direction of the Theſaurar, ſuld take up, and inſetromet with the eſcheit guds and geare pertaining to rebelles. Eſcheites Ia. 6. p. 6. c. 75.

Divers and ſindrie perſones are diſobedient to the Kingis Lawes, baith civil and criminal, and alſo reſuſis to obey and fullfill lauchful decreetes given and pronounced againn them, be judges Eccleſiaſtical, civil and criminal: For the quhilk cauſe, fome ar excommunicat and curſed, uthers ar denounced rebelles, and put to the horne. And therefore the Schiefful (to quhome pertainis the execution of the Kingis Lawes and decretes) ſuld take and apprehend all curſed and excommunicat perſones, at the deſire of the Biſhops, or his Official, and put them in priſon, until they ſatiſſie God, and the Kirk. Stat. 2. Rob. Br. cap. Rex ſali. 31. Speciallie them quha hes ſuited under the cenſure of Excommunication, be the ſpace of fourte daies. *Quoniam attach. c. Rex ſali. 76. Iſt. par. 3. Item 7.*

To the quhilk effect, letters of caption being direct to the Schiefful, he ſuld execute the ſamin againn all curſed perſones. And gif they be fugitive, their gudes and landes (gif they ony have) ſhalbe comprised, for ſa-tiſfaction of the partie. And gif they have nane, they ſhall denounced rebelles. Ia. 2. p. 5. c. 12.

All Schieffes, Stewards, Bailies, and urther officiares, baith to Burgh and to lande, ſuld ſearch, ſecke, and apprehend all rebelles beand at the horne, and bring them to our Sovereine Lordis juſtice, to be juſtified, conforme to their demerites; Under the paine of fineſſ of their office, for three zeires, gif it be heretabe; And in all time cumming, gif it be Temporal. And *mair-over*, to be accuſed for their negligence in the juſtice aires, or at particular dietes, as ſall pleaſe the King. Ia. 5. p. 7. c. 97.

Mair-over, the Schiefful, and all the ſaidis judges, alſo will in regalarie, as royaltie, ſuld ſearch, ſeek, follow, perſew, apprehend, and commit to warde, and preſent to juſtice, all declared traitours and rebelles, condemnand remainand at the horne un-relaxed; and ſuld do juſtice upon them, gif they have commiſſion to that effect. And gif the ſaidis rebelles be fugitive, the Schiefful and urther judges forſeidis, ſuld make denunciation thereof to the Schieffes, and judges Ordinar, of the ſoure halves about; and require them to uſe the like diligence, under the paine to the quhilk traitourous and rebelles ar ſubjects, or he incurred. Lam. 6. p. 12. c. 124. And furder, the Schiefful ſuld incurraend forſiſic urther officiares, to take up the eſcheit of rebelles, and ſuld make convocation of the Kingis liegeſto that effect. Ia. 6. p. 6. c. 74.

Mair-over, all letters of homing, with the indorſation thereof, ſuld bece regiſtair be the Schieffes Clerke, within fiſtene daies, alter the denunciation; And being marked and ſubſcribed be him, ſuld be delivered to the partie. And ſik-like, all relaxationes ſuld be regiſtair in the Schieffis buikes, within fiſtene daies after the publication thereof. Lam. 6. par. 6. p. 8. cap. 142. And ilk Schiefful ſuld cauſe proclaim the names of the rebelles, at the merat croce of the head burgh, upon merat daies, preceeding the three head courtes, and affix ane Catalogue containand

containing their names upon the mercat croce, and in the Tolbuth: And sende one uther tolk thereof to the Thesaurar, containing the names and causes, for the quibill they were denounced. Ia. 6. p. 6. c. 74.

Of inhibitions and interdicts.
Last of all, to the effect, that they quita are in *Bona fide*, be nocht deceiver in bying of handes or gudes, fra them quita ar interdited or inhibit, For escheewing of sik fraud, the Schireff, *Tantum bonus Praetor*, suld cause all inhibitions and interdictiounes, with the excoutions thereof, to be registrate in his buikes, be his Clerke, within fourtie daies, after the publication of the famin. Ia. 6. p. 7. c. 118.

Of the paines and punishment of Schireffs.
WHAT Is the jurisdiction and office of ane Schireff, may be easilie knowin be the lawes and constitutiounes abone writen; quhair of findrie cominis certaine speciall paines to be enjoined to him, for his malice or negligence. And now, I thought gud to declare, certaine generall penalties, prescribed be the lawes of this realme. And first, the Chancellar, Justice, Chalmerslaine, Schireff, nor name of their depures or substitutes, sall susteine or maintaine pleyes, quarrells, or actiones; nor sall not take handes, or uther budde or rewarde, from the partie, for hinderance or delay of Justice. And gif ony sall happen to be convict thereof, he sall be punished at the Kingis will, and sall tyme and foreaile his office, induring his life-time. Stat. 2. Rob. Br. c. Dominus Rex. 22.

Secondlie, in the tyme of King David the Second: Because the haill cummunitie and inhabitants of the Realme, complained heavilie upon Schireffs, Maires, Serjantes, and utheris the Kingis ministers of the Law: It is ture and ordained, that incontinent before the end of the Parliament: The justice Generall, with the Chalmerslaine, suld call, and convene before them, and the inhabitants of ilk Schireffedome, all and findrie the Schireffs, and uther Officiares, alsweil heretabill, as Temporal, and depures: And take and modifie the damage and skaith done be them to the King and his lieges, to ane certaine summe: quhill taxation being maid, the Schireff and uther Officiares, suld bee put to the knowlege of ane gude and sufficient assise; And being found culpable, and convict, they suld incontinent be put in the Kingis prison, untill he, with advise of his Councell, declare his will. And main-over, all the saidis Schireffs and uther Officiares, either heretabill, or temporal, being filed and convict, suld foreaile and tene their office, induring their life-time. Da. 2. In his Parliament holden at Perth, 18. Feb. 1369. And of this reigne. 40. zeire.

The Schireff may be removed by the Kings will, and deposed.
Thirdlie, the justice Generall, in his justice airc, sall challenge and accuse, the Schireffs, and uther the Kingis officiares; and take cognition how they have used and exercised their offices. And gif ony of them be founde culpable or faultie: The justice sall remove him fra his office, and will the next Parliament; And sall put ane uther in his place, to use the office in the meane time. And main-over, the justice sall take sufficient foverie of him, under certaine paines, that he sall comper in the next Parliament to underlie the determination and punishment to be enjoined to him be the Parliament, for his fault; And he sall no waies be restored to his office; bot gif the three estates think the famin expedient. Stat. Rob. Br. 3. Ex libro Sconens.

Schireffs heretabill and Temporal.
Fourthlie, gif the Schireff, or ony uther officiar of law, be lauchfully proven, or notourlie knowin faultie, or negligent in the execution of his office pertaining to him in fee and heretage: He sall tyme the famin, and all the proffies thereof, for ane zeir and daye, and salbe punished in his persone and gudes at the Kingis will, after the qualitie of the trespas. And gif his office is Temporal, he sall tyme the famin, for all the times he hesit: And uther-waies salbe punished, as said is. Ia. 2. p. 14. c. 77.

Fiftlie, gif the Schireff, or ony judge Ordinar, will not execute his office, and minister justice, he salbe punished, and put fra his office, for ane certaine tyme, after the discretioun of the King, and the Councell, and punished at the Kingis will, and pay the expenses to the partie complaind. And gif he be found partiall or culpable, in the administration of justice; And is Schireff in fee and heretage, he sall tyme his office for three zeires. And gif he be Temporal, havand his office for ane certaine tyme, he sall be put fra the famin perpetuallie: Pay the expenses to the partie offended, and punished in his person, at the Kingis will. Iam. 3. p. 5. c. 26.

Tinfell of honour & fame.
Sextlie, all Schireffes, and uther judges, alsweil Spirituall as Temporal, within regalitie and royaltie, sall do trow and equal justice to all the Kingis lieges, without ony partiall counsell, or taking of budde, under the paine of tinfell of their honour, fame, and dignitie. Iam. 5. par. 7. cap. 104.

Extract of precept.
Gif ony partie complainis upon the Schireff, that he hes done to him wrang, in giving or pronouncing ony sentence or decreet against him; And desiris the famin to be extract and delivered to him, upon his expenses: The Schireff suld give and deliver the processe, led and deduced before him, to the partie, upon his expenses: And suld take foure pennies for ilk act allanerlie. Ia. 4. p. 6. c. 67. At the least, he suld extract proces, decretes, give saisinges and retoures, at reasonable prices. Ia. 6. p. 12. c. 124.

PARA INESIS AD IUDICES.



Mnis qui judicare debet, Stateram in manu teneat: Nam equalia & sine perfonarum exceptione esse debent judicia. Nihil iniquius quam munera capere in judiciis: Quia munera excæcant corda prudentium, & subvertunt verba iustorum. Qua enim Balance judicabitur, eadem judicabimini. Quapropter, tu iudex, timeas Deum iudicem; ne forte eo judicante, damneris. Stat. Wilbel. Cap. 27. Proinde sis Deum honorans & timens: Sapiens & in scientia potens: Veritatem sequens & amans: Avaritias odens & detestans. de Maritag. c. 2. Cave justitiam subvertas odio, per quod inventa aliqua malitiosa cautela, contra partem tibi exosam, reddis iudicium indirectum: Vel cupiditate, dum corruptus muneribus, malitiose judicabis: Vel timore, dum metu potentioris, vere judicare non audes: Vel amore, dum causa amicitie defendis amicum, & suppressis inimicum. de Maritag. c. 4. Facias igitur justitiam equaliter, tam pauperibus, quam divitibus. Stot. 2. Rob. Br. Cap. 2. Quia omnes iudices & magnates, qui plus favent his, quam illis in iudicio, aut malefactores ullo modo manu-tenent, sunt falsi, & perjurati contra Deum, Regem & populum regni. leg. Mal. Mak. c. ult. in fine.

SCOTIA.

De verborum significatiōe.

SCOTIA, Summe-time signifies that part of Scotland, quhilk is on the North part of the water of Forth. *Alf. reg. David. c. statuti. 21.* And is opposed to Lodowick; quhilk now we call *Loudiane*. For King David the First in the third zeir of his reigne, *Anno Domini 1126*. Be his Charte maid, *Omnibus Scottis & Anglis*, I am in Scotia quhen in Lodowick constituted, gave and disposed to S. Cuthbert and his Monkes in Durham (*Dunelmensis Ecclesie*) The landes of Coldinghame, Lunnelfden, Remington, Elton, Effewick, Auld-Cambus, Swintoun, Prendre-gess, and others lyand in Lodowick, quhilk now lyis in the Mers, and Schirff-dome of Berwick. And in the actis of Parliament, justices general ar ordained to be, ane, or twa, on the South side of the water of Forth: And ane or twa, on the North side thereof. *la. 2. p. 14. ca. 97.* Quhilk agrees with the act maid be King James the Second par. 3. c. 5. Quhair it is statute, that the justice on the South side of the Scottish fea, fet ther justice aires, and halde them twise in the zeir. And also on the North side of the Scottish fea, as auld use and custome is. And in the laws of *Malcolm Mac-kenneth. ca. 4. Mare Scotia*, is taken for the water of Forth.

SECTATOR, Ane foytor in court, quhais qualities and office. *vid. verb. Sok.*

SEK, Of wool, and furing of gudes be the sek, ferplaih, and tunne. *vid. Serplaih.*

SERIANTERIE, *Sergenterie. Lib. 2. c. Dictur autem. 72.* In the quhilk place, pro *Seriantis*, *mendose legitur*, *Suggestio*, *Seriantes* a *seriano*, as *ministerium a ministro*, or *servitium a servo*; Signifies a manner of balding of landes, speciallie in the lawes of England, quhair *Grandes seriantes*, is quhen an man haldis his landes of the King: For the quhilk he suld paise with him in his hoist, or to beare his banner with him in his warres, Or to lead his hoist or armie. And hereto belangs warde, marriage, and relieve, quhilk is ane maist speciall Knichtes service, *petitseriantie*, is quhen an man haldis his landes of the King; yielding to him ane knife or buckler, ane scheife of arrows, ane bow, or uther ilk service conforme to his infement: Quhair unta-na-wa-belangs warde, marriage, or relieve, quhilk we may call, *blench-ferme*, or *alba firma*. Read the statute, maid be King Edward the First, King of England. 18. zeir of his reigne, anent wardes and relieves.

SERIANȚ, *Sergeant*, ane French worde. For like as messengers, cummis fra the French worde *Messiers* Swa Sergeant likewise cummis fra Sergeant, *Qua est vox composita, de Serger, quod est includere, & gent, quod pro gente, plebe, vel populo usurpatur.* Iteque *Serianus* dicitur qui iussu magistratus, quilibet de populo *criminos*, in *carcerem* conjicit, *sen ineludit*: That is, he quha at command of the Magistrate, inculcis, or lockis in prison: quillie perones delated, or suspect of ony crime. *Serianus curie* or *serviens curie*, the Seriente of the courte, officiar, executor of letters or summondnes, quha be the interpretores of the civil law, is called, *Nuntius. vid. Recordum.*

SERPLATH. *Jam. 1. p. 2. c. 38. Jam. 2. p. 14. c. 68.* Contains four-score stanes. For the Lordes of Council, in *Anno*, 1527. decrened four ferplathes of packed wool, to containe sixteen fers stanes of wool. Be the traffique of merchandes now used, The merchandes usito pay fraiche for their gudes to Flanders, be the Sek: To France, Spayne, and England, be the Tunne: And to Danskjne, and the Easter Seas, be the ferplaih.

As I understande, ane Serplaih of gudes, is onelic counted betuixt merchant and skippers, for furing of gudes to the Easter Seas, and frathine hame to this realme. Swa that for everie Serplaih of gudes, fured, or promissid to be fured Eastward; the skipper is obliht to fure hame to this realme, twa laft of gudes: And this Serplaih of gudes is of magreater quatite, nor the sek of gudes to Flanders.

And ilk Sek, be the act of Parliament, 26. p. 7. cap. 108 Suld containe twentie foute stane of wol: And be the dailie callation of merchands, fourtie Trois stane. Ilk Trois stane, contains sixteen ounce Trois. And ilk pound weicht thereof, contains sextene ounce Trois.

The sek of wool, is commonlie fet be the Skippers, to ane Tune: Ilk Tun contains, Sex hundred pound Trois weicht. Ilk hundred weicht contains five score pounce weicht; quhilk is sex stane, and ane quarter Trois.

The wool, quhen it is bocht be merchandes, is bocht be the Trone stone, quhilk contains communlie, xix. pound and ane half Trois: Alwaies concerning the sek of wool; I finde na solid or constant weicht thereof: For some feckes will be mair, and some will be less nor fountie Trois stanes, Bot communlie the sek of wool, contains fourtie Trois stane, as saidis.

Ane Laft of guds fured hame, contains communlie twelve Barrells. And the auld forme of furing of guds, fra Danskjne to this Realme, was for every ferplaih, as it is zit, twa Laft. Bot for this Laft, the Skippers shirp hame, fourcene barrells, Ilk Barrell being of weicht, ane ferplaih pound. And offlicht gudes, sik as lint and hempt, there is fured for the ferplaih, twa laft.

Ilk Laft is twa packs: And ilk pak is als great als half an sek of wool Skinnes, and contains in weicht thertie sek Sprute stanes.

Ilk Sprute stane, contains twentie aucht pound Trois weicht.

Swa the laft exatlie weyed, will contene of our Trois weicht, sex score sek stanes. And for ane laft of wax, that is fured hame be frangers, fourteen schip pounce. And be Scottish skippers, twelve big barrells for the laft, of Tar, pick, and siklike wares, twelve great barrells for the laft, and fourcene small barrells. Their great barrells, ar called Hamburg trees, and ar in greatlie, nocht unlike to our Salmund trees, and sulde contene fourtine Gallounes: and the small barrells, ar some what greater, nor our herring trees.

Likewais of Rye mell, some times twentie four barrells ar fured for the Laft, speciallie be frangers: and be our awin Skippers, auchtene

barrells for the Laft thereof. And ane Laft of Rye, is some-time auchtene Rye. Bolles, and sometimes nine teene bolles in measure.

Item, ten feckes of wool, makisane Laft of wool.

Likewais, ten hides makisane daiker, and twentie daiker, makisane Daiker.

Laft: Twelve dowane of gloves, or Ladder poyntes, makisane grosse: And ane great grosse, contains twelve fingle grosse.

Ten stane of brasse, makisane Barrell.

Six Barrells of English drinking Beare, makisane Tun.

Twelve Barrells of Salmunde, are bocht be the merchandes, for the Laft: Bot in furing of them over the Sea, the skippers counisonly nine barrells for the Laft.

And likewais the Sek, albeit it be counted in Flanders to twelve Barrells; zit twelve of their barrells, contains sixteen common Ear. Flanders Barrell.

The Fiddler of lead, contains neere by fiftcore and aucht stane.

Ane schip pound, contains sixteen stanes and ane half, of Scottish Fiddler of lead schippe pound.

Trois weicht, is reckoned to the hundredth.

Aslikewais, sex-score elnes of woollen claih is counted for ane hundredth: *la. 6. p. 7. c. 108.* Quhilk is contorme to the auld use, observed in the dates of King David the Secunde; as is manifest be the custome compt, maid be the Customers of the Burgh of Strivling, the zeir of God, ane thousand, three hundredth, sextie aucht zeices.

Weichtes and measures in Orkney.

The mull, mell, & beare, are delivered in Orkney, be weicht in this manner. *Impressis* 24. marks makisane fering. Item 6. ferings makisane mell. Item 24. meles makisane Laft. Item of mell and mull called *coss* ane laft makisane Scottish chaldre: Item ane Laft and ane half of beare contains 36. meles: 36. meles makisane chaldre. Item the buteris delivered in barrells, quhair the quantitie is great, bot quhair the quantitie is small, it is delivered in marks, and lesh poundes. That is to say, xxiij. marks, makisane fering, as said is, and 6. ferings makisane ane lesh pound. Item, ane stane and twa pound Scottish, makisane ane lesh pound. Item 15. lesh poundes makisane ane barrell. Item 12. barrells makisane ane Laft. Item the flesh is delivered be apprising: viz. 10. meles makisane ane sufficient Cow, and ane sufficient Oxe. Also ane gild Oxe is apprisid to 15. meles, and ane wedder is four meles. Item 40. Goufs is twa meles. Item ane Capon, is halfane Gouf, viz. ane meale.

SERVICILIO *Militare*, Knichtes service, and speciallie concerns warde and relieve. *Vide Seriantaria. Vide Hanbert. Vide warde.*

SERVIENTS *Curie*, *seriantus curie. Leg. Mal. Mak. cap. 3.* Anecier, or officiar of Courte, the executour of summondnes, quha fummondis and attachis ony persone to compare in ane court, to answer to ane uther, conforme to law and reason. *Mal. nau in filo. Jur. cap. 1. c. 20.* Quha is called *servient*, because he suld fware to serve leallie and trefwile the King, in execution of his office. *Quon. attach. c. Nullus 57.*

SETTER-DAYIS *flop. stat. Alex. cap. hec assisa. 27. Leg. Burg. cap. hec assisa. 113.* Jam. 1. Parlia. 1. 26. Maj. cap. 11. Jam 4. Parlia. 2. cap. 15. quhilk statute maid, as is allaged be King Alexander, is ascribed to King David, be King James the Fourth, in the place forsaide. The Setterdays flop, is ane space of time, within the quhilk it is nocht leasum to rake Salmunde fish; that is, fra the time of Even-gang after noone on Saturday, until the rising of the Sunne on Mononlay. *stat. 2. Rob. cap. Item ordinatum. 12. stat. 1. Rob. Br. cap. 8. Leg. Forfeil. cap. Omnes aquas. 8. Item. Camer. c. calumnias buntur. 16.*

SIMNELLOS, *Leg. Burg. c. 122.* From the Latine Worde, *Similia*, quhilk signifies the better and smallst parte of the Quheate, or flowre, quhair bread, or mair bread: In the quhilk signification in the Dutche toungue, it is communlie called *Semmel*.

SOK, *Lib. 1. c. 3.* Ane auld worde used in Charroures and infementes, quhilk in findrie auld buikes conteneand the municipall lawes of this realme, is called *setis de hominibus suis, in curia, secundum consuetudinem Regni*. Swa after my opinion, he quha is infeit with Sok (quhilk now we call Soyte, from the French worde *Suie. h. c. sequela*) hes power and libertie to hald courtes within his awin Baronie or landes: In the quhilkis courtes, *hominis sui*, or his vassalles suld give foyt, and fend for them, ane quha is called *Soytor*, or *seftator*, *a sequendo*. Because he suld follow the courte, in the quhilk he suld compare. This office was verie profitable, for furthering of justice. And first, hee quha is obliht to give Soyte in the Courte of his Over-lorde, suld do the samin, conforme to the tenour of his infement, and na urtherwaies. *Leg. Forfeil. c. nullus 68. c. Si heredes. 69.* And gif he aucht three Soytes be his infement: he suld compare bot at three head Courtes in the zeire, without Summondnes or warning. *Mod. ten. cur. e. 1. c. 31.* Na judge aucht of law, or of reason, to accept ony man in court as Soytor. Bot gif he can make sufficient and lauchfull reporte, of proceffe, doomes, judgemente, and in lauchfull forme, give and pronounce doome of Mutes, and playes in court, followed and defended before him in court. *Mod. ten. cur. cap. 38.* *Quon. attach. c. Nullus seftator. 20.* And ilk Soytor before he is admitted be the Baillie, or judge, suld be examined in three courtes gif hee can make recordes of the courtes, and give sufficient ane warde, or ane doome of wardes or doomes; asked in the court or not. And then quhen he is be his fellowes admitted, he may not after ward for wacknelfe of knowledge be rejected. *Quoniam. attach. nullus. 20.*

Ane Soytor, is obliht to make faith, that hee fall leallie, and trefwile make recorde of Courte (that is of the claime, libell and proces) to give to him be God: And fall after his understanding, leallie and trefwile serve, induring the time of his office. *Stat. Gild. c. 50.* The court beand fensed,

Three manner
of furing of
gudes

Serplaih

The Sek
Trois stane

Sek of wool

Tunne
Hundredth
weicht.

Trois stane

Furing of
gudes be the
Laft
Barrell

Pak

Sprute stane

Base of wax

Offerre
Pick
Great and
little
barrells.

Rye mell.

Seftator

iiij. Soytes.

Soytor suld
be qualified

The aith of an
Soytor

De verborum significatione.

The Soutour
unlawful was the
dismen.

seised, the Seignior thereof fall call the sottes, and defale the absentes, that ar noucht lauchfullie einoizened: And garane Soutour of the courtte, deceme them in ane un-law, with the content of his fellows and Colle-ges. *Item. lxx. c. 95.* Doomes and decreets given and pronounced be Soutours, in ane inferior court, was falsified and reduced in ane supe-rior court; as the proccelle of briefes wrangouslie deduced in barron court, was falsified in ane Schireffe court, and doomes given in the Schireff court; was falsified in the justice court. *Lib. 2. c. Dos duobus. 19.* And last of all, doomes pronounced in the justice court, was falsified in Parliamēt, before the Lordes, called *Auditores querelarum*, in this maner continēd in the register. 7. October. 1476. *Datum fuit iudicium infra scrip-tum, per os Alexandri Demphler iudicarii Parliamenti, in praesentia Sere-nissimi Principis Jacobi tertii. S. D. N. Regis, cum corona in capite suo & sceptro in manu sedens, in Cathedra Iusticiae Parliamenti, sub hac forma:* The Lordes chosen be the three Estates of this present Parliament, upon discus-sing of the doomes, deliveris and declaris, that the doome given in the jus-tice aire of Edinburgh, the xij. of Julij last by-past, be the mouth of *Andrew Blackford* Soutour, for the Lands of N. for *Iohn N.* and *Ioner N.* his spouse, and againe called be *David Balfoure* of *Caraldoun*, fore-speake for *Archibald N.* was evill given, and will againe falsif: For diverse reasons schawen and understand to the saidis Lordes: And therefore ilk Soutour of the saide doome, and their lordes, ilk man be him-selfe, is in ane amercement of the courtte of Parliamēt, sik as effectis be ta-ken in the justice aire; and inane un-law of the said justice aire for them; And inane un-law of Parliamēt amongst them all, sik as effectis of Lawe; and this giv for doome. Swait is manifest, that in all courttes inferi-our to the Parliamēt, the Soutours pronounced the doome. And gif the doome given be them in ane Barronne courtte, was falsified in the Schireffe courtte: All the Soutours payed botane un-law. Bot gif the doome given be them in the Schireffe courtte, was falsified in the justice courtte, ilk Soutour payed ane un-law of ten poundes, of the quihilk diversitie, the reason is continēd in. *Quoniam attach. c. quilibet. 7.*

Falsing of
doomes.

Soccommunum

Socage.

SOKMANRIA, Or Socage, Is ane kind of holding of Landes, quhen any man is infetf relieve, without any service, warde, relieve, or marriage, and payis to his Maister ilk dewtie, asie called, *petit serantie*: Or quhen ane haldis his Landes in name of Burgage, or in *Libera Ele-mosyna*, de *Mortage*, cap. 1. *Soccommunum*, is called ane vassall, or Free-haldor, quha haldis his Landes in maner free-faide: or in blench-ferme, *free nomine albe firmes*: Et opponitur militi, qui tenet per servitium militare: That is, be service of warde and relieve. *Lib. 2. cap. Si quis plures. 30. cap. Et heredes. 41.* And in *Magna Carta* of holding. *Anno. 51. Henr. 3. cap. 27.* Mention is maid of findrie formes of holding. *Viz.* Free-ferme, burgage, socage, and Knicht-ferme. Read the statute maid be *Edward the First*, King of England, the xvij. zere of his reigne. Utheris alleigistis *Soca-gium*, cum misisra *Soco*, *free Matro*, affirming that *Socage*, is propertie, quhen the tennent is bound and oblihed, to cum with his pleuch to teill and labour ane part of the Lordis Landes. Concerning tenures, and divers halding of Landes, read the treatise writen be *Littleton*.

STALLANGIATORES, *A. stalli*, Creamers, or Forraine mer-chandes, quha within Burgh, in the time of Fair or mercat, payis cer-taine dewtie for their stall or stonde, in the quihilk place they sell their merchandice: For it is ordained, that ilk stranger fall either agree with the Provost of the Burgh, in the best forme as he may; or else ilk mercat daye, fall paye to him ane halfe-pennie. *Leg. Burg. cap. Quilibet. 39.* And in the auld forme of customs, it is called the stallage of the mercate. And *Leg. Burg. Mercenarius. 40.* It is called *Stallum*, or *Botha* in *Foro*.

STINGISDINT, *Leg. Burg. c. Sciendum est. 9.* Ane dint or strake with ane sting or Baton: In *Latine*, *Fulgatio*.

STERLINGUS, *Est genus ponderis*, ane kinde of weicht containing threite twa cornes, or graines of Quebate, *Vt in Assisa Reg. Da. de ponderibus & mensuris*. And in the Canon law, mention is maid of five shillings sterling, and of ane mark sterling. *c. 3. de Arbitris. c. Constituit. 12. de procuratoribus*. And the sterling pennie is swa called because it weyis fa many graines, as I have findrie times proven be experience. And be the Law of England, the pennie, quihilk is called the sterling, round, and without clipping, weyis threite twa graines of Quebate, without taitles, quhairfor twentie makis ane ounce; and twelve ounces makis ane pund; and aucht pund, makis ane gallonne of wine; and aucht gallonnes, makis ane bucheell of London. quihilk is the aucht part of ane quarter. *Anno 17. Edward. 2. c. 10.* The quihilk cunzie, was meikle used within this realme; as is manifest be auld Charters and evidentes. For the sex-teenth daye of August, the zeite of God, 1395. *Walterus Senescalli, Do-minus de Ralfon*, Vicecomes de Perth, impugnavit, Necnon nomine pi-gnoris dedit, & concessit Nobili & potenti *Da. Dom. Roberto, Comiti de Esle* & *Menteib*, totam et integram Baroniam suam de N. pro ducibus maris sterlingum nomine Scotia, ipsi personam Comitem mutavit, & prae manibus plenarie perfoluit. Tenent, & habent ipsi Comiti, & heredes suis, de Domino Rege & c. Quousq; dictus *Walterus Senescalli*, aut heredes sui, prela-to Domino Comiti, vel suis heredibus, decimas necnas sterlingum monies Scotia quod die, inter suis ornum & occasum, in Ecclesia Parochiali, de N. persolverit, vel persolverint. Et praeterea dictus *Walterus* omnes firmas, redditus, & redditus, & profus, de dicta Baroniam, medio tempore provenient, reddit & concessit, pro se & heredibus suis, predicto Domino Comiti, & heredibus suis, pro suo consilio bono, ipsi impenso, & impendendo. Faciendo inde annuatim, predictis Comes & heredes sui, Domino Regi servitia debita & consueta.

Antecharter
containing an
reversum, and
sterling me-
ng.

The quihilk Charter continis the reversum, and also ane donation of the profits of the lands, quihilk, were wad-set, conforme to the practi-

que used and observed unto the time of King James the Third, of gude memorie. *vid. Regres.*

SUBVASSORES, *Subvassallos*, base halders, or inferiorer halders, speciallie, they quha haldis their Landes of Knights. *leg. Malc. Mak. c. 4. Quoniam attachamenta cap. Si aliquis 49. Ass. Reg. David. c. Statuti. 8.* Quhair it is ordained, that ilk person, quha is accused cri-minallie, fall be judged be his Peere, or Superioure in estate and digni-tie.

T.

TAYNT, *vide Attaynt*. **TENEMENTUM**, Is commonlie taken for the propertie of onie landes, Or immoveable gudes within Burgh, or without the famin. *Lib. 2. cap. Dos duobus 19, capit. Fieri autem. 67. Liberum tenementum*. And the superiour sulde not have the Warde of the tenement pertainig to his vassall being Minor: Nor can crave na service nor relieve fra him, being Minor or Major, except be first receive his homage. *Lib. 2. cap. Præditi. 60.* In the quihilk signification, it is commonlie used in the Lawes of England.

TERRÆ Dominicales, Ane worde commonlie used in Charters & infestments, quihilk ar called ane Maines, or demaine lands laboured and occupied be the Lord, and propriator of the famin: from the French worde, *Domaine*, *Domanius*, or *Demanium*: Quhilk worde propertie signifies the Kingis Landes pertaining to him in propertie. *Quia domani-um definitur illud quod nominatim consecratum est, unitum et incorporatum Regie Coronæ, ut scribit Chopinus de dominio Francie. Tit. 2. per l. Si quando 3. C. de bon. vacant. Lib. 10. Et Mathieu de afflitis in Constitut. Sicilia. Lib. 1. Tit. de locacione demanij 82.* quhilk may be called, *Bona incorporata*, & in corpus sibi redacta.

THANUS, Is ane name of dignitie, and appearis to be equal with the Sonne of an Earle. For the Croo of the anc, and the uther is alike. *Lib. 4. c. Si quis calumniatur. 28. Statut. 64. And Thanus was ane Freeholder, balding his landes of the King. Quoniam attach. c. Recordatio. 63. Ass. Reg. Da. c. Recordatio. 17. stat. Alex. c. Recordatio. 26.* And gif ane man not ta-ken with the fange, is accused of thiefe, and na sufficient probation is de-duced against him; he suld purge him be the aith of twentie seven men, or of three Thanes. *Lib. 4. c. Si quis calumniatur. 28. Thaniagium Regij*, signifies ane certaine part of the Kingis landes or propertie, quhairfor the rule and government pertainis to him: quha therefore is cal-led *Thanus*. For *Domania Regis*, & *Thaniagia Regis* idem significant. *Ass. Reg. Da. c. Statut. Dominus 38.* It is ane Dutch word, for teimer signifies ane fervand, and teinen to serve: And *Thane* is likewise ane servant, and under *Thane* ane inferiorer fervand or subiect. *Vid. Leg. Britonum verbo Thana.*

THEME *lib. 1. c. 3.* is power to have fervandes and slaves, quhilk are called *naivi*, *bondi*, *villani*, and all Barrownes infest with *Theme*, hes the same power: For unto them all their bond-men, their bairnes, gudes and geart propertie pertainis, swa that they may dispone there-upon at their pleasure. *Lib. 2. c. Consequenter 13. cum seqq.* And in sum alde authentick bulkes it is writen, *Theme est potestas habendi naivos, ita quod generationes Villanorum vestrorum, cum corum catallis, ubicunque invenerint, ad vos pertineant. Theme cum misra than, id est, servus*, and therefore sum times signifies the bond-men and slaves, conforme to ane auld statute, and law. *De curia de Theme. Quod si quis tenet curiam de Theme, et illa quærela in illa curia movetur, ad quem theme vocatur; non debet illa curia longari, sed ibidem determinari, et omnes Themæ ibi comparantur.* Quhilk is understand of the question of libertie, quhen it is in doubt, quhidder onie person is ane bond-man, or free-man: Quhilk kinde of process suld not be delayed, bot summarie decided. Quhairfor his twa kindes fra either ane free man is alleged to be ane fervand and slave, or ane quha is in servitude, desirits to be maid free, and put to libertie. *dist. Cap. 13. Cap. 14.*

Curia de
Them, id est,
de naivis,
sua servus.

THIFT-BOTE, *vide Bote*. **TIMBRELLUM**, *Tumbrellum*, ane kinde of torment; as stocks, or joggles, quhair-with craft-men, sik as browtters at punished. *Leg. Burg. cap. Si aliquis 21.* Quhair it is called, *Caligatorio*.

TOLL *Lib. 1. cap. 3.* Custom, from the Greeke worde of the famin signification *Telos*, He quha is infest with Toll, is custom free, and payis na custom: Quhilk is manifest be findrie auld Buikes, quhairin it is writ-ten. *Toll. he. Quid vos & homines vestri, de toto homagio vestro sint qui-eti de omnibus mercantiis, & de soluto de omnibus rebis emptis & vendi-tis.*

Mair-over, all Earles, Barrownes, Knights, vassalles, life-renters, Free-halders, and all quha hes landes *Nomine elemosyne*, suld be quite and free, fra payement of Toll and custom within Burgh; by sving nicate and Claitis, and uther necessair thinges to their awn proper use. Bot gif ony of them be commoner merchandes, they suld paye tholl and custom: Albeit they have alsrgate libertie, as Barrownes. *De Jadic. cap. 3. Leg. Forest. cap. Comites. 13.* And in the auld Briton Lawes of King *Edward*, it is writen. *Tholl, quod nos decimus Tholonum, est quoddam infodatum, habet libertatem emendi & vendendi in terra sua.*

TORRALIUM, *Toraliu*, à *torrendo*, is called ane Kill, quhair cornes ar dried. *Leg. Burg. c. Si quis 53.* De combustionis domus aus torrali, of the burning of the house or Kill. Gif ane fervand burne raklelie thy house, Kill; or neicht-boures houses adjacent: He suld not be burne punished, bot tinis his service: Bot gif ony man his ane Kill, and it burne, he fall paye bot the hire. Bot gif he borrowis it, and it burne, he fall paye the value of it, to the partie skathid. *vide* *Iam. 1. Partia. 4. Cap. 71. Cum seqq.*

TORT,

TORT, Et non reason, un-reason, wrang, and unlaw. Stat. 2. Rob. Br. c. Item quod nulla. 17. Tort in the French toung, is wrang or iniurie: Un-law commis for an, Privativa particula apud nos & Germanos, eodem modo quo in, apud Latinos, and law, or lauch, id est lex: Quassive lege, vel contra legem, vel quod non iure fit. In Normand. Lib. 1. c. 2. cap. 1. Actiones of wrang and unlaw, appears to be civil actions, and ar appointed to Actions criminal, touching life and lim. Stat. Alex. cap. Si quis 9. Cum seqq. Leg. Mal. Mak. c. 4.

TOSCHODERACHE, an office or jurisdiction, not unlike to an Baillieff, specialie in the Isles and Mielandes. For 9. Mart. 1554. Neill Mack-neill, dispoñed and annaied to James Mack-O'Neill, the Lands of Gya, and withers with the Toichodrach of Kintyre. Some allegais to be an office pertaining to execution of summonds. Lib. 1. cum anem. 8. Quon. attach. c. Si aliquis 49. Sikas ane quaha summonds, attachis, or areitits ane uthir, to compeir before any judge. Stat. Dav. c. 6. Uthers understands the same to be ane Crowner. Lib. 4. c. Raptus 9. Last, summe understands it to be ane seachour, and taker of thieves, and limmers: For King Ewevus did statute, that in findrie Schireffdoms, there suld be findrie seachours of thieves, reivers, & for them that lyes in wait in the hie-dreeces, and common passages. Heffor Moerum, Lib. 2. Lib. 10. Aberyas (inquit) Pectus auti Dominum judagatoris (Tochedrach unquid appellat) aut Sacerdoti reddito: quod si iridium apud te reimeris, furti reus es: In the Civill Law they are called, Latrunculators. Leg. Solenus. 61: ff. de Iudic.

TIMBRIA Pellium, Burg: cap: Capitulum. 158. Ane Timmer of skinnies: That is, fwa many as is included within twa broddes of Timmer, quihik commonlie contains fourte skinnies: In the quihik maner, merchands usis to bringhame Martik, Sable, and uthir confflie skinnies and furrings.

TIMBRELLUS, Dicitur parvus Cetus, ane little Quhaill. Le. Forest. c. Si quis cetum. 17. de Iudic. c. 27.

TINNELLUS, De Iudic. c. 27: Leg. Forest. c. Si quis Cetum. 17. The sea-marke, uthir-waies in English Tyde-moeth. That is, the farrest parte, quahair the sea ryde flowis. Litus quo scilicet fluxus hybernus maris maximus excurrit, hoc est, quantumcumque mare aliquo tempore plus extenditur in hyeme vel aestate, tantum est litus ejus. § Flumina. Et ibi Gl. Instit. de rer. divif.

TR-AISTIS, Jam: 3: par: 14: c. 99. Signifies ane roll, or Catalogue, containand the particular ditray, taken up upon malefactours, quihik with the portuous is delivered be the justice Clerke, to the Crowner, to the effect the perones, quahais names are contained in the portuous, may be attached, conforme to the ditray, contained in the traistis. For like as the portuous comprehendis the names of the perones indicted; swa the traistis contains the kinds of ditray, given up upon them, quihik is swa called, because it is committed to the traist, faith, and credite of the Clerkes and Crowner; quah gift they be truistie, and faithfull, suld nocht reveale, delecte, change, or alter the samin. Jam. 2. p. 6. c. 28.

TRIBULA, Leb. Burg. cap. Si homo 16. Ane Flaile quahair-with corn is strethlen, Atterendo, quod frumentum terat. Like as Tribulus is called ane thrifflie, and Tribulum ane Pestell, quahair-with spices, or any uthir thing isbrayed in ane mortar: Barbard magis quam Latine, secundum Aristotem versum da pueris in scholis decantatum: Tribulus thresylli, la flauill, tum quoque pestell.

TUERINAY, Quid sit, valde ambigo, & hic aliorum auide expecto iudicium. In the Burrow lawes. Cap. Quilibet. 34. Si uxor alienius fuerit calumniata de aliquo, in placitis Burgonum utitur Tuernay: That is, asin the auld English buk, the husband may do richt for his wife, in courtes of Burgh. Et de iudic. cap. cum quando. 28. Si quis fuerit implicatus coram iudicario domini regis, vel alio ballivo, si domius ejus, vel ejus Pallivus venerit & allegaverit pro ipso in debita hora, potest recuperare carcerem domini sui. Et si per negligentiam suam responderit & dixerit tuernay de omnibus sibi oppositis placet respondebit, & sic amittit carcerem domini sui. In quibusdam libris legitur Twentynay. Itaque consilio esse antiquum verbum forense, quo vens utens, intelligitur approbare iudicium, adeo ut eum postea declinare non possit.

V.

VADIMUM, Vadimonium, from ane aild word vaddum, used in the Britton Lawes: In Latine, Pignus, in French, Gage, quihik we call ane wedde. Immobile vadim, significs immobile gage, sifk als landes annaied and wadset under reversion: The profits quahair, computantur in sortem, That is, ar compted and reckoned within the stok. Swa that the samin being payed in fik quantitie as extendis, and is equivalent to the quantitie of the stocke, and principall summe: Thereby the principall summe, is esteemmed, as compted and payed, quihik is called Mortuum vadim. Bot now the contrair is maist commonlie used in the pratique of wadsettes and alienation of landes under reversion. And be the aulde law of this Realme, is called ocker and usurie. and zit be the samin, was permitted and tolerated. Lib. 2. c. 6. Quibider the common forme of wad-setting of landes now used under reversion, is leaseum or unleaseum. vid: Iust in L. cunctos populos. C. de summa Triuitate. Et Chesf. in Consuetud. Burgund. Rub: § 1. 2. In auld times, I finde that quhen landes was wad-set, nomine pignoris, or ad immobile vadim, The profits and rentes there were given and dispoñed be the annailler, to the buyer, for some certaine reasonable causes; sik als, pro consilio, vel auxilio impenso, vel impendendo quo effect, sicut als the buyer buikis the stocke, ex dispoñitione legis, swa he nicht have richt to the profits thereof, Ex pacto & conventionio hominis. vid. Reversion. vid. Sterlings. vid. Mort. gage.

VADIARE duellum lib: 4: c. 22: A vadii datione: to enact battell,

as in the English lawes, be giving of pledges, baith bec the perswearer and defender, before the iustice and his depures. The perswearer is said, vadiare duellum: Quhen after leave asked and obtained from the King: hee offeris to proovein plaine field, al to trefw, quihik he affirms, & to that effect, offeris ane wad or pledge: And the defender is understand to vadiare duellum, quhen he deovis al quihik is spoken bec the perswearer, and affirms the samin to be false and untrefw; and therofo offeris hisbodie to fight with him; and ane wadde or pledge to that effect, de iudic. c. 61. c. 86. Molineus. fil. cur. par. 1. c. 16. Et auctor vadiatus de Corona, Appellans (inquit) defendit latrocinium, feloniam, & totum factum per patriam, vel per corpus suum, secundum electionem suam, prout curia consideraverit aut vadauerit. Si autem elegerit se defendere per corpus suum: vadetur inter eos duellum. Et appellans de vadium defendendi, & appellans de vadium distringendi. Bot Philippus Pulcher, King of France. discharged all singular combates, and all finding of pledges there-ancnt. Molineus. D. par. 1. c. 10. de duello, in this realme, the appealer and defender castis their gloves till uthir; quihik representis the finding of the pledge.

VAGABUND, is called propterie, ane quaha bes on certaine dwelling place. Guido Papae quest. 202. Ver Gl. 1. & Bart. § 1. Prætor. ff. de damno infecto. Quihik is verie specialie declared in the act of Parliament, la. 6 p. 6. 20. Octob. c. 74.

VARDA, ane French word Garde, custodie or keeping: For we use the letter W. quahair the French men usis the letter G. As wardaine, for Gardaine, Warderob, for Garderobe: Warrenne for Garrenne. And the warde custodie, and keeping of the aire, haldand his landes be service of warde and relieve, pertainis to his immediate superiour, quihik is conforme to the Lawes of Normandie. Lib. 5. e. 10. Quahair-ancnt their rules after following, suld be observed, and worthie to be noted. The warde and custodie of landes, halden be service of warde and relieve, pertaine to ane aire, being Minor, and of lesse age; aucht, and suld pertaine to the Over-lord and superiour of the saids landes, quaha within the time of the warde, may present Ecclesiastical perones to Kirkes vaikand: suld susteine hostilitie the aire; and suld nocht onelie pay the dehtes, aucht, and be the defunct: Bot also aske & crave all dehts auchtand to the defunct, or to the aire; and persw and defend all actions competent to him: Bot he may nocht destroy nor annaie any part of the landes. Lib. 2. cap. Penam 42. c. Restituti. 44. vid. Relativum. vid. Hambert.

Touching the custodie and keeping of the person of the air of ward landes; or of any uthir landes, or quahsimever mail or remall, gotten or borne in lauchfull marriage; the samin pertainis to the mother, after the decease of the father, until the bairne be of the age of seven zeires complet, conforme to the common pratique of this realme, and the civill law. L. 1. & Tot. Tit. ff. ubi Pupill. educar. debeat.

For be the Law of this realme, grounded upon the Climatierick zeires of Septenariis & Ternariis: That is, of seven and three zeires; thereis three kinds of age. The first is of seven zeires, during the quhik time the bairnes ar in custodie of their parientes. The second is, of fourteine zeires, within the quhik it is not leaseum to marie. The third is, of twentie ane zeires: after the quhik time, ane aire may enter to his landes, annaie and dispoñe the samin, as he pleasid. And before the quhik time na person may be indicted to the iustice aier, or accused of life and lim. Leg. Forest. cap. Nota quid. 15.

The keeping of the aire, being Minor, haldand Landes of the King, pertainis to him allanerlie, abeit the said aire have uthir superiours of uthir warde landes, elder and prior in time of the King: Quia rex nullum proeli habere patrem, multo minus superiorem in suo regno. Borgh ane aire haldis King. And uthir lands nomine warde & reliev, of ane uthir superiour, prior, or posterior to the King, the custodie and keeping of the said aire, pertainis not to the King, bot to the said superiour: Quia ratione Burgarii Dominus Rex non præteritur alijs Dominis capitalibus in custodia. Lib. 2. c. Notandum. 45.

After the unvunning of the seven zeires, and the aire beand of that age, haldand landes of warde of ane superiour, and having na landes be reason of warde of the King: The superiour suld be preferred, anent the keeping of the person of the aire, to the mother, gud-father, tutor, &c. to the King himselfe, and all uthir perones. The sixthenth of Julij, Ane thousand five hundredth, threitie twa zeirs. The Abbot of Asirbrothok, contrair Marston Forbes. Twentie aucht of Julij, Ane thousand, five hundredth twentie nine zeirs. James Sanielandes of Callev, contrair, Edward Simelar.

The custodie and keeping of the person of ane aire, haveand landes halden of diverse superiours, bec warde and relieve, pertainis to the eldest superiour: to quhome the first homage was made: Or of quhome he hes the eldest and first infestment, or forme of balding. For al-be it like ane of the superiours hes the warde of the Landes halden of him himselfe: Zit concerning the keeping of the person of the aire, the principall and eldest superiour, is preferred to all uthiris. Lib. 2. c. Restituer. 44.

The keeping of the aire havand landes blenchie, or in few-fermes, and also ward landes, pertainis to the superiour, be reason of the ward, and not to the tutor, havand intromission with his blenchie, or towlands. 28. Ianuar. Patrick Ephraime contrair Elizabeth Ker.

Gif the superiour, havand the right and title to the warde and marriage of ane aire; dispoñs the warde to ane donator, and the marriage to ane uthir: The donator, to the marriage allanerlie, suld be preferred in keeping of the perone of the said Minor, to the uthir donator of the ward, and all uthirs: Quia ius maritagijs est personale & sequi ius personam. The keeping of the air, suld never be committed to him, quaha may claime or claimis any richt of his landes and heretage: Or may immediately succeede

De verborum significatione

Takepings of
theare, sold
not being given to
his appearance
are.
The end of this
ward.

cede after him thereto. *Lib. 2. c. heredes.* 37. *Hac enim ratione illi possent*
præbere officio captanda mortis ipsius heredes, quod est periculum & im-
pium. Be the Lawes of this realm, theaie mail, and all hislands hand
ward, ar within ward and keeping of his superior, until he be of the age of,
xxi. zeits. And theaie mail, until he be of the age of xxi. zeits. *M.p. 3. c. 5.*
lib. 2. c. 39. de iudic. c. 64. c. 121. Because the landes pertaining to theaie mail,
ar (subject to the King, or other superior be service; quihlk the Minor, be
reason of his les age and youth-hede, cannot do. And therfore the King
or superior, wantand the service, hes recours to the land: that he may be
served be the profits thereof, take up to his awin use, or be ony person
to quhome he pleas to dispone the famin, until his vassall be of perfitie
age, and able to serve. And theaie femail is in the ward and keeping of
his superior, until she be fourteene zeires of age, as faldis. For suppose
ane woman of twelve zeits of age, be the civil Lawe may marie ane
husband; zit be the Lawe of this realme, the may nocht marie, until she
be fourteene zeires compleit. At the quihlk time, she may lawfully
marie, with consent of her superior. *Lib. 2. cap. Mulier 48. cap. in Cus-*
to. dia. 90. And therfore she being subject to her husband; It is not reason
sheuld be also subject to the ward of her superior; and consequen-
lie under twa wardes, and twa findrie severall powers. Mai-ovr, she
being married, with consent of her Over-lord; her husband may doe sik
service, as fald be doo to him be the possessor of the landes: quihlk is
conforme to that quihlk is written be Doct. *Thomas Smith*, of the com-
mon well of England. *Lib. 3. c. 5. c. 8.*

Verdictum.

YARDA Curie, quoniam attach. c. ubi aliqua co. te. in omni. 13. c. nullus
20. The interloquitor or decree of the court: *Curia dictum vordare, con-*
sidere, pronunciare, in this forme. The Court counselled, and advised,
And *J. N.* Soyout of it, be the informations sayeth, that this Court
counsellis and l. award, that *N.* is in ane default for his absence this day.
The like form is used in the daily practise, quhen the judge or clerk, be
the mouth of the officiar or dempster decernis and adjudges ony person
to be in ane unlaw, for absence or any other cause. And *lib. 2. c.* that quihlk
is called *verdictum ossis*, in the famin place, in *libro Carrethi*, is called
the waired, verdecie, or deliverance of the assise.

Parafisus.

VARENNA, ane French word, ane *Garene*. That is ane place
quihlk is dyked and inclosed for beastes, cunnings or others, *quo. attach.*
Cap. 29. Mod. Ten. cur. Cap. 21. In latine *Parafisus*. And the keeper of ane
cunningair or cunnings, is called ane *Carerier. infodatus in liberam varen-*
nam, is nocht meikle different from infestum, in *liberam foreslam*. The
quihlk kinde of infestment of auld is given to the Laird of Rossing his prede-
cessours, of the baronie of Pechland.

Parock.

WARE, wair of the sea, ane word used in findrie infestments, in
latine *algamaris*. As in the latine proverb, *abscilla vitior algæ*. He quha is
infest therewith, may stop and make impediment to all other persones,
as well within the fload marke, as without the famin, to gaher wair,
for mucking and guding of their lands. Or to gaher wilkes, Cockles,
Lempets, Mussels, fandciles, small fish, or baite, upon the sand or craiges,
forehand his landes. *24. Maji. 13. 49.* The town of *Carrail*, comar *Griffell*
Meldrum. Utherwaies gif ony person be nocht infest with sik priviledge,
he may na fawis forbid, trouble or molest the King, or ony of his lieges
to doe the premises: Or to win faines, quarrell, or to exerce ony other
industrie to their awin profit and commoditie, within the fload marke
of the sea, *quia usus maris est communis omnium. 29. Julij. 1. 500.* The King
contrar the lair of *Seafeld*. *Vare* cunnis fra ane auld French word *vorech*
used in the lawes of Normandie. *lib. c. vlt.* Quihlk signifies ony gudes or
geare, casten out be the sea to the land, quihlk propertie we call the wrak
of the sea.

Vassalfores
minoris vato-
ffici militis
subvassalfores

VASSALLUS quasi bassallus, inferior sciois. From the French *Bas*.
as plus *Bas*, in latine inferior. And the Dutch word *Gesel*, in latine *sciois*.
For the vassall is inferior to his maister, because he suld serve and re-
verence him. And zit he is in ane manner companion to him, because ilk ane
of them is mutually obliged till others. *vid. assidatior. Cuius lib. 1. de feud.*
scilicet autem leodes, fideles, homines nostri, feudatarii, ministriales, bene-
ficiarii, beneficii, vassalli, almost signifies ane thing: And vassallus, in
Latine is elens. Because ilk relation is betwix dominus & vassallus, as is be-
twix patronus and elens. *Molinus in fil. cur. p. 16. pag. 48.* Albeit *Cuiusius*
affirmis the famin to be monie wayis different. And ane bas infestment is
quhen the vassall annales his landes, halden of himselfe and his aires,
quihlk is ane inferior, private or subalterne infestment. In the lawes
of the fewes *vassallus* is called *fidelis, quia fidelitatem jurat*, he suld swear
to be faithfull and trow to his maister. Amanges vassalles, the first place
of dignitie is given to them quha are *Duces, Marchiones, Comes*, and are
called *Capitanei Regni*. The second is granted to barons and others of like
rank and estate. And are called *vassalfores maiores*. The third of them,
quha ar called gentilmen, or Nobles, haldand of barons, quha likewise
may have under them vassalles, also gentilmen: For ane gentilmen may
hald ane of ane other. And sik vassalles haldand in chiefe of barones, ar
called *Vassalfores minores*. And they quha haldis their landes of them, are
called *vassalli, vassalini seu minini vassalfores lib. 1. de feud. Tit. de natura*
feudi. §. 1. Boi in the lawes of this Realme, they quha haldis of Barones are
called *militis*, and they quha haldis of them are called *subvassalfores. vid. A-*
merciamantum. vid. Baro. & Jacob. Cuiusium. lib. 2. de feud. Tit. de no-
minibus vassallorum.

WAIFE beaft, *pecus vel animal aberrans*, quihlk wanders and wa-
vers without ane knawen maister, quihlk being found be onie man, within
his awin boundes, he suld cause the famin to be proclaimed, diverse and
findrie times upon mercat dayes, at the parochie Kirk, and within the
Schireffedome: Utherwaies gif the deteinis the King, he may be accused
for theif therefore. And it is leasum to the awner of the beaft, to repeat
and challenge the famin within zeir and daie, *quo. attach. c. efcheta. 30.*
vid. Tofchederach. In the lawes of France, it is called *esparve*, *quo signifi-*

earum omne illud quod oberrat, Chiefs. in consuet. Burgud. Rubric. 1. §. 1. verb.
Esparve. In latine *res pro derelicto habita. l. jalsus 44. §. de jure.*
WECHTES, measures and diverse kindes thereof. *vid. Serpentin.*
Realelikwaies asifan regis David, De ponderibus & mensuris. la. 1. p. 4.
c. 68. 69. 70. la. 1. p. 3. c. 57. §. 8. la. 6. p. 11. c. ult.

Esparve.

WENYOUN, ane word used in infestmentes, a *venando seu*
venatione, and likewise commonlie used in the lawes of England,
and signifies licence and power to hunt, and slay, of the Kingis
venison within his Parkes, and Forrests. Quihlk utherwaies is nocht leasum,
boi is sharplie punished with ane grievous fyne, or be banishment
or prison. *leg. forest. c. 91.* quihlk is conforme to the lawes of England.
Anno. 9. Hen. 2. c. 10. Boi be the disposition of the Forrest lawes, it is
leasum to ane Erle, Bishop, or Barrone, command or returnnare, throw
the Kinges Forrest, at his command, to take ane, or twa beastes, be the
sight of the forresters, gif he be present: and utherwaies he fall blow ane
horne, that he appeare nocht to take the famin thicteouslie. *lego. frecht. 90.*

Grenehut.

Viridij

VERD, vert, from the latine *viride*: ane word used in Charters
and infestmentes, and also in the English lawes quhair it is called *Grene-*
hute, and signifies power to cut greene trees or wood. And being com-
mitted be them quha hes nocht power to doe the fame, is punished be the
foresters, or vielders, quha are called *Viridarii*, in the Lawes of Norman-
die and England. Be the auld law of this Realme all forrestes commonlie
pertained to the King; and the right of Forresterie, was given and dispo-
ned in their wordes, in *liberam foreslam*, as is expounded in the word *Foresla*.
And ane of the priviledges or liberties, that is *possess fecandi*, licence to
hew or cutte greene wood, was granted be the King his infestment, and
disposition containd *Verd*. Quihlk libertie the King may grante with-
in his hail forrest, or onie part thereof, to onie person for fellow, or fyre,
bigging, or for onie other particular use. quihlk person may nocht abuse
the said forrest or wood, after his awin appetite and will, bot at the sight
and discretion of the forrester, and other officiares; or according to the
forme and manner set down, and limitare in his infestment and gift, as
writis, *John Tappin. lib. 4. Tit. 3.*

Secondlie, this word *verd*, may be taken for power and licence of pas-
turage within the Kinges forrest, granted to him quha is infest therewith
quihlk in the English lawes is called, the common of Herbage, and of
other things in the Kinges forrest, pertaining to them quha are accu-
timate to have the famin. *Cari. de Forest. c. 1. Mag. Cari. anno. 9. Hen. 3. c. 2.*
and justitum, herbage, *agilantum & herbagium*. In latine, *just pasten-*
di pecoris, is quhair ane tenant hes right given to him of the feeding, gra-
sing, or pasturing of his cattle within ane park or onie other ground inclosed.
VEREDICTUM assise. vid. Proprietatis. vid. Vard.
VERGELT, an Saxon or Dutch word, from *ver*, id est *vir vel homo*, &
Gelt, pecunia *vis compensatio*, as *vergelt furis* is 30. kye, and ane quoyach.
lib. 4. c. de monacho. 17. Or 33. kye. Stat. Alex. c. de monacho. 34.

VILLENAGIUM, a villano, sklayerie or servitude. *lib. 2. c. Consequen-*
ter. 13. vid. Bondagium.

VISNETUM, from the French word *voisin*, nichbour, *quasi voifinetum*
or *Vicinetum*, from *vicinus*, ane quha dwellis near unto ane other, or in
the fourre halves about, from the quihlk cunnis the French word, used
in the English lawes *vicinage*, and in the lawes of this Realme, *assise de vi-*
cinete, is ane assise of nichbours, or of the fourre halves about, *vid. assisa.*

WHITSONDAYES fe. la. 2. p. 14. c. 6. O. *Whifsondayes* making *la. 2.*
In the famin par. c. 90. Utherwaies calld *Whifsondayes* styles. Quihlk
wer certain constitutions and statutes quihlkis frechalders, baith spirituall
and temporall, and speciallie conventes of Abbeyes, and religious
places, maid betwix them & their tennantes before *Whifsonday*, forser-
vice to be done to them, and better labouring of their landes, and pay-
ment of their dewie.

UNLAW, *vid. Amerciamantum. vid. Tort.*
UNCTUM Porcorum, Twines fenne or faines. *leg. burg. c. signis scienter*
71. Ab mignendo, because it is profitable for unctiões and feneering.

VOTH signifies out-lawrie, *alegation*. And in our auld Scottish language
ane *voifman*, is ane out-law, or ane fugitive fra the lawes. Mairovr
vouth, signifies, perfused, calling, or accusation, from *voucher*, id est
vocate, used in the auld French and English lawes.

WRANG & *unlaw. vid. Tort.* To denie wrang and unlaw, is quihll
the defender denies that quihlk is objected to him, or quhairfor he is ac-
cused, and zit confesses that he hes done utherwaies then he anent to doe,
and swa hes not done his dewty for the quihlk he is reddie to make amends
and satisfie the partie offended. *leg. burg. Cap. 101.*

WREK, of the sea, ane word specified in the lawes and findrie infest-
mentes, quihlk signifies power, libertie, and prerogative competent to
the King, or to onie person, to quhome the famin is granted be him be
infestment, or onie other disposition, to intronet and uptake ilk gudes
and geare, as ar schipbroken, or fallis to him be echeite of the sea. Quihlk
libertie is to the King himselfe gevar thereof, *quia vassalfores puerius ad*
dominum regem e vassallo competens vassallo, ex donatione regis pari juri esti-
mantur. leg. forest. c. 1. inter antiqua. 56. And in the lawes of England *anno. 3.*
Bdwa. 1. c. 4. concerning wreck of the sea: it is statur that quhair an man,
an dog, or an cat, escapes quick out of the schip, that sik ship or barge, nor
na thing within her, false adjudged *wrek*, bot the gudes false *vare*, and
keiped be the sicht of the Schireff, coroner, or the Kinges ballie, and de-
livered into the hands of offis, as are of the towne, quhair the gudes were
fald, swa that gif onie crave the gudes within ane zeir and ane day, af-
ter pruffe, that they ware his awin, they fallbe restored to him without
delaie. And utherwaies they fall remaine to the King. And the schireffes,
coroners, and ballies of the towne, intronettours therewith, false answer-
table therefore to the Kinges officiares, and quhair wreck belanges to ane

utler

uther then to the king, he shall have it in manner above expremed. And quahsover dois utterwaies, and is attaynt, or convict thereof, he shalbe imprisoned, and paye ane fine arbitral to the King, and the damage to the partie. Sikklike be the lawes of England, the King shuld have the wrek or echeit of the sea, throwut the Realme, Whailes, and great sturgeons taken in the sea, or els quhair within the Realme. Except in certaine places priviledged be the King, anno. 17. Edward. 2. c. 11.

UTLAGIUM, *vel utlagium*, outlawrie, rebellion, disobedience to the lawes, banishment, or forefallow. Ia. 2.p. 6.c. 30. For gif the King restores *ex gratia*, an man that is outlawed, or forefallowed, he thereby recovers nocht his landes, bot be the gud will of his overlord, *quia forisfactum, et utlagationem*. D. Rex damnatis solet remittere: nec tamen aliena iura querit nec potest infringere. lib. 2.c. forisfactum. 55. de iudicib. c. si per legem 149.

Y

YBURPANANSECA, it appears to be like that, quhill is called the law of Birdingick, for in sum auld authentick buiks it is written. lib. 4. c. 14. *yburpanansea, h. e De furto vituli vel arctis, vel quantum cibi quis portare potest super dorsum curia non est tenenda*. Sum affirmis in the Galscoin language, *Pana*, to signifie *sturi*, to steill, and *pasadour*, to be ane thief. & it appears well, *Seca*, signifies an seek. In latine *factus*, quhill word is commonlie used in alltuniges and languages amangs all people and nations.

Z

ZARDE. Ia. 1.p. 7. c. 99. Is an kind of measure commonlie used in England nocht meikle different from our elne, ane zaird of land *virgata terre*, in the Britton lawes, is ane measure of land quhill in diverse places is diverse, sumtimes of 20 alkers, sumtimes of 24, & sumtimes of 30 alkers.

ZELDE, ane gift or donation, *vid. Herrezeide*.
ZEMSEL, of ane Castell, the custodie, and keeping of ane Castell. *leg. bur. c. 3*. For zeme, in our auld language, isto to observe and keepe, as quhen in time of singular battell, they quha standes by, and behalds, ar commanded to keepe, & zeme the time of the derenzie, their weapons fra the handes of the appealer and delendour: In lib. feud, it is called *feodum Guardie*, for *Guardia*, in latine *custodia*, & *Guardiani custodes* to quhome Castellles and territories of landes ar committed in keeping, quhome we call wardanis, as writes, the interpreters of the lawes, and speciallie, *Zalus de feudis. par. 12. Nu. 7*. And in this Realme landes annuall-rents, ordewties, given for the keeping of Castellles, are called *castell-wardis*.

FINIS.

ANE ADMONITION TO THE reader twiching the buikes contenand the lawes of this Realme, and abbreviations used in the treatise preceding.

I Have alledged in this litle treatise, the first word with the number of the Chapour of ilk buike of the auld lawes of this Realme, written before King James the First, of gud memorie. Because there is greite diversitie anent the number of the chapours. Swa that thereby, there can be na sure or certaine allegation. Bot gif the number sailzie, the 1. & capitall word, will be ane sure guide & convoy to the right place alledged.

Leg. Mal. Mack. leges. Malcolmi Mackennoth. The lawes made be King Malcolm the second of that name, verie gud and profitable, bot few in number.

Lib. 1. Lib. 2. Lib. 3. Lib. 4. The first, second, third and fourth buikes of Regiam maiestatem, maid be King David the first. Swa called and intituled, from the first word of the beginning thereof, to the imitation of the four buikes of the Institutions, of the civil lawes; quhill begins *Imperatorium maiestatem*.

Quo, attach. quoniam attachiamenta, swa called, fra the first word thereof.

Conteineth the Barron lawes, and from the Barron court, written in the time of the said King David the first.

Mod. ten. cur. bar. modus tenendi curias baronum, an buik written in Scottish language, quhill is not of great antiquitie as may be knowne be the styll, & language thereof, and is not contained in the auld buikes maist worthie of faith and credite, alwaies it is an interpretation of the buike *quoniam attachiamenta*, maid be sum man quha has eiked & augmented findy things profitable, for understanding of the forme of proces used, in auld times.

Leg. Burg. leges Burgorum; The lawes of Burrowes, maid in the time of the said King David the first, be relation and information of certaine learned men, quhome he send to uther cuntries to learne and reporte to him the lawes, and ordinances thereof, quhill was done be them within the space of twa zeires or thereby, as is plaine and manifest be auld authentick buikes. And it is probable that he has used the like forme and proceeding in making and furth setting of the remanent his lawes.

Stat. Wilb. statuta Wilhelmi Regis; Statutes, and lawes, maid be King William.

Stat. Alex. statuta Alexandri, Statutes and lawes maid be King Alexander the second of that name, sonne to King William.

Stat. 1. Rob. 1r. statuta prima Roberti Brusye.

Stat. 2. Rob. 1r. statuta secunda Roberti Brusye. Quhill statutes and laws maid be him are co-incident, and for the maist parte containe the like, or samin lawes.

Aff. Reg. Da. Affissa regis David: Lawes maid be King David the Brusye, called King David the Second: And in some buikes ar called, *statuta David Regis*.

Stat. Rob. 3. statuta Roberti Tertij; Statutes maid be King Robert the Third, Father to King James the First, quhill as zit remainis in the Register of this Realme.

Leg. Foref. Leges Forestarum: The Lawes of Forrestes, quhair of the author is not known to mee.

Iter Camer. iter camerarior: the Chalmrein air: Quhill (as some alleagis) was written and put in forme, in the time of King James the Third: Albeit the samin Courtes, were frequent, and meikle used mony zeires before him.

De maritag. De maritagio. Ane litle treatise, written be some private man, and is na weis authentick. It is so called, because the beginning thereof is, *De marito*.

Stat. Gild. Statuta Gilda, Certaine ordinances and constitutions, touching Burgesse, gild-brother, maid and constitute be Robert Durhame, Maire of Berwick, *Simon Marschel* and uthers wif men, inhabitants of the said Burgh.

Leg. port. leger portuum, an treatise collected & written be sum particular person, quhill is nocht authentick, and containis ane brieve summe and abridgement of the auld lawes, and is swa called, because it containis the ordinances anent the customes of shippes passand furth of this Realm, or arrivand to the samin, laidnd with merchandice, and the forme of customes, bath out-ward and in-ward.

De iudic. De iudiciis; Ane lang and large Rapfodie, collected furth of all buikes containand the civil lawe of this Realme. It is nocht authentick, bot zit verie profitable for exposition of findrie places of the Principall and authentick buikes. It is swa called be reason the beginning thereof is, *De iudice eligendo*.

The Actes of Parliament of King James the first, and his successours are alleadged be the name of the King or Quene, author thereof. As Ia. for James, Mar. for Marie. p. for Parliament, and mairover be the number of the Parliament and chapour.

Decretes given bee the Lorde of the Session and Councell, are alleadged be the daye, moneth, and zeire of God, in the quhill they are pronounced, and sumtime bee the names of the persouer and defender.

Quhair one thing is written in the exposition of ane worde, quhill may serve for the declaration of ane uther, for eschewing of unprofitable repetition, I remitte zow from the word to ane uther, be *vid. For unde*, and swa fee and read the exposition of the ane and the uther: for thereby ze shalbe maist largelie instructed.

FINIS.

AI



